

COMMITTEE FOR AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS

MINUTES OF PROCEEDINGS

**THURSDAY 3 DECEMBER 2020
ROOM 30, PARLIAMENT BUILDINGS**

- Present: Mr Declan McAleer MLA (Chairperson)
Mr Philip McGuigan MLA (Deputy Chairperson)
Ms Clare Bailey MLA (via StarLeaf)
Mrs Rosemary Barton MLA
Mr Maurice Bradley MLA (via StarLeaf)
Mr Harry Harvey MLA
Mr William Irwin MLA
- Apologies: Mr John Blair MLA
Mr Patsy McGlone MLA
- In attendance: Ms Barbara Love, Committee Clerk
Ms Stella McArdle, Committee Clerk (via StarLeaf)
Ms Elaine Farrell, Assistant Clerk
Ms Marion Johnson, Clerical Supervisor
Ms Kate Duffy, Clerical Officer

The Committee commenced in Closed Session at 10.00 a.m.

The clerk briefed the Committee on the Common Framework for Chemicals and Pesticides.

Mr Irwin left the meeting at 10.09 a.m.

The meeting moved into Open Session at 10.12 a.m.

1. Apologies

As above.

Mr Irwin rejoined the meeting at 10.13 a.m.

2. Chairperson's Business

Noted: The Chairperson advised the Committee that the Department's Permanent Secretary and three senior officials will be providing oral evidence to the NI Affairs Committee on 9 December 2020.

Noted: The Committee noted the note of the informal meeting held on 19 November 2020 with the Scottish Committee on Culture, Tourism, Europe and External Affairs.

Agreed: The Committee noted the note of the informal meeting held on 24 November 2020 with Ulster Angling Federation and agreed to write to the Department on a range of issues discussed during the meeting.

Agreed: The Committee agreed to write to the Loughs Agency and Inland Fisheries regarding the steps that are being taken for angling development in communities and angling clubs.

Agreed: The Committee agreed to write to the Loughs Agency, Sports NI and Tourism NI to ask if they market angling and, if so, to provide details on how this is done.

The Chairperson advised the Committee that a virtual informal meeting has been arranged with Youth Climate Action for 4 December 2020 and that Members are requested to advise the clerk if they wish to attend.

3. Minutes of the meeting held on 26 November 2020

Agreed: The Committee agreed the minutes of the meeting held on 26 November 2020.

4. Matters arising

None.

5. Oral Evidence DAERA: Common Frameworks for Chemicals and Pesticides

The following departmental officials joined the meeting via StarLeaf at 10.17 a.m.

Caroline Barry, Acting Head of Chemical & Industrial Pollution Policy

Helen Lewis, Principal Scientific Officer, Head of Chemicals Regulation
Tommy McNamara, Staff Officer, Environmental Farming Branch

The officials briefed the Committee and this was followed by a question and answer session.

The oral evidence session was reported by Hansard.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed to forward a number of questions to the Department on the Common Framework for Chemicals and Pesticides.

6. SL1: The Official Controls (Plant Protection Products) Regulations (Northern Ireland) 2020

The Committee considered the SL1 The Official Controls (Plant Protection Products) Regulations (Northern Ireland) 2020 which will enforce and apply the Official Controls Regulations (EU) 2017/625 in respect of plant protection products (pesticides) which regulates official controls to ensure compliance of food and feed law, rules on animal welfare, plant health and plant protection products and has been directly applicable in the UK from 14 December 2019.

Agreed: The Committee noted SL1: The Official Controls (Plant Protection Products) Regulations (Northern Ireland) 2020 and agreed that it was content with the merits of the policy and that it should move to the next legislative stage.

7. Oral Evidence DAERA: SL1 The Seed Marketing and Fertilisers (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

The following departmental official joined the meeting via StarLeaf at 10.49 a.m.

Tommy McNamara, Staff Officer, Environmental Farming Branch

The official briefed the Committee and this was followed by a question and answer session.

The oral evidence was reported by Hansard.

The Chairperson thanked the official for his attendance.

Agreed: The Committee noted the SL1 The Seed Marketing and Fertilisers (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 and agreed that it was content with the merits of the policy and that it should move to the next legislative stage.

8. Departmental Written Briefing: SL1 The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020

The Committee noted the SL1 The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 which will amend the 2007 regulations to update packaging waste targets for 2021 and 2022 to implement the Packaging and Packaging Waste Directive in this jurisdiction.

Agreed: The Committee agreed to write to the Department to request a written briefing on aspects of the SL1 that require further clarification and for this to be available for the meeting on 10 December 2020 when the SL1 will be reconsidered.

9. SR: The Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

The following departmental official joined the meeting via StarLeaf at 11.02 a.m.

Tommy McNamara, Regulatory & Natural Resources Policy Division

The official briefed the Committee and this was followed by a question and answer session.

Noted: The Committee noted the report from the Examiner of Statutory Rules and that she has not identified any issues with the SR.

Question put and agreed:

That the Committee for Agriculture, Environment and Rural Affairs has considered SR: The Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 and recommends that it be affirmed by the Assembly.

10. SR 2020/152: The Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

The Committee noted SR 2020/152: The Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 which had been considered as a SL1 at the meeting on 22 October 2020 when no issues were identified with the merits of the policy.

Noted: The Committee noted the report from the Examiner of Statutory Rules and that she has not identified any issues with the SR.

Question put and agreed:

That the Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/152: The Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 and recommends that it be affirmed by the Assembly.

11. SR 2020/268: The Pesticides and Invasive Alien Species (Enforcement and Permitting) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

The Committee noted SR 2020/268: The Pesticides and Invasive Alien Species (Enforcement and Permitting) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 which had been considered as an SL1 at the meeting on 12 November 2020 when no issues were identified with the merits of the policy.

Noted: The Committee noted the report from the Examiner of Statutory Rules and that she has not identified any issues with the SR.

Question put and agreed:

That the Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/268: The Pesticides and Invasive Alien Species (Enforcement and Permitting) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 and has no objection to the rule.

12. SR 2020/269: The Genetically Modified Organisms (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

The Committee noted SR 2020/269: The Genetically Modified Organisms (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 which had

been considered as an SL1 at the meeting on 12 November 2020 when no issues were identified with the merits of the policy.

Noted: The Committee noted the report from the Examiner of Statutory Rules and that she has not identified any issues with the SR.

Question put and agreed:

That the Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/269: The Genetically Modified Organisms (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 and has no objection to the rule.

13. SR 2020/272: The Organic Products Regulations (Northern Ireland) 2020

The Committee noted SR 2020/272: The Organic Products Regulations (Northern Ireland) 2020 which had been considered as an SL1 at the meeting on 12 November when no issues were identified with the merits of the policy.

Noted: The Committee noted the report from the Examiner of Statutory Rules and that she has not identified any issues with the SR.

Agreed: The Committee agreed to write to the Department to seek an explanation as to why the Regulations designate the Secretary of State as the Competent Authority for ensuring that EU Regulations are implemented.

Question put and agreed:

That the Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/272: The Organic Products Regulations (Northern Ireland) 2020 and has no objection to the rule.

14. Written Briefing DAERA: SI Defra/FD/11 The Food and Drink (Amendment) (EU Exit) Regulations 2020

The Committee noted the Departmental Written Briefing on SI Defra/FD/11: The Food and Drink (Amendment) (EU Exit) Regulations 2020.

Agreed: The Committee wishes it to be clearly understood that due to the lack of information on SI Defra/FD/11: The Food and

Drink (Amendment) (EU Exit) Regulations 2020 and the limited time that it has had to consider it, it has been unable to fully explore and understand the potential impacts and implications to this jurisdiction. This difficulty has been further compounded by the fact that it is being asked to do so in the context of the legal uncertainties around the UK Internal Market Bill and The Withdrawal Agreement.

15. Written Briefing DAERA: Covid 19 Update

The Committee considered the latest Departmental Written Briefing on the Covid-19 Update.

Agreed: The Committee agreed to write to the Department on a number of issues as follows:

- i. Confirmation on when the Covid-19 financial scheme for the pig industry will be finalised and implemented;
- ii. Information on the possible reason for the significant decrease in applications to the fourth tranche of the Environmental Farming Scheme;
- iii. An update on the remaining £7.2m of Covid-19 funding and what the plans are for its allocation;
- iv. Clarification on the process that potato farmers are being asked to comply with regarding producing additional information and receipts in order to apply for funding; and
- v. TB Testing draft strategy update as part of the Bovine TB briefing scheduled for 10 December

16. Written Briefing DAERA: Northern Ireland Rural Development Programme

The Committee considered the departmental Written Briefing on the Northern Ireland Rural Development Programme.

Agreed: The Committee agreed to write to the Department to highlight its concerns around farmers being penalized for the carry-over of unused funding from Pillar I and II.

17. Correspondence

The Committee noted the following:

- i. Correspondence from the USPCA on the launch of the Manifesto and All Party Group on Animal Welfare;
- ii. Correspondence from the Department on the publication of its report on Building Waste Sector Resilience: Lessons Learned from the Covid-19 Pandemic;
- iii. Correspondence from the Department on the launch of its Clean Air Strategy discussion document;
- iv. Correspondence from the Department on Local Impact Issues of Carbon Pricing in Northern Ireland which was to be provided to the Committee prior to the debate on the ETS in the Assembly but was overlooked;
- v. Correspondence from SOLACE NI and NILGA on EU Successor Funding in Northern Ireland: Position Paper for Society of Local Authority Chief Executives NI;
- vi. Correspondence from the Department on The Genetically Modified Organism (Amendment) (EU Exit) Regulations (NI) 2020;
- vii. Correspondence from the Department which is a holding response in relation to issues raised at the meeting on 12 November 2020 on preparedness of the customs IT system for dealing with trade between here and the UK post Brexit.
- viii. Correspondence from ISNI on the Investing Activity Report for November 2020.

The Committee considered correspondence from the Committee on the Consultation on the development of fisheries management measures for Marine Protected Areas (MPAs) and the establishment of scallop enhancement sites in the Northern Ireland inshore region.

Agreed: The Committee noted the correspondence and agreed to request a summary of consultation responses in due course and the future proposals.

The Committee considered copied correspondence from UFU and National Sheep Association has written to the Rt Hon Brandon Lewis MP, Northern Ireland Secretary of State regarding the importing of sheep from GB to NI.

Agreed: The Committee agreed to write to the UFU to advise that the issue has already been raised with the Minister and a reply is imminent.

The Committee considered correspondence from Mid and East Antrim Borough Council on its role and remit for Shared Environmental Services.

Agreed: The Committee agreed to request an oral briefing from Mid and East Antrim Borough Council on Shared Environmental Services in the New Year.

The Committee considered correspondence from the Department on the Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020 WST 09.

Agreed: The Committee agreed to write to the Department to request that it keeps the Committee informed of interactions with Defra and to ask if any engagement has occurred with the Department for the Economy on the issue.

The Chairperson advised the Committee that the Department has advised that following the request from the Committee after last week's meeting for an urgent update on the Lough Neagh Scheme to be available for this week's meeting, the Department is unable to meet this deadline. It advises that the eligibility criteria for the scheme is being finalised and that the Department will be in a better position next week to provide a more detailed response.

18. Forward Work Programme

Agreed: The Committee agreed that the Service Standards for the issue of the electronic committee meeting pack could be waived for the meeting on 14 January 2021; the pack will issue on 12 January instead of the 11 January 2021.

Noted: The Committee noted that the substantive items on the Forward Work Programme for the meetings on 10 and 17 December including an oral briefing from the Minister as well as a briefing from the Permanent Secretary for the meeting on 14 January 2021.

Agreed: The Committee agreed the Forward Work Programme.

19. AOB

Agreed: The Committee agreed to write to the Department to request a further Brexit update to include issues such as ports, the import of sheep and lambs and TB testing as well as an update on the Review of Decisions from Independent Panels.

20. Date, time and place of the next meeting

The next meeting of the Committee for Agriculture, Environment and Rural affairs will take place on Thursday 10 December 2020 at 10.00 a.m. in Room 30, Parliament Buildings.

The meeting adjourned at 11.25 a.m.

Declan McAleer, Chairperson, Committee for Agriculture and Rural Development

Date