Research and Information Service
Briefing Paper

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UK Agriculture Bill 2019-20

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1 Introduction

This briefing paper provides an overview of the key elements of the UK Agriculture Bill 2019-20[1]. The paper focusses on the Northern Ireland specific components of the Bill, some of which are unique to here, but also covers some wider UK elements which require legislative consent from the Northern Ireland Assembly.

Due to both the complexity of the Bill and the limited time for scrutiny this briefing paper is not as comprehensive a product as RaISe would normally produce, but the emphasis is on seeking to highlight the potential issues and questions for Northern Ireland.

It is recommended that this paper should also be considered in conjunction the House of Commons Briefing Paper[2] on the Bill which was published on the 30th January 2020.

It should also be noted that this briefing paper covers the Bill as introduced on 16th January 2020 and as such does not cover any potential amendments that may be made to the Bill as it transits the legislative process within the Houses of Parliament.

[1] UK Agriculture Bill 2019-20 as introduced on 16th January 2020
[2] Coe Sarah and Finlay Jonathan, The Agriculture Bill 2019-20, House of Commons Library Briefing Paper, Number CBP 8702, 10 February 2020

2 Context

The agriculture and food processing sectors in Northern Ireland are a significant element of our local economy, collectively accounting for around 71,000[3] local jobs (based on 49,248[4] total farmers and workers and 23,641[5] food and drink processing full time and employment agency workers), and 3.7%[6] of Northern Ireland's Gross Value Added (GVA) which equates to £1.45bn at basic prices[7]. The agri-food sector has previously been identified as a key future driver for the economic development of Northern Ireland, as referenced in the Going for Growth[8] agri-food strategy in 2013 which set out a vision of,

> *'Growing a sustainable, profitable and integrated Agri-Food supply chain, focused on delivering the needs of the market'.*

The strategy also set a number of overall and measurable targets for the development of the agri-food sector by 2020 as follows:

- Grow sales by 60% to £7billion;
- Grow employment by 15% to 115,000;
- Grow sales outside Northern Ireland by 75% to £4.5billion; and
- Grow by 60% to £1billion the total added value of products and services from local companies.

Whilst the agri-food terminology is well established and utilised within Northern Ireland, for the purpose of this paper the two sectors are treated separately.

2 Key features of the agriculture and food processing sectors

There follows a section outlining some of the key features of the agriculture and food processing sectors within Northern Ireland. This data is provided in order to provide a context for the environment in which the provisions within the UK Agriculture Bill 2019-20 will be operating.

2.1 Key features of agriculture in Northern Ireland

Table 1 below highlights a number of key features for Northern Ireland agriculture and compares these to the data from the rest of the UK and Republic of Ireland where available.

[3] Includes farmers, spouses, farm workers, total direct employees and agency employment in food and drink processing –based on 49,248 total farmers and workers and 23,641 food and drink processing full time and employment agency workers

[4] Key Statistics July 2019, Northern Ireland Agri-Food Sector, Policy, Economics and Statistics Division, table 15 page 12

[5] Key Statistics July 2019, Northern Ireland Agri-Food Sector, Policy, Economics and Statistics Division, table 6 page 6

[6] Key Statistics July 2019, Northern Ireland Agri-Food Sector, Policy, Economics and Statistics Division, table 4 page 5

[7] ibid

[8] Going for Growth: a strategic action plan in support of the Northern Ireland agri-food industry, Agri-Food Strategy Board, April 2013

Table 1: Key agricultural statistics for Northern Ireland, UK and ROI (most recent comparable data)

Feature	NI	Scotland	Wales	England	UK	ROI
Share of total GVA (%)[9]	1.4[10]	0.9	0.8	0.5	0.6	1.3
Total Income from Farming (TIFF) (£m)	553[11]	672[12]	308[13]	3,305[14]	4,697	-
Number employed in agriculture forestry and fishing ('000)[15]	24	44	33	249	350	105
Share of overall employment (%)[16]	2.8	1.7	2.3	0.9	1.1	4.6
Number of farms ('000)[17]	25	51	36	106	217	138
Cereals farms as % of total farms	1[18]	5[19]	-	17[20]	9[21]	-
Dairy farms % share of total farms	10[22]	1.2[23]	-	6[24]	6	-
Cattle and Sheep (LFA) % share of total farms	59[25]	29[26]	-	12[27]	24	-
Cattle and Sheep lowland as % share of total farms	20[28]	6[29]	-	32[30]	20	-

[9] Key Statistics July 2019, Northern Ireland Agri-Food Sector, Policy, Economics and Statistics Division, table 2 page 4
[10] Key Statistics July 2019, Northern Ireland Agri-Food Sector, Policy, Economics and Statistics Division, table 4 page 5
[11] Key Statistics July 2019, Northern Ireland Agri-Food Sector, Policy, Economics and Statistics Division, table 4 page 5
[12] Total Income from Farming Estimates for Scotland, 2016-18, Scottish Government statistics, 29 January 2019
[13] Aggregate agricultural output and income, Statistical First Release, Welsh Government, 11 April 2019
[14] Total Income from Farming in England, Second estimate for 2018, National Statistics, Defra, 16 January 2020
[15] Key Statistics July 2019, Northern Ireland Agri-Food Sector, Policy, Economics and Statistics Division, table 2 page 4
[16] ibid
[17] ibid
[18] Statistical Review of Northern Ireland Agriculture 2018, Policy, Economics and Statistics Division, DAERA, table 4.6, page 41
[19] Farm types, 2017 statistics, Agriculture facts and figures: 2018
[20] Farm type breakdown for commercial holdings, England, Defra, 2018
[21] Approximate figure based on 2014 data for wales and England and 2015 data for Scotland and Northern Ireland
[22] Statistical Review of Northern Ireland Agriculture 2018, Policy, Economics and Statistics Division, DAERA, table 4.6, page 41
[23] Farm types, 2017 statistics, Agriculture facts and figures: 2018
[24] Farm type breakdown for commercial holdings, England, Defra, 2018
[25] Statistical Review of Northern Ireland Agriculture 2018, Policy, Economics and Statistics Division, DAERA, table 4.6, page 41
[26] Farm types, 2017 statistics, Agriculture facts and figures: 2018
[27] Farm type breakdown for commercial holdings, England, Defra, 2018
[28] Statistical Review of Northern Ireland Agriculture 2018, Policy, Economics and Statistics Division, DAERA, table 4.6, page 41
[29] Farm types, 2017 statistics, Agriculture facts and figures: 2018
[30] Farm type breakdown for commercial holdings, England, Defra, 2018

Feature	NI	Scotland	Wales	England	UK	ROI
Poultry farms as % share of total farms	2[31]	2[32]	-	3[33]	2	-
Pig farms as % share of total farms	0.7[34]	0.5	-	2[35]	1	-
Mixed farms as % of total farms	2	9[36]	-	8[37]	7	-
Average farm size (ha)[38]	41	121	44	87	81	32
Less Favoured Area[39] (LFA) - % of agricultural area	70	86	80	19	51	75
Average Dairy Farm Business Income 2017/18[40]	68,148	73,144	82,381	119,700	-	-
Average LFA Cattle and Sheep Farm Business Income 2017/18[41]	17,725	32,649	26,899	28,300	-	-

Looking at the data within table 1 it is clear that in UK terms, Northern Ireland is most reliant on agriculture in terms of the share of GVA and percentage share of total employment. Conversely, however, Northern Ireland also has the smallest average farm size within the UK.

Compared to the Republic of Ireland both our agricultural share of total GVA and agricultural share of overall employment are lower, whilst our average farm size is higher.

In terms of the component parts of the sector, the dominance of grass based cattle (both beef and dairy) and sheep within local agriculture is apparent accounting for 89% of our total farms. In UK comparative terms we have more dairy, and cattle and sheep LFA farms than any of the other UK nations.

[31] Statistical Review of Northern Ireland Agriculture 2018, Policy, Economics and Statistics Division, DAERA, table 4.6, page 41
[32] Farm types, 2017 statistics, Agriculture facts and figures: 2018
[33] Farm type breakdown for commercial holdings, England, Defra, 2018
[34] Statistical Review of Northern Ireland Agriculture 2018, Policy, Economics and Statistics Division, DAERA, table 4.6, page 41
[35] Farm type breakdown for commercial holdings, England, Defra, 2018
[36] Farm types, 2017 statistics, Agriculture facts and figures: 2018
[37] Farm type breakdown for commercial holdings, England, Defra, 2018
[38] Key Statistics July 2019, Northern Ireland Agri-Food Sector, Policy, Economics and Statistics Division, table 2 page 4
[39] Areas of land affected by agricultural disadvantage as designated under Directive 75/268/EEC and Directive 84/169/EEC
[40] Key Statistics July 2019, Northern Ireland Agri-Food Sector, Policy, Economics and Statistics Division, table 9 page 8
[41] Key Statistics July 2019, Northern Ireland Agri-Food Sector, Policy, Economics and Statistics Division, table 9 page 8

70% of the total agricultural area farmed within Northern Ireland is defined as Less Favoured which brings challenges in terms of productivity, and whilst not as high as the figures for Scotland, Wales and the Republic of Ireland, the figure is still significant.

In relation to the key issue of farm income, the data in table 1 reveals that both Northern Ireland's dairy farmers and LFA cattle and sheep farmers had the lowest average Farm Business Income (FBI)[42] in 2017/18 across the entire UK.

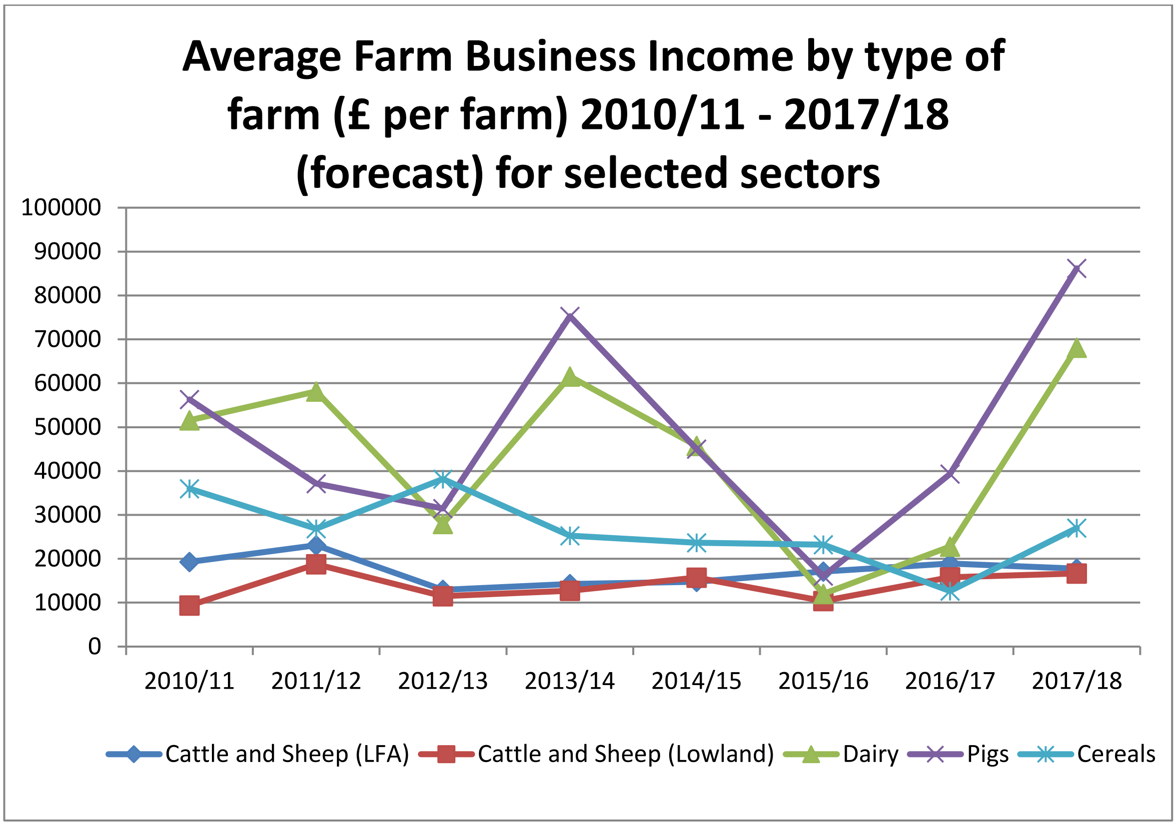
Being more locally specific, farm incomes within Northern Ireland over the last eight years have shown considerable volatility (see figure 1) and this presents challenges for the long- term sustainability of the industry.

The dairy and pig sectors in particular have experienced considerable income variability. A number of factors have contributed to this, including the costs of inputs, currency differentials between sterling and the euro, the ending of milk quotas and the Russian import ban to name but a few. The impact on farm businesses has been significant.

Whilst the cattle and sheep sectors have not experienced the same extreme rises and falls in income, the fact remains that the incomes for both of these sectors are relatively low and this may raise questions around the viability of these businesses.

[42] Farm Business Income (FBI) is the return to all unpaid labour (farmer, spouses and others with an entrepreneurial interest in the farm business) and to their capital invested in the farm business which includes land and buildings

Figure 1: Average Farm Business Income by type of farm in Northern Ireland – 2010/11 to 2017/18[43]



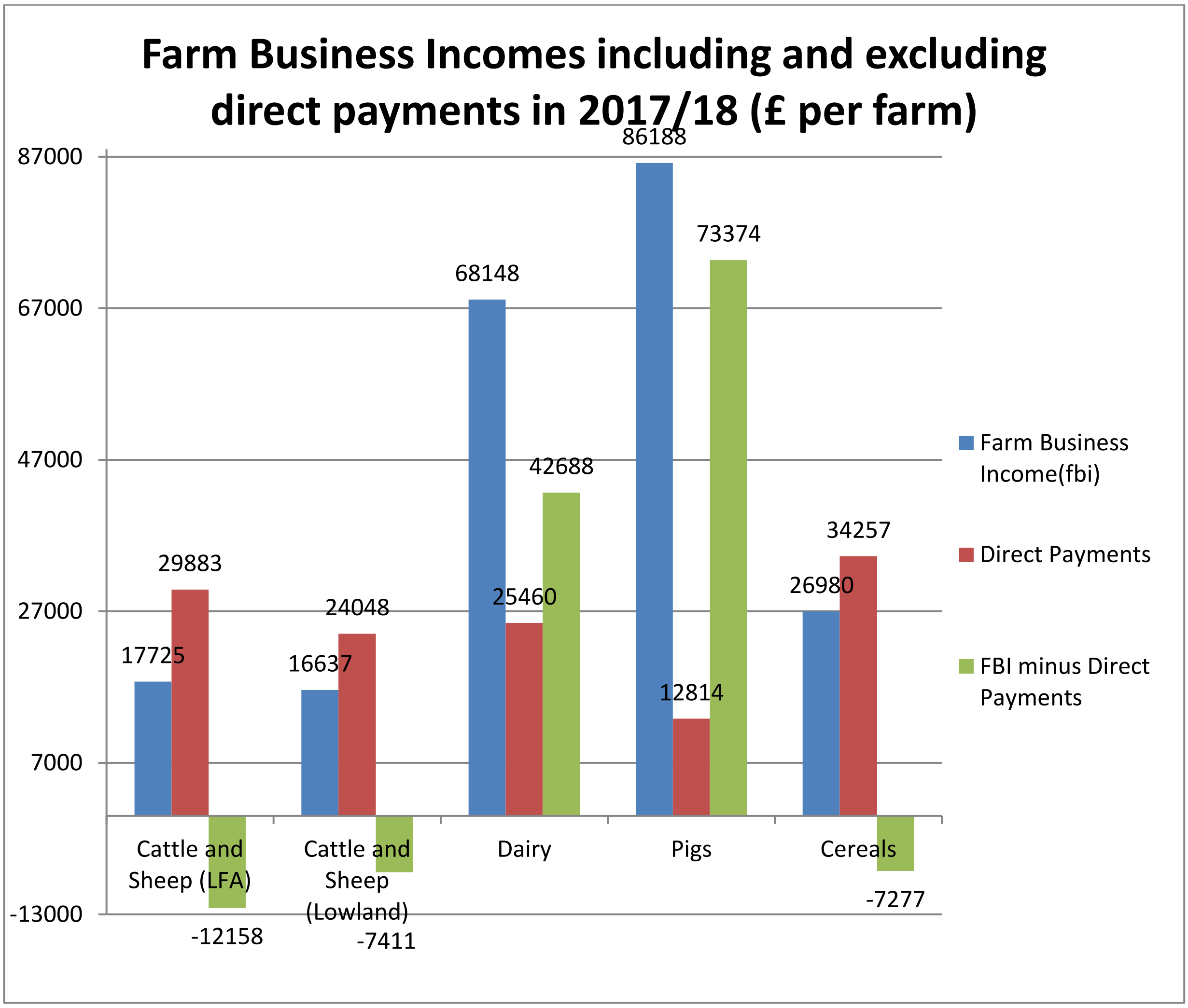
An additional feature of agricultural incomes within Northern Ireland, as illustrated in figure 2, is how reliant they are on direct payments under the auspices of the EU's Common Agricultural Policy. Department of Agriculture and Rural Development (DARD) data from 2017-18 reveals that when measured across all farm types the average Farm Business Income with EU direct payments removed equated to £6,745 per farm.

Cattle and sheep farms are particularly reliant on EU direct payments with Less Favoured Area (LFA) farms from these sectors recording a negative Farm Business Income of -£12,158 in 2017-18 when direct payments are removed. Based on 2017-18 data[44] average direct payments represented 80% of the value of average total Farm Business Income within Northern Ireland.

[43] Derived from DAERA farm income data https://www.daera-ni.gov.uk/publications/farm-incomes-northern-ireland-2004-onwards

[44] Farm Incomes in Northern Ireland, 2017/18, Policy and Economics Division, DARD, table 7 page 16

Figure 2: Farm Business Incomes including and excluding direct payments in 2017/18 (£ per farm)[45]



Migrant labour

In relation to migrant labour, DAERA conducted a survey in 2017[46] which estimated that there were an estimated 1,404 seasonal and non-seasonal workers from outside the UK and Ireland employed in agriculture in Northern Ireland. Of these, 1,397 were from other EU countries, while only 7 were from the rest of the world (RoW). In percentage terms this would account for 20% of the total paid agricultural workforce here. Horticultural farms were the most likely farm type to use migrant labour, with 65 businesses indicating that they employed migrant labour. Altogether horticultural farms here employed 974(78%) migrant workers which was the largest number employed of any sector.

Having considered this data a number of broad conclusions could be made as follows:

[45] Ibid

[46] [Migrant Labour in NI Agriculture, labour survey completed by DAERA 2017]

- Agriculture is relatively more significant in Northern Ireland than any other part of the UK in terms of employment and economic contribution and as such anything that effects the sector, either negatively or positively, will have significant impacts;
- Direct payments are critical to the short term survival, never mind long term sustainability, of many farms, particularly given the variation in farm incomes;
- The high level of LFA land within Northern Ireland, combined with the small average farm size, may present challenges for farm profitability;
- The heavy reliance on cattle (dairy and beef) and sheep within Northern Ireland may make local agriculture particularly sensitive to any changes to policy affecting these sectors; and
- Migrant labour and seasonal migrant labour is a key resource for the local horticultural sector but is less prominent in all other sectors.

2.2 Key features of food and drink processing in Northern Ireland

Based on 2018 data, the food and drink processing sector within Northern Ireland accounts for 2.3% of GVA which equates to £904m in basic prices[47].

Table 2 below highlights a number of key features of food and drink processing in Northern Ireland including the constituent sub sectors, whilst table 3 highlights the values of EU and Republic of Ireland sales as well as highlighting the proportion of total sales accounted for by these markets. Table 4 contains data on net profit as a percentage of sales which is a crude indicator of the profitability of each of the 10 sectors that make up the food and drink processing sector here.

Table 2: NI food and drink processing sector – gross turnover, employment by sub sector and sales[48]

Subsector	Gross Turnover – 2017 (£m)	Employees – FTEs 2017	External sales 2017 (outside NI) (£m)	Export sales 2017 (outside UK) (£m)
Animal by products	53	112	*[49]	*
Bakeries	329	3,936	165	99
Beef and sheepmeat	1,312	5,116	1,151	223
Drinks	389	1,295	228	195
Eggs	175	418	119	13
Fish	94	643	80	35
Fruit and vegetables	337	2,537	223	64
Milk and milk products	1,068	2,222	776	*
Pigmeat	343	1,725	201	90

[47] Derived from Northern Ireland Agri-Food Sector, Key Statistics, July 2019, table 4 page 5
[48] Derived from Northern Ireland Agri-Food Sector, Key Statistics, July 2019, table 6 page 6
[49] Instances where * is used within a table denote that information has been suppressed to avoid disclosure

Poultrymeat	709	5,639	*	*
Total Sector	**4,810**	**23,641**	**3,531**	**1,260**

Table 3: NI food and drink processing sector - destinations and values of subsector sales by subsector[50]

Subsector	Total sales 2017 (£m)	NI sales (£m)	GB sales (£m)	ROI sales (£m)	Other EU sales (£m)	ROI and EU combined as % of total sales	GB sales as % of total sales
Animal by products	53.1	*	*	*	*	*	*
Bakeries	329.3	164.3	66.2	95.5	0.7	29%	20%
Beef and sheepmeat	1,312.2	161.3	927.6	85.3	125.2	16%	71%
Drinks	388.9	160.7	32.9	170.5	13.1	47%	8%
Eggs	175.4	56.5	106	*	*	*	60%
Fish	94	13.6	45.6	7.2	24.2	33%	48%
Fruit and vegetables	337	113.8	159.7	61.4	0.8	18%	47%
Milk and milk products	1067.6	290.4	363.6	128.6	*	12% (ROI only)	34%
Pigmeat	343.2	141.8	111.1	72.6	*	21% (ROI only)	32%
Poultrymeat	709	*	*	79.5	*	11% (ROI only)	*

Looking at the data in tables 2 and 3 it is clear that certain sub sectors of food processing are more significant than others in terms of their gross turnover, employees and total sales, with the largest being the beef and sheepmeat, milk and milk products and poultrymeat sectors. These three sub sectors combined account for 64% of the gross turnover and 55% of the employees.

Great Britain is the biggest market for the entire food and drink processing sector, with sales to this market being highest in five of the ten subsectors, whilst the Republic of Ireland is the largest export market. The rest of the EU is a significant export market for the beef and sheepmeat subsector in particular.

The fish, beef and sheepmeat and egg subsectors are most reliant on the GB market whilst the drinks subsector was the least reliant.

Looking at the export data for the whole EU, including the Republic of Ireland, and based upon those subsectors for which full data was available, it is apparent that the EU market is most significant for the fish, drinks and bakeries subsectors.

[50] Derived from Size and Performance of the Northern Ireland Food and Drinks Processing Sector, Subsector Statistics 2017, with provisional estimates for 2018, DARD, July 2019, table 8b page 13

Table 4: NI food and drink processing sector - net profit as a percentage of sales by subsector 2017[51]

Sector	Net profit (percentage of sales) - Minimum	Net profit (percentage of sales) - Maximum	Net profit (percentage of sales) - Average
Animal by products	6	16	10.8
Bakeries	1	11	4.9
Beef and sheep meat	0	7	2.1
Drinks	1	10	5.8
Eggs	2	13	8.3
Fish	0	12	4.1
Fruit and vegetables	0	9	5.4
Milk and milk products	0	14	3.2
Pig meat	2	7	5.9
Poultry meat	3	5	6.6
Total Sector	**0**	**16**	**4.4**

The level of profitability within the food and drink processing sector is highlighted within the data in table 4. Whilst the average for the entire sector equated to 4.4% of net profit as a percentage of sales, the data reveals considerable variation in the average profitability of individual sub sectors. The highest average level of net profit as a proportion of sales was recorded for the animal by-products sub sector whilst the lowest was recorded for the beef and sheep meat sub sector.

The ranges in net profit as a percentage of sales within subsectors also provide food for thought as they reveal that there are clearly individual businesses operating within each subsector which are doing better or worse than the average data. The beef and sheep meat, fish, fruit and vegetable and milk and milk product sectors all had businesses that returned zero net profit in 2017.

Migrant labour

With regard to the use of migrant labour a 21017 DAERA survey[52] estimated the total number of migrant workers within the local food processing sector as being 10,617 employees, which was 43.5% of the total workforce. 40% of the migrants were from other EU countries and 3.5% were from the rest of the world.

Of the firms that responded to the survey, 44% of respondents stated other EU workers were very important to the running of their business, with only 24% of respondents stating that other EU workers were not at all important.

It is also worth noting the greatest number of other EU migrants (53%) employed in food processing filled process, plant and machine operative roles.

[51] Size and Performance of the Northern Ireland Food and Drinks Processing Sector, Subsector Statistics 2017, with provisional estimates for 2018, DARD, July 2019, table 16a page 22

[52] DAERA Migrant Labour and Trade Enquiry 2017

Having considered the data relating to the food and drink processing sector a number of broad conclusions can be drawn as follows:

- Food and drink processing is a significant part of the Northern Ireland economy, actually contributing more in GVA terms than farming;
- Whilst the sector has many subsectors the most significant in terms of turnover, employment and sales are the beef and sheep meat, milk and milk products and poultry meat sectors and the health of these subsectors is directly linked to the local farmers producing the raw materials;
- The EU is a significant export market for local produce, particularly the Republic of Ireland, but GB accounts for the greatest proportion of sales outside Northern Ireland;
- A number of subsectors are more reliant on EU exports (milk and milk products, fish and drinks) and as such could face greater impacts from trading changes in the UK and EU relationship;
- Exports to the rest of the world i.e. outside the EU are relatively small and as such could potentially be further developed;
- The level of profitability for a number of sub-sectors, which is already relatively low, could be adversely affected if costs to access the EU market increase, and this could potentially affect the viability of individual businesses;
- Migrant labour, particularly from the rest of the EU, is a key component of the food processing workforce.

3 Rationale for the Bill

The Agriculture Bill was introduced in the House of Commons on the 16th January 2020. This Bill is effectively a successor Bill, as the preceding Agriculture Bill 2017-19 failed to complete the parliamentary process prior to dissolution of the previous Parliament in October 2019.

In basic terms the 2019-20 Agriculture Bill is designed to provide a legislative framework for agriculture, and more specifically, agricultural support schemes across the UK. The need for this new legislative framework is driven by the UK’s decision to leave the EU, which came into effect on the 31st January 2020.

Whilst the UK has now formally left the EU it should be noted that direct payments to farmers in 2020 will fall within the so-called transition period, and as such will continue to follow the pattern set by the Common Agricultural Policy until the end of this year. Accordingly, the provisions within the Bill are likely to take effect from 2021 onwards, providing the transition period is not extended.

4 Comments on specific elements of the Bill that extend and apply to Northern Ireland

The following table sets out all of the Parts, Clauses and Schedules within the Agriculture Bill 2019-20 that both extend and apply to Northern Ireland. The table also highlights those areas for which the legislative consent of the Northern Ireland Assembly is being sought.

Provision	Extends and applies to Northern Ireland	Legislative consent sought from Assembly
Part 2 – Clause 17 – Food Security	Yes	Yes
Part 3 – Clauses 27-30 – Fair dealing with Agricultural Producers and Producer Organisations	Yes	No
Part 4 – Clauses 31-32 – Fertilisers and Identification and Traceability of Animals	Yes	Yes
Part 5 – Clauses 36-37 – Organic products	Yes	Yes
Part 5 – Clause 39 – Power to reproduce modifications under section 21 for wine sector	Yes	No
Part 6 – Clauses 40-42 – WTO Agreement on Agriculture	Yes	No
Part 7 – Clause 45 – Provisions relating to Northern Ireland	Yes	Yes
Part 8 – Clauses 47-48 – Regulations and Interpretation	Yes	No
Part 8 – Clause 49 – Consequential amendments in Schedule 5	Yes	No
Part 8 – Clauses 50-54 – Final Provisions	Yes	No
Schedule 1: Agricultural sectors relevant to Producer Organisation provisions	Yes	No
Schedule 2: Competition exclusions	Yes	No
Schedule 6: Northern Ireland	Yes	Yes
Schedule 7 : The CMO Regulation	Yes	No

It is worth noting that of the 22 clauses across seven Parts, and four Schedules within the Bill that extend and apply to Northern Ireland, only six of these Clauses across four Parts and one Schedule require legislative consent from the Northern Ireland Assembly.

There follows a brief overview and assessment of the potential impacts of the Clauses and Schedules that extend and apply to Northern Ireland and which require the Assembly’s legislative consent.

4.1 Clause 17 – Food Security

This clause places a new duty on the Defra Secretary of State to produce and lay a report, at least once every 5 years, on the UK food security. This report may cover a number of themes including the following:

- Global food availability;
- Supply sources for food;
- Resilience of the supply chain for food;
- Household food security and expenditure on food; and
- Food safety and consumer confidence in food.

A number of these issues were touched upon within the Going for Growth[53] agri-food strategy developed by the Agri-Food Strategy Board in 2013 but it should be noted that no successor document has been developed despite work of this nature being taken forward in neighbouring jurisdictions.

Key questions/observations relating to this clause include:

- Whilst the clause commits the government to complete a report there is no commitment to action in relation to any identified issues;
- There is also no indication of additional resources at either a national or devolved level to address any identified issues;
- Given that post Brexit and in light of the terms of the Withdrawal Act there is a possibility that food prices within Northern Ireland will be higher than they are in GB, and that local consumers may also have less choice, could the government amend the clause to include a Northern Ireland specific assessment?

4.2 Part 4 – Clause 31 - Fertilisers

With regards to fertilisers, the Bill effectively amends the Agriculture Act 1970 to reflect changes in the fertiliser industry. These proposed changes would enable the use of a broader definition for what constitutes a fertiliser, which would make it easier to use products such as bio-stimulants and soil conditioners/improvers. The use of chemical fertilisers within Northern Ireland is a key component of the largely grass based agricultural system that we have here.

The clause would also enable the bringing forward of regulations which would amend and repeal EU Regulation 2003/2003[54] which currently regulates areas including fertiliser chemical composition, labelling and traceability.

Key questions/observations relating to this clause include:

[53] Going for Growth: a strategic action plan in support of the Northern Ireland agri-food industry, Agri-Food Strategy Board, April 2013

[54] Regulation (EC) No 2003/2003 relating to fertilisers

- Will the power to either amend or repeal EU Regulation 2003/2003 actually extend to Northern Ireland? The fact that this Regulation is actually referenced within Annex 2 of the Ireland/Northern Ireland Protocol would suggest that variation here will not be possible;
- As an added complication, EU Regulation 2003/2003 is set for repeal and will be replaced on a phased basis by EU Regulation 2019/1009 which will come into force on the 16th July 2022. This new Regulation includes new provisions allowing the use of bio-stimulants and soil conditioners/improvers, and also for the first time introduces limits for toxic contaminants. According to Institute for Government analysis, with regard to new EU legislation including EU Regulation 2019/1009, Northern Ireland *'…would need to automatically adopt any changes to these regulations made by the EU. New areas of regulation can be added to the protocol through agreement at the Joint Committee'*[55]*.* In these instances how can a local voice be either heard or listened to?
- Given the previous points, will Northern Ireland based sellers and users not be able to benefit from the proposed changes in GB unless they are matched in changes to EU law? In effect will GB manufactured fertilisers, made to new GB standards, no longer be available here, particularly if there is regulatory divergence between the EU and GB?
- Where is the fertiliser we use here at present sourced from? GB, ROI or wider EU?
- What impact could proposed changes here have on the local fertiliser market in terms of choice and competiveness? Are fertiliser costs for local farmers more likely to rise or fall?

4.3 Part 4 – Clause 32 – Identification and traceability of animals

Clause 32 of the Bill amends Section 89 the Natural Environment and Rural Communities Act by adding a clause which will enable the Defra Minister to assign functions to an assigned body that would include functions that are exercisable across the entire UK. In this instance, the Delegated Powers Memorandum that accompanies the Bill identifies this assigned body the Agriculture and Horticulture Development Board (ADHB). The actual functions that will be performed by the ADHB in light of this this clause are the collection, management and making available of information around the identification, movement and health of animals. In terms of what this will actually mean, the Welsh Government is of the opinion that it will enable the ADHB to approve the format of animal identification tags[56], whilst the Commons Library briefing paper[57]

[55] Brexit deal: the Northern Ireland protocol, Brexit explainers page, Institute for Government website, 19 February 2020

[56] Agriculture Bill, Legislative Consent Memorandum, LCM-LD13036, National Assembly for Wales, 12 February 2020, page 5
[57] Coe Sarah and Finlay Jonathan, The Agriculture Bill 2019-20, House of Commons Library Briefing Paper, Number CBP 8702, 10 February 2020, page 57

on the Bill additionally makes reference to the management of a proposed Livestock Information System (LIS) for the UK, that is expected to be delivered by late 2020.

Key questions/observations relating to this clause include:

- What role if any will the ADHB be performing within Northern Ireland in relation to animal identification and traceability?;
- How will any such role either supplement or replace what DAERA is currently doing?
- With regards to potential powers for the ADHB to approve the animal identification tags will these be cognisant of Northern Ireland's ongoing commitment to align with EU animal identification regulations as set out in Annex 2 of the Ireland/Northern Ireland Protocol? As things stand Annex 2 identifies Council Regulations EC 21/2004, Regulation EC No 1760/2000 and Council Directive 2008/71 as continuing to apply within Northern Ireland as they apply to sheep and goats, cattle and pigs respectively;
- Will the entry of Northern Ireland Food Animal Information System (NIFAIS) data be a key component of the proposed Livestock Information System for the UK? In such instances will NIFAIS be ready to provide such data for the new LIS delivery date of late 2020?
- Are there any issues/concerns around the interface between NIFAIS and the LIS? In particular, does the operation of the NI Protocol present any challenges beyond the UK transition period?

4.4 Part 5 – Clauses 36-37 – Organic products

Clauses 36 and 37 of the Bill deal with matters relating to organic certification, the import and export of organic products and the enforcement of organic regulation. Clause 37 in particular extends these powers to Ministers within the devolved administrations where they have legislative competence.

Organic production within Northern Ireland at present is extremely limited, accounting for only 0.8% of Northern Ireland's total agricultural area in 2018, as compared to an overall UK figure of 3.1%[58]. There could however be potential for growth in the sector here given trends towards sustainable agriculture and a growing emphasis on food provenance amongst consumers.

Key questions/observations relating to this clause include:

- Does DAERA have any plans to utilise the potential powers through regulation they could have around organic certification, the import and export of organic products and the enforcement of organic regulation?
- Has any assessment been made as to whether the utilisation of such powers would boost either organic production or the processing of organic produce here?

[58] Organic farming statistics 2018, Defra, Table 4, page 7

- Would DAERA even be able to utilise these potential powers given the fact that Northern Ireland is required to adhere to EU rules on organic production and labelling as Council Regulation (EC) No 834/2007[59] is an integral part of Annex 2 of the Ireland/Northern Ireland Protocol[60]?
- As an added complication, Council Regulation (EC) No 834/2007 is being repealed from January 1st 2021 and being replaced by Regulation (EC) No 2018/848[61]. This new Regulation is also found within Annex 2 of the Ireland/Northern Ireland Protocol;
- Has any assessment of the risk of regulatory divergence between GB and the EU been undertaken in relation to organic standards and any likely impacts this could have on local producers and processors?

4.5 Part 6 – Clauses 40-42 – WTO Agreement on Agriculture

Clauses 40-42 enable the Defra Minister to make regulations in order to secure the UK's compliance with World Trade Organization (WTO) rules on agriculture. Since leaving the EU on the 31st January 2020, the UK, having previously been represented at the WTO by the EU, is now a member in its own right. Both the EU and the UK are signatories to the WTO's Agreement on Agriculture[62] (AoA) and as such have obligations to meet in relation to areas of market access, domestic support of agriculture and export competition.

Whilst clauses 40-42 extend and apply to Northern Ireland the Assembly's legislative consent is not bring sought, **despite agricultural support being a devolved issue**. The rationale for these clauses then is to give the Defra Minister powers to limit domestic support for farmers across the UK in order to ensure overall UK compliance with the WTO requirements, which the government claims as a reserved matter. Whilst the clauses do suggest that there will be potential for diversity in the approaches taken across the UK, the Government will be the ultimate arbiter as to whether such variations are allowed. As a result these clauses drew particular criticism from the Scottish[63] and Welsh Governments, when they were introduced in the preceding Agriculture Bill that fell with the dissolution of Parliament in October 2019.

In response the Welsh Government signed up to a Memorandum of Understanding (MoU)[64] with the UK Government in March 2019 that sought to secure a process whereby the Welsh Government would be consulted and agreement sought where possible. The Scottish Government however did not negotiate a MoU with the UK

[59] Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91
[60] Ireland/Northern Ireland Protocol to the UK/EU Withdrawal Agreement, 17 October 2019
[61] Regulation (EU) 2018/848 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007
[62] Agreement on Agriculture, World Trade Organization website, 19 February 2020
[63] Scotland and Westminster clash over Agriculture Bill, Farmers Weekly, 14 September 2018
[64] A joint statement by the UK government and the Welsh Government – Bilateral Agreement on the Agriculture Bill and World Trade Organisation (WTO) Agreement on Agriculture , Defra, 21 March 2019

Government and remains opposed to the provisions in these clauses. The UK Government responded to the Scottish Government position by publishing a so called 'Scotland Mythbuster[65]' in September 2018, which sought to refute Scottish claims of a power grab. This document included the following paragraphs in relation to the powers around the WTO in the previous Agriculture Bill:

> *The Scottish Government has claimed powers enabling us to comply with our WTO obligations should be exercised jointly; however, the Scottish Parliament does not have the legal competence to act in this area.*
>
> *While this is a reserved matter, the UK Government will work closely with the devolved administrations on this given their interest. Just as we did ahead of the Agriculture Bill's introduction.*

The 'Scotland Mythbuster' also stated that Wales and Northern Ireland had accepted the UK Government's offer to extend powers in the Agriculture Bill to the devolved administrations which would enable them to create their own farming support systems to replace the CAP. These powers are encapsulated within the Wales and Northern Ireland specific Schedules within the previous and current UK Agriculture Bill.

Key questions/observations relating to this clause include:

- What is the Northern Ireland Executive's position on clauses 40-42 within the Agriculture Bill? Is the Executive content for Defra to exercise these powers in relation to maintaining UK compliance with the WTO AoA?
- Does the NI Executive have any plans to develop a Memorandum of Understanding similar to that developed by the Welsh Government in relation to the issues raised by these clauses? If not is the Executive confident that it will be both consulted and listened to with regards to its views on the level of farm support that it wishes to utilise within Northern Ireland?
- With regards to the Defra Minister being potentially able to set farm subsidy limits here to ensure WTO AoA compliance, has any consideration been given to any additional limits/complexities that could be imposed upon such subsidies due to the State Aid requirements detailed within Article 10 and Annex 6 of the Ireland/Northern Ireland Protocol as they relate to agricultural support? In particular what role, if any, will the Joint Committee that will operate the Protocol have in ensuring Northern Ireland subsidies are compliant with the WTO AoA? Will Defra and the Joint Committee have the same opinion here and if they don't, whose opinion will take precedence?

4.6 Schedule 6 – Northern Ireland

[65] UK Government Agriculture Bill - Scotland myth-buster, Defra news story, 13 September 2018

Schedule 6 is the critical part of the Bill which actually confers powers to the DAERA Minister that are similar to those that will be exercised by the Defra Minister in England. In total Schedule 6 is made up of five Parts which deal with the following issues:

- Part 1 – Financial support after EU exit;
- Part 2 – Intervention in agricultural markets;
- Part 3 – Collection and sharing of data:
- Part 4 – Marketing standards and carcass classification; and
- Part 5 – Data protection.

There follows a brief overview of each part of the Schedule along with the identification of key questions/observations as they relate to each part.

4.6.1 Part 1 – Financial support after EU exit

Part 1 of Schedule 6 is broadly similar to the provisions within parts 1, 2, 3 and 5 of the Bill as they relate to England. The notable differences are that Schedule 6 excludes clauses 8, 10 and 15 as they relate to the transition period for England, the termination of direct payments and the modification of aid schemes for fruit and vegetable producer organisations.

Under paragraph 3(1) DAERA will have powers to extend the basic payment scheme for one or more years beyond 2020.

Of potentially greater significance however is the fact that Part 1 of the Schedule, more specifically paragraph 2 (1)(b), would give DAERA additional powers to modify legislation in order to make payments for Areas of Natural Constraint. This is significant given that 2018 was the last year in which the previous ANC support scheme operated here.

Additionally, paragraph 4 of Part 1would enable DAERA to modify legislation to enable the continuation of coupled support[66]. This is significant as DAERA chose not to utilise any coupled support provisions within the current CAP programme period.

Powers under paragraph 6 of the Schedule would appear to allow DAERA to modify retained EU legislation as it relates to rural development provisions.

Key questions/observations relating to this Part of the Schedule include:

- Is the DAERA Minister committed to the long-term utilisation of direct payments to farmers beyond 2021?

[66] Under the EU's Common Agricultural Policy (CAP), the trend has been to break the link between support and production. EU Member states could however make payments directly linked to the volume of output of a specific agricultural product if targeted aid to a specific agricultural sector or sub-sector may be needed as it is undergoing difficulties. Under the current CAP only Scotland utilised coupled support for Beef and sheep across the UK nations. The Republic of Ireland utilised the mechanism for the growing of protein crops such as beans.

- Is the DAERA Minister committed to bringing forward a new support scheme for Areas of Natural Constraint?
- Is the DAERA Minister actively exploring/supporting the introduction of coupled support provisions? If yes, what specifically is being considered?
- Is the DAERA Minister committed to continuing wider rural development support in line with existing provisions for schemes such as LEADER[67]? If not, does DAERA plan to seek access to a dedicated rural component for the proposed UK Shared Prosperity Fund that will replace existing EU Structural Funds?
- Are these provisions being included in the Schedule to provide flexibility with regards to potential agricultural support decisions, or are they an active statement of intent?
- Is DAERA confident that funding can be secured to meet all of these potential commitments on an ongoing basis?
- Would any of these provisions, if utilised, present any particular challenges with meeting the state aid requirements as set out in Article 10 and Annexes 5 and 6 of the Ireland/Northern Ireland Protocol?

4.6.2 Part 2 – Intervention in agricultural markets

Part 2 of Schedule 6 gives powers to DAERA similar to those conferred on the Defra Minister in Part 4 of the Bill as it relates to England. In basic terms DAERA will have the power to provide financial assistance to local agricultural producers whose incomes are being or are likely to be adversely affected by adverse market conditions.

Unlike England however, there is no provision (as encapsulated in Clause 18 as it relates to England) for the Secretary of State to make and publish a declaration of exceptional market conditions thereby justifying powers of intervention.

The terminology employed in Schedule 6 as it relates to Northern Ireland in terms of intervention is set out in paragraph (1)(a)(b) as follows:

1) Where DAERA considers that—

(a) there is a severe disturbance in agricultural markets or a serious threat of a severe disturbance in agricultural markets, and

(b) the disturbance or threatened disturbance has, or is likely to have, a significant adverse effect on agricultural producers in Northern Ireland in terms of the prices achievable for one or more agricultural products

Key questions/observations relating to this Part of the Schedule include:

[67] LEADER is a bottom-up method of delivering support to communities for rural development with the aim of improving quality of life and economic prosperity. LEADER operates through Local Action Groups (LAGs) using a local developed plan.

- What will constitute a 'severe disturbance' or a threat of the same in agricultural markets? How will DAERA make this assessment – what criteria will be used?;
- What limits will there be on the type, frequency and levels of support that DAERA might provide?;
- How would any assistance be financed? Would there be a UK Government contribution or would this come from the NI block grant?;
- Will these provisions, if utilised here, be compliant with the Ireland/Northern Ireland Protocol as it relates to state aid in Article 10 and Annexes 5 and 6?

4.6.3 Part 4 - Marketing standards and carcass classification

Part 4 of Schedule 6 would give DAERA power to make provision about the marketing standards for an identified range of agricultural products that are marketed in Northern Ireland. The agricultural products to which these powers extend fall within Annex 1 of the EU CMO Regulation (EU) No 1308/2013[68] and include:

- Beef and veal;
- Poultry and poultrymeat;
- Eggs and egg products;
- Fruit and vegetables other than olives;
- Olive oil and olives;
- Hops;
- Wine; and
- Aromatised wine.

Additionally Part 4 gives DAERA powers around the classification of bovine, pig and sheep carcasses.

Key questions/observations relating to this Part of the Schedule include:

- Is there really any scope for DAERA to either alter or amend any of these standards given the need to comply with the various requirements set out in Annex 2 of the Ireland/Northern Ireland Protocol;
- In effect do DAERA's potential powers really only enable it to comply with EU requirements as they are amended?

5 General observations/questions relating to the Bill

5.1 Financing Direct Payments post transition

[68] Regulation (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007

Whilst the UK has now formally left the EU it should be noted that direct payments to farmers in 2020 will fall within the so-called transition period, and as such will continue to follow the pattern set by the Common Agricultural Policy until the end of this year. Accordingly, the provisions within the Bill are likely to take effect from 2021 onwards.

With regards to the overall levels of UK funding for agriculture, post Brexit, it also needs to be stated that the UK Government has committed to 'guaranteeing the current annual budget to farmers in every year of the Parliament[69]'. Whilst this commitment might be viewed as a basis for confidence amongst the local farming community there are a number of issues that require clarification.

Firstly, references to 'every year of the Parliament' could lead to a belief that this arrangement is scheduled to last 5 years, which would put in it line with the current fixed term Parliament Act. The repeal of the Fixed Term Parliament Act was a Conservative Party manifesto pledge[70] in the 2019 General Election and a Fixed-term Parliaments Act 2011 (Repeal) Bill has recently been introduced in the House of Lords[71]. In light of this information it would appear the life of the current Parliament could be less than 5 years, which could have ramifications for farm payments beyond 2020.

Secondly, whilst Northern Ireland will receive £279 million for the 2020-21 period[72], it remains unclear how much Northern Ireland will be allocated with regards to direct payments for farmers beyond this date. The treasury statement in which the £279 million figure is presented, states that in 2020-21 Northern Ireland will be allocated £15m, but there is a need for clarification as to the purpose that this £15 million can be put. In addition mentions of a 'new system based on public money for public goods' do not clarify either the level of resources that will be allocated to the devolved administrations or the formula employed to do so.

The Bew Review[73] published in September 2019, puts this issue in stark relief, as it acknowledges that Northern Ireland's share of UK agricultural funding would decline if the government adopted the per-hectare convergence allocation formula recommended by the Review. Whilst the Review also recommended that the adoption of their preferred formula should be accompanied by a modest sum from the Exchequer to offset the reductions that DAERA could face, it remains clear that DAERA may have a battle on their hands. This view is reinforced by the government response[74] to the Bew Review which whilst accepting many of the Review recommendations recognised that future arrangements on allocations would be subject to negotiations with the devolved administrations.

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69 Farmers' £3 billion support confirmed in time for 2020 , HM Treasury press release, 30 December 2019

70 Get Brexit Done, Unlocking Britain's Potential, The Conservative and Unionist Party Manifesto 2019, page 48

71 Fixed-term Parliaments Act 2011 (Repeal) Bill, introduced to the House of Lords 3 February 2020

72 Farmers' £3 billion support confirmed in time for 2020 , HM Treasury press release, 30 December 2019

73 Intra-UK Allocations Review, 'Lord Bew Review', September 2019

74 UK government response to the independent intra-UK allocations review (Bew Review), 6 September 2019

Key questions/observations relating to this issue include:

- What assurances has DAERA sought from Defra in relation to the availability of UK funding for direct payments to farmers in the post transition period?
- Is DAERA confident that current funding levels for direct payments to farmers will be maintained by the UK Government for a period beyond the transition period?
- What challenges will Northern Ireland face in securing a fair share of any such funding?

5.2 Is the Bill compliant with the Ireland/Northern Ireland Protocol?

The Ireland/Northern Ireland Protocol[75] is a key component of the Withdrawal Agreement[76] negotiated between the UK and EU in October 2019. In effect the Ireland/Northern Ireland Protocol is the means by which the free movement of goods on the island of Ireland is intended to be secured regardless of whether the UK and EU successfully negotiate a free trade deal.

Amongst other things, the Protocol effectively binds Northern Ireland to a series of EU regulations as they relate to a range of goods, with agricultural products being particularly prominent. Adherence to these regulations is how Northern Ireland will be able to access the EU single market, and Annex 2 of the Protocol, which is substantial, lists all of the requirements. It is useful to note here that Northern Ireland is also required to automatically adopt any changes to the EU regulations listed in Annex 2.

In addition, any new EU regulations as they relate to agri-food products and manufactured goods, can be added to Annex 2, provided this is agreed by the Joint Committee which will oversee the operation of the Ireland/Northern Ireland Protocol. The Joint Committee will be made up of representatives from the EU and UK but it remains unclear at this time how it will function.

It should be noted that Article 10 and Annexes 5 and 6 of the Protocol also tie Northern Ireland into EU state aid rules as they relate to areas covered within the Protocol and which involve trade between Northern Ireland and the EU.

Whilst the Joint Committee will have a key role to play in the operation of the Protocol, the European Commission and European Court of Justice will ultimately have responsibility and powers to ensure that Northern Ireland adheres to the rules it is required to.

Key questions/observations relating to this issue include:

- Have the proposed provisions within the Agriculture Bill, whether they are UK wide or Northern Ireland specific, been tested to see if they are compliant with the Ireland/Northern Ireland Protocol?;

[75] Ireland/Northern Ireland Protocol to the UK/EU Withdrawal Agreement, 17 October 2019
[76] New UK/EU Withdrawal Agreement, 17 October 2017

- If the Protocol limits or restricts some of the proposed provisions within the Bill does this enhance the argument for a Northern Ireland Agriculture Bill?;
- Has any consideration been given to the potential impacts of regulatory divergence between GB and the EU, with regards to the provisions within the Bill? Northern Ireland could be particularly vulnerable here, particularly if the scope of Annex 2 of the Protocol is expanded;
- What concerns does DAERA have in relation to an ability to influence any potential changes to Annex 2 of the Protocol?

5.3 Could a Northern Ireland Agriculture Bill be brought forward?

As things currently stand both the Welsh and Scottish devolved administrations have either stated their intention to bring forward their own Agriculture Bills or have already set this process in motion in order to set a policy direction beyond 2020.

Scotland

Scotland introduced the Agriculture (Retained EU Law and Data) (Scotland) Bill on the 6th November 2019 and the Bill is currently at committee stage within the Scottish Parliament. This stage is scheduled to be completed by the 27th March 2020. According to the Scottish Government the purpose of the Bill:

> *…is to allow the CAP legislation to continue operating for a transitional period after EU exit, and to introduce changes which "simplify or improve" CAP legislation; although the powers are not time-limited, the Scottish Government states that the powers are not intended to make major changes to policy in the longer term. This differs from the intention of the UK Agriculture Bill, which was set out as a deliberate departure from the approach under the CAP*[77] *.*

In terms of the actual provisions within the Scottish Bill it would give Scottish Ministers the following powers[78]:

- Make changes to "simplify or improve the operation of" any part of the CAP legislation;
- Provide for the continued operation of the CAP legislation in domestic law in Scotland post-2020, with power to change how it operates and its financial provisions. For example, Scottish Ministers may by regulations set national ceilings for spending beyond 2020, modulate budgets (move money) between Pillar 1 and Pillar 2, and set a cap on payments paid to a single recipient;
- Revoke, suspend or modify legislation on public intervention and private storage aid, which currently allows governments to intervene in the market under exceptional circumstances to buy up and/or store products to support agricultural producers;

[77] SPICE briefing Paper on the Agriculture (Retained EU Law and Data) (Scotland) Bill, 18 November 2019
[78] ibid

- Amend the conditions for aid to fruit and vegetable producer organisations in ways that would simplify or improve the operation of this legislation;
- Revoke the EU Food Promotion scheme;
- Change the requirements for food marketed in Scotland;
- Amend the classifications for beef, pig and sheep carcasses;
- Amend the definition of agricultural activity;
- Make requirements of people engaged in agricultural activity and in the agricultural supply chain to provide information on their activities; and
- Impose additional requirements for providing information.

It should be noted that many of these provisions are catered for within the current UK Agriculture Bill 2019-20.

Wales

The Welsh Government asked the UK Government to include powers for Welsh Ministers within the UK Agriculture Bill 2019-20, with the proviso that these powers will be temporary and expire upon the passing of a Welsh Agricultural Bill. Whilst there is scant detail on the actual content of the proposed Welsh Bill, the Welsh Minister for Environment, Energy and Rural Affairs, Lesley Griffiths AM has stated the following:

> *I intend to publish a White Paper towards the end of 2020 which will set out the context for the future of Welsh farming and pave the way for an Agriculture (Wales) Bill[79].*

Key questions/observations relating to this issue include:

- Given the approaches being taken in Scotland and Wales, is the DAERA Minister open to the idea of bringing forward a Northern Ireland Agriculture Bill within the life of this Assembly? If the Minister is open to this idea is there a willingness to introduce a 'sunset clause' to the existing Bill, to enable a similar approach to that being taken in Wales?;
- Does the existence of the Ireland/Northern Ireland Protocol and the potential challenges that it presents to the agricultural sector here alone make the case for a Northern Ireland Agricultural Bill stronger?

5.4 Are there opportunities to extend some powers within the Bill to Northern Ireland?

Clause 34 and Schedule 3 of the Bill deal with the issue of agricultural tenancies and propose amendments to the Agricultural Holdings Act 1986 which only extends and applies to England and Wales. The proposed amendments are designed to deal with

[79] Written Statement: UK Agriculture Bill, Lesley Griffiths Minister for Environment, Energy and Rural Affairs, 16 January 2020

barriers presented by existing tenancy arrangements in relation to agricultural productivity and structural change.

Whilst the Agricultural Holdings Act does extend to or apply within Northern Ireland, agricultural tenancy issues are a live issue here. The Expert Working Group on Sustainable Land Management highlighted these issues in their report titled 'Delivering Our Future, Valuing Our Soils: A Sustainable Agricultural Land Management Strategy for Northern Ireland[80]' which was launched in October 2016. The report included the following observation:

> *28.5% of Northern Ireland's agricultural land is rented, with the vast majority of this land let in conacre. Conacre is a system of renting agricultural land on a short term seasonal basis of 11 months or less that is particular to Ireland. As a group, we considered the issue of conacre in depth and reached a firm position;*
>
> ***The insecurity created by the short 11 month tenancies within the conacre system and their dominance in land rental damages the competitiveness and environmental performance of Northern Ireland agriculture.***

Key questions/observations relating to this issue include:

- Is there any scope for the existing Bill, possibly Schedule 6, to be amended to enable the bringing forward of provisions to address issues with local agricultural tenancy arrangements, and conacre in particular?
- If this is not possible could a Northern Ireland Agriculture Bill provide a possible mechanism to effect change in this area?

5.6 Notable omissions in the Bill

Whilst the Bill covers an extensive range of issues and associated provisions there are number of areas which do not feature despite them being significant agricultural issues.

GMOs

Firstly, while covering issues pertaining to organic products, the Bill makes no reference or provision for the cultivation or production of Genetically Modified Organisms (GMOs). This could be seen as an unexpected oversight given the fact that the Prime Minister has previously voiced his support for GM crops and UK's biotechnology sector[81], and apparently apparently viewed the UK's leaving the EU as an opportunity for growth in this area. Indeed, the Conservative manifesto for the 2019 general election included a commitment to:

[80] Delivering Our Future, Valuing Our Soils: A Sustainable Agricultural Land Management Strategy for Northern Ireland, October 2016, page 22

[81] Boris Johnson vows to 'liberate' UK from EU's GM crops stance, Farmers Weekly, 26 July 2019

> *…lead the world in the quality of our food, agriculture and land management – driven by science-led, evidence-based policy[82].*

This approach would be at odds with the EU's more precautionary approach to the issue.

Access to Migrant Labour

Whilst migration is a Home Office responsibility, migrant labour has been a key factor enabling the agriculture and food processing sectors across the UK to function effectively (see Section 2). The absence of any provisions for the issue within the Bill could appear to be an oversight, particularly given the fact that Defra is currently actively engaged in sponsoring a Seasonal Workers pilot in England in 2019 and 2020[83].

Furthermore the Government announcement on the 19th February 2020 to pursue a points-based immigration system from the 1st January 2021[84], which will put an emphasis on 'skills', could present potential short term challenges to local food processors in particular.

[82] Get Brexit Done, Unlocking Britain's Potential, The Conservative and Unionist Party Manifesto 2019, page 43
[83] Seasonal Workers Pilot request for information, Defra, April 2019
[84] Home Secretary announces new UK points-based immigration system , Home Office press release, 19 February 2020