

## **Questions to DAERA**

### **Divergence**

- Q. Can you set out a comparison of the EU proposal and the UK's domestic regulations, including the anticipated dates of application of each regulatory regime?
- A. As the proposal stands in its current form, there are three main areas of Divergence between it and the Precision Breeding regulations in England.
- The first of these concerns the issue of labelling. The England regulation will not require any labelling for products derived from the process of gene editing, whereas the EU proposal requires labelling of seeds that have been developed using the process of gene editing. Both regulations require labelling for all other forms of Genetically Modified Organisms.
  - The second notable difference is in relation to the number of “edits” permitted to a particular plant. Within the EU proposal there is a proposed cap of 20 edits allowed before stricter regulations would come into force. Within England the number of edits is assessed on a case by case basis , with no cap in place.
  - Lastly, it should be noted that the EU proposal is only applicable to plants and does not cover animals, whereas the Precision Breeding Act is applicable to both plants and animals.
  - Whilst the England Act is already in place, it is expected that, if agreed, it will be at least 2 years until the EU proposal comes into force.
  - The EU's proposal and England's Precision Breeding Act are similar in aim with some notable differences, but the impacts of divergence are not yet clear and points of divergence in the proposal are subject to change.
  - We are committed to working together with all Four Nations of the UK to manage and minimise any divergence issues which may occur.

*The [Minister for Agriculture, Environment and Rural Affairs stated on 25 March 2025](#), “I raised concerns last week with the UK Government about their pursual of gene editing and how that could end up excluding Northern Ireland from an SPS veterinary agreement and therefore increase friction in trade between GB and NI rather than reduce it.”*

- Q. Can you give an update on engagement with the UK Government on this matter?
- A. Both DAERA officials and the Minister continue to engage with Defra officials and Minister Zeichner on divergence between UK and NI and the potential impacts on trade.

## Engagement

*DAERA states, “The Department meets monthly with Defra as well as the other devolved nations with regular discussions relating to Gene Editing and the possibility of any change to EU law and its potential impact.”*

- Q. Can you give more detail on these discussions and the possible impacts which have been identified?
- A. These discussions take place monthly and include officials from the four nations. Updates are provided from Defra on their current position regarding the Precision Breeding Act 2023 and implementing regulations. It provides the platform for the Devolved Governments to raise their concerns on an individual basis and provide feedback directly to Defra. Discussions have covered a range of areas including transparency and the provision of information, the organic sector, and potential implications of the UK Internal Market Act 2020.

*The Ulster Farmers’ Union (UFU) has highlighted this policy area and the differences between the Precision Breeding Act and proposed EU Regulation as an area of concern/divergence<sup>1</sup>.*

- Q. Have you engaged with the UFU and other stakeholders on the proposed Regulation?
- A. To date there has been no direct engagement with stakeholders in relation to this proposal. Once the provisions within the proposal are agreed, engagement with stakeholders will take place.
- Q. What specific views and concerns have been expressed?
- A. None yet, as proposal is still in draft.
- Q. Have you engaged with consumers?
- A. No, there has been no formal engagement with consumers at this stage. It is envisaged that engagement with consumers would be led by Food Standards Agency (FSA).

*The UK Government told the [Lords Sub-Committee on the Windsor Framework](#) that engagement with the EU on the proposal took place at the Trade and Cooperation Agreement Sanitary Phytosanitary Committee on 11 October 2023, and at the Joint Consultative Working Group Agri-Food Structured Group on 20 November 2023 (DAERA attended the latter meeting).*

- Q. Can you provide more detail on these discussions? Did DAERA raise any concerns?
- A. Discussions with the EU through the Joint Consultative Working Group are confidential.

- Q. The policy area is subject to various provisional Common Frameworks. What discussions have been held on this policy area under the Common Frameworks?
- A. There is currently a Concordat which sets out an agreed framework for co-operation between the 4 nations in relation to Genetically Modified Organisms.

## **Trade**

- Q. How would NI to GB trade in precision bred products be affected – can you confirm that ‘unfettered access’ applies currently in this policy area, and will this continue to apply if the Regulation applies in NI?
- A. There are no implications for unfettered market access from NI to GB.

*The House of Lords Secondary Legislation Scrutiny Committee reported on the Draft Genetic Technology (Precision Breeding) Regulations 2025 in March 2025. [Defra and the Food Standards Agency stated](#) they are “continuing to engage with the devolved governments and with the Department for Business and Trade on internal market implications of the Precision Breeding Act”.*

*In relation to Northern Ireland, [Defra stated](#): “Under the Windsor Framework, mutual recognition does not apply to precision bred organism legislation. Therefore, precision bred products must comply with GM legislation before it can be sold in Northern Ireland.” However, UKG’s EM states, “Under the Windsor Framework, however, future PBO food products authorised as safe for use in food in England can move under the Northern Ireland Retail Movement Scheme for sale in Northern Ireland.”*

- Q. Can you confirm whether PBO food products from England can (and will continue to be able to) be sold in Northern Ireland under the Retail Movement Scheme?
- A. The issue of food products and their availability in NI markets is an issue for the Food Standards Agency (FSA) and the UK government. The EU proposal is to amend Regulation (EU) 2017/625. This regulation remains under the direction and control of the Defra Secretary of State.
- Q. If so, what is your assessment of this for consumers and producers in Northern Ireland? Are there implications for competition?
- A. As above – FSA and UK government have policy lead.

## **Suggested changes to the proposed Regulation**

- Q. Have any changes to the proposal been suggested by the Council of the EU or the European Parliament which could have a significant impact in Northern Ireland?

- A. The Council of the EU and European Parliament have suggested amendments which will be assessed to fully consider the potential NI impacts. These amendments will be subject to change and agreement at the Trilogues.