

21 May 2024

COMMISSION DELEGATED REGULATION (EU) /... AMENDING REGULATION (EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, AS REGARDS MARKETING STANDARDS FOR EGGS. COMMISSION IMPLEMENTING REGULATION (EU) /... LAYING DOWN RULES FOR THE APPLICATION OF REGULATION (EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS MARKETING STANDARDS FOR EGGS - C (2023) 5508 & C (2023) 5510

Letter from the Chair to The Rt. Hon. Mark Spencer MP, Minister of State for Food, Farming and Fisheries, Department for Environment, Food and Rural Affairs.

Thank you for your Explanatory Memorandum, dated 19 February 2024, on the above Regulations within scope of the Windsor Framework. The House of Lords Sub-Committee on the Windsor Framework considered this document at its meeting on 6 March 2024.

We note that the Government expects the Regulations will have “minimal impact” in light of the efficiency of the UK egg market and the fact that 90% of producers already operate under the common requirements of the voluntary Lion Code Assurance Scheme. We would, however, be grateful for further information on the Government’s basis for its assessment of the impact of these Regulations, particularly on Northern Ireland producers. What is the percentage of Northern Ireland producers specifically who produce to the common voluntary standards? What will the impact of the proposals be on those Northern Ireland producers who are currently unable to mark eggs at the production site?

We also note that the Regulations “have been discussed briefly with UK egg industry stakeholders” but that “given the technical nature of the changes, no consultation has taken place to date.” What views were expressed by industry in the brief discussions so far? Did these discussions include Northern Ireland industry stakeholders? What plans does the Government have for further consultation with industry on these Regulations?

Finally, we note that the Government will give further consideration “to updating the Retained EU Regulation 589/2008, including the provisions amended by the EU, in due course.” Given the Government’s assessment that there is limited or no scope for divergence issues, what is the rationale for further consideration of updating the Retained version of these regulations?

We would be grateful for a response to these questions by 21 March. In the meantime, we retain an active interest in this matter.

7 March 2024

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) 2016/2031 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS MULTIANNUL SURVEY PROGRAMMES, NOTIFICATIONS CONCERNING THE PRESENCE OF REGULATED NON-QUARANTINE PESTS, TEMPORARY DEROGATIONS FROM IMPORT PROHIBITIONS AND SPECIAL IMPORT REQUIREMENTS AND ESTABLISHMENT OF PROCEDURES FOR GRANTING THEM, TEMPORARY IMPORT REQUIREMENTS FOR HIGH RISK PLANTS, PLANT PRODUCTS AND OTHER OBJECTS, THE ESTABLISHMENT OF PROCEDURES FOR THE LISTING OF HIGH RISK PLANTS, THE CONTENT OF PHYTOSANITARY CERTIFICATES, THE USE OF PLANT PASSPORTS AND AS REGARDS

CERTAIN REPORTING REQUIREMENTS FOR DEMARCATED AREAS AND SURVEYS OF
PEST - COM (2023) 661

Letter from the Chair to Lord Douglas-Miller, Minister for Biosecurity, Animal Health & Welfare, Department for Environment, Food and Rural Affairs

Thank you for your Explanatory Memorandum, dated 6 February 2024, on the above proposals within scope of the Windsor Framework. The House of Lords Sub-Committee on the Windsor Framework considered this document at its meeting on 28 February.

We note the EU's proposal to amend regulations relating to plant health, and your assessment that these are mostly about expanding or providing powers, rather than implementing changes. We understand that these proposals may create some regulatory divergence between GB and Northern Ireland.

While the EM notes that there will be "no impact to goods moving from Great Britain to Northern Ireland with a Northern Ireland Plant Health Label where businesses will continue to benefit from reduced certification", there is limited analysis of the impact on GB operators exporting to Northern Ireland via the red lane. What is your assessment of the potential impact of greater certification requirements on GB exporters, and on NI consumers? What proportion of plant goods relevant to this proposal are moved via the red lane, as opposed to those with a with a Northern Ireland Plant Health Label?

The EM also notes that plants can move freely from Northern Ireland to GB under the UK Internal Market Act 2020, but there is limited analysis of the impact on Northern Ireland businesses of having to work with two regulatory standards. The EM states that the proposals are "not expected to negatively impact NI stakeholders" but provides no further detail on this claim. What analysis has been undertaken on the impact of this proposed legislation on Northern Ireland operators? Has an assessment been undertaken of the impact of the proposal on other NI stakeholders, such as consumers?

Finally, the EM states that no public consultation has been undertaken "as this is a proposed change to EU regulations which do not apply in GB as retained EU law". Given that the proposals will apply in Northern Ireland, we encourage the Government to work with the devolved institutions to undertake consultation in Northern Ireland. We also note that the Government is planning to engage with stakeholders on the new Phytosanitary Certificate requirements. Which stakeholders does the Government plan to engage with? Will the Government be formally consulting stakeholders on other elements of the proposal?

We would be grateful for a response to these questions by 14 March. In the meantime, we retain an active interest in this matter.

29 February 2024

Letter to the Chair from Lord Douglas-Miller, Minister for Biosecurity, Animal Health & Welfare, Department for Environment, Food and Rural Affairs

Thank you for your letter of 29 February 2024, on behalf of the European Affairs Sub-Committee on the Windsor Framework, seeking clarification on certain points discussed in the Explanatory Memorandum ("the EM") drafted for COM (2023) 661 Proposal ("the Proposal").

The Committee requested further detail on the potential impact of the greater certification requirements proposed by the EU. The additional obligation requires a declaration as to how any

Regulated Non-Quarantine Pest ("RNQP") requirements have been met on the phytosanitary certificate ("PC") when moving plants for planting to Northern Ireland via the red lane. Most of the administrative burden will fall on delivery bodies, which prepare the certificates. For GB businesses, most should already meet RNQP rules so there will be no new burden.

The Committee commented that there is limited analysis in the EM of the impact on NI businesses of having to work with two regulatory standards. This is incorrect. As stated above, the regulation will have minimal impact on businesses as most already comply with the RNQP requirements. Even so, any burden will fall on GB businesses moving plants to NI - depending on whether they choose to use a Northern Ireland Plant Health Label or the red lane. If plants are moved into NI with a Northern Ireland Plant Health label, there are no additional declarations required.

The Government was also queried on the proportion of plant goods that are moved into Northern Ireland from Great Britain with a Northern Ireland Plant Health Label rather than with a PC via the red lane. I can reassure the Committee that the majority of plants for planting, and all seed potatoes, move with a Northern Ireland Plant Health Label.

The Committee asked for details on the analysis carried out on the impact of the proposed EU legislation on Northern Ireland stakeholders, such as operators and consumers. I can confirm that a summary of the proposed changes, including the expected impact on Member States and Northern Ireland, was provided for stakeholder review (see more details below).

DAERA officials were consulted on their views of the Proposal. The EM was also developed collaboratively with officials from the Devolved Governments, including DAERA, to provide an opportunity to comment on the conclusions. Input was also sought from the Northern Ireland Executive Office to further inform the described impacts.

Clarification was also sought on the stakeholder engagement for this Proposal. I can confirm that a summary document and the accompanying Proposal was published on the Plant Health Portal, highlighting the relevant changes for UK traders and inviting them to submit comments to the EU Commission (which held a feedback period from 24 October 2023 – 01 January 2024). This information was also sent out to stakeholders in the Plant Health Advisory Forum (members include the Horticultural Trade Association and the National Farmers' Union amongst others). Defra also included this information in the Defra Plant Health Newsletter that regularly goes out to traders informing them of any upcoming changes that may impact them and their members. No stakeholders have contacted the UK Plant Health Service with their concerns.

9 May 2024

COMMISSION DELEGATED REGULATION (EU) .../... OF 14.7.2021 SUPPLEMENTING
REGULATION (EU) NO 576/2013 OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL WITH REGARD TO RULES FOR NON-COMMERCIAL MOVEMENTS OF PET
BIRDS INTO A MEMBER STATE FROM A TERRITORY OR A THIRD COUNTRY - EM
11019/21 = C (2021) 5167

**Letter to the Chair from Lord Douglas-Miller, Minister for Biosecurity, Animal Health
and Welfare, Department for Environment, Food and Rural Affairs**

You asked for a further update on the implications for Northern Ireland of [Delegated Regulation 2021/1933](#) once the Government's dialogue with the EU had drawn to a conclusion.