

**Letter from the Chair to Victoria Prentis MP, Parliamentary Under Secretary of State,
Department for Environment, Food and Rural Affairs**

Thank you for your letter, dated 6 June 2022, on the above Regulation applying to Northern Ireland under the Protocol on Ireland/Northern Ireland. The House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland considered this document at its meeting on 29 June 2022.

We are grateful for your response to our letter, and we are now content to draw our detailed scrutiny of this Regulation to a close. We do not require a reply to this letter.

1 July 2022

**COMMISSION IMPLEMENTING REGULATION (EU) 2021/1064 OF 28 JUNE 2021
AMENDING IMPLEMENTING REGULATION (EU) 2021/520 WITH REGARD TO THE
CONFIGURATION OF THE ANIMAL IDENTIFICATION CODE FOR THE
TRACEABILITY OF CERTAIN KEPT TERRESTRIAL ANIMALS FOR THE UNITED
KINGDOM IN RESPECT OF NORTHERN IRELAND (UNNUMBERED)**

**Letter to the Chair from the Rt Hon Lord Benyon, Parliamentary Under Secretary of
State, (Minister for Rural Affairs, access to nature and Biosecurity), Department for
Environment, Food and Rural Affairs**

Thank you for your further correspondence of 24 February 2022 requesting a further update relating to this Explanatory Memorandum by 24 May 2022.

Whilst we have been in talks with the EU since last summer, and have engaged in negotiations in good faith, since my last update there has not been the opportunity for further substantive discussions relating to livestock tagging. However, we will continue to talk with the EU, while in parallel moving forward with our solution to protect peace in Northern Ireland. We remain open to discuss any new proposals but we can't wait to address the issues we face now. It is perfectly possible for the United Kingdom and EU to work out a solution which delivers for the people of Northern Ireland, and we will continue to pursue these issues and to press the Commission for a satisfactory resolution. I will write further when I have more to report.

24 May 2022

**Letter from the Chair to the Rt Hon Lord Benyon, Parliamentary Under Secretary of
State, (Minister for Rural Affairs, access to nature and Biosecurity), Department for
Environment, Food and Rural Affairs**

Thank you for your letter, dated 24 May 2022, on the above Implementing Regulation within the scope of the Protocol on Ireland/Northern Ireland. The House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland considered this document at its meeting on 8 June 2022.

Given the importance of this issue for the farming industry, we regret that there has not been the opportunity for further substantive discussions relating to livestock tagging. We welcome your commitment to write again when you have more to report, and in the meantime we retain an active interest in the document.

9 June 2022

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL ON EUROPEAN UNION GEOGRAPHICAL INDICATIONS FOR WINE,
SPIRIT DRINKS AND AGRICULTURAL PRODUCTS, AND QUALITY SCHEMES FOR
AGRICULTURAL PRODUCTS, AMENDING REGULATIONS (EU) NO 1308/2013, (EU)**

**Letter from the Chair to Victoria Prentis MP, Parliamentary Under Secretary of State,
Department for Environment, Food and Rural Affairs**

Thank you for your Explanatory Memorandum, dated 4 May 2022, on the above proposed Regulation for a new framework governing Geographical Indications (GIs) for wine, spirit drinks and agricultural products and an amendment to the EU Trade Mark Regulation. The House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland considered this document at its meeting on 26 May 2022.

We would be grateful for clarification on the following matters.

You state that the UK's policy on Geographical Indications "is a reserved matter under the UK's devolution settlements" and therefore "consultation is not required for the purposes of this EM." However, you later acknowledge that all devolved administrations will have an interest in the registration and enforcement of protected food and drink names, and that you have consulted the devolved administrations. You state that "the Northern Ireland Executive provided input particularly in respect of the impact of this proposal on the regulatory scheme in place in Northern Ireland." Can you provide further detail on their feedback? What impact, if any, will the different regulatory regimes within each UK jurisdiction covering the content of protected products have in this context?

We note that you have not consulted with external stakeholders or produced impact assessments. Nevertheless, what assessment have you made of the impact of this Regulation for the use of Geographical Indications in Northern Ireland and for affected industries such as Irish whiskey? We would be grateful for further details on your plans to engage such stakeholders. This is particularly significant given your statement that amendments to the UK's enforcement regulations will need to be considered and the list of potential implications outlined in the EM are substantive. We also note that you plan to review the potential administrative burden associated with the proposed Regulation, which the EM states is also "proving controversial amongst member states." We would be grateful for further information on the status and timelines of this review.

We would be grateful for a response to this letter by 13 June 2022. In the meantime, we retain an active interest in this document.

30 May 2022

**Letter to the Chair from Victoria Prentis MP, Parliamentary Under Secretary of State,
Department for Environment, Food and Rural Affairs**

Thank you for your letter, dated 30th May 2022, requesting clarification on several matters relating to the Explanatory Memorandum for new EU Regulations.

The Regulations provide for a new framework governing Geographical Indications (GIs) for wine, spirit drinks and agricultural products and make an amendment to the EU Trademark Regulation.

The UK's policy on Geographical Indications (GI) remains a reserved matter under the UK's devolution settlements. However, as we are aware of the important role GIs play across the UK, Defra has developed a collaborative approach to policy development and delivery, in this case providing the devolved administrations with an opportunity to review and comment on the content of the EU proposal and the drafting of the Explanatory Memorandum.

The EU GI schemes continue to protect GI registered product names when they are sold in Northern Ireland and the EU. The new UK GI schemes protect registered product names when they are sold in Great Britain (England, Scotland and Wales) only. The UK Government engages with the EU as a third country in respect of GB-produced GI products and maintains the role of Competent Authority for delivery of these EU Regulations within Northern Ireland. Any change brought about by the EU Regulation will be limited only to Northern Ireland which continues to operate under the EU GI Schemes. As the Competent Authority for delivery of the EU regulations in Northern Ireland, Defra officials considered the changes and concluded in initial assessment that the impact on operational

processes in Northern Ireland would on balance be negligible, recognising that further detail would be needed to fully evaluate the impacts.

DAERA officials also considered the legislative changes and commented on the Explanatory Memorandum submitted to Parliament. DAERA welcomed several of the proposed changes, including shorter streamlined registration procedures for new applications, the merging of procedures for agri-foods, wine and spirit drinks, enabling producers to define sustainability practices, and the proposal of improving protection for products online. However, they remain unclear as to how the new process for TSG applications will increase interest in the scheme and have concerns about the proposal for greater empowerment of 'recognised' producer groups, specifically referencing the possibility for discontent amongst producers not in favour of a recognised producer group and thus being side-lined in decision-making. A further concern was the impact on Local Authority delivery of effective GI enforcement in Northern Ireland.

You raised an important point on impact assessments and possible amendments to the UK's enforcement regulations. You are correct that we have not consulted with external stakeholders or produced impact assessments, having only recently been sighted on the EU proposal and thus having had limited opportunity to review prior to drafting the Explanatory Memorandum.

Whilst we do not have plans for formal consultation, as the EU's proposal develops we will continue to assess the impact from a UK GI policy perspective and liaise with interested stakeholders where necessary, including understanding the impact on producer groups. The GI enforcement regulations ([The Quality Schemes \(Agricultural Products and Foodstuffs\) Regulations 2018](#)) which define the requirements of those operating under the UK GI schemes in GB and the EU schemes in NI are due to be reviewed in 2023. As part of this review, we will consider whether the regulation remains fit-for-purpose in enabling effective control and enforcement in Northern Ireland and, in particular, whether specific amendments are required to cover online breaches.

Finally, it appears there may have been some misunderstanding regarding the "administrative burdens of the scheme" and the proposal "proving controversial amongst member states". This relates specifically to the Commission's proposal to outsource some administrative functions, such as scrutinising applications, to the EU Intellectual Property Office (EUIPO). This is intended by the EU to reduce the administrative burden and shorten the time required for applications to progress to registration. It is the outsourcing to EUIPO that has proved controversial with some member states, including calls to maintain the current procedure with technical and legal evaluation by agri-food policy experts within The European Commission, rather than outsourcing to other agencies. Feedback provided to the Commission can be viewed on their 'Have Your Say' page here: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12664-Food-drink-EU-geographical-indications-scheme-revision-_en

We do not plan to review this aspect of the proposal as it is concerned with the EU's internal administration of the scheme, largely empowering EU Member States to take their own decisions. Nonetheless, we will have interest in the effective and timely functioning of the scheme as a third country in respect to applications made to the EU from the UK as a third country for GB products to be registered under the EU scheme.

I trust this explanation provides the reassurance you need.

1 July 2022

**Letter from the Chair to Victoria Prentis MP, Parliamentary Under Secretary of State,
Department for Environment, Food and Rural Affairs**

Thank you for your letter, dated 1 July 2022, on the above Regulation with implications for Northern Ireland under the Protocol on Ireland/Northern Ireland. The House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland considered this document at its meeting on 20 July 2022.

We welcome your response on the feedback on the measures from officials at the Department of Agriculture, Environment and Rural Affairs (DAERA) and note the contents.

We note that you did not consult external stakeholders due to the limited time to review the proposals prior to drafting the Explanatory Memorandum. At the same time, we welcome your commitment to continue to assess the impact from a UK GI policy perspective and liaise with interested stakeholders where necessary, including understanding the impact on producer groups.

We have now completed our detailed scrutiny of this Regulation. We do note, however, that the GI enforcement regulations are due to be reviewed in 2023 and we would be grateful to be kept updated as and when the review takes place.

21 July 2022

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL LAYING DOWN TRANSITIONAL RULES FOR THE PACKAGING AND
LABELLING OF VETERINARY MEDICINAL PRODUCTS AUTHORISED IN
ACCORDANCE WITH DIRECTIVE 2001/82/EC AND REGULATION (EC) NO
726/2004 (6864/22)**

**Letter from the Chair to the Rt Hon Lord Benyon, Parliamentary Under Secretary of
State, (Minister for Rural Affairs, access to nature and Biosecurity), Department for
Environment, Food and Rural Affairs**

Thank you for your Explanatory Memorandum, dated 13 April 2022, on the above proposed Regulation for transitional rules for the packaging and labelling of veterinary medicinal products authorised in accordance with directive 2001/82/EC and regulation (EC) No 726/2004. The House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland considered this document at its meeting on 26 May 2022.

We would be grateful for clarification on the following matters.

We note that the temporary Regulation will apply retrospectively. Nevertheless, the EM states that there has been no consultation with stakeholders and that there will be “no economic or financial burdens as a result of this proposal.” We would be grateful if you could confirm what the practical and cost implications of this Regulation are for the farming industry and other key stakeholders?

We note that the Government is “urgently seeking a long-term solution that safeguards the availability of veterinary medicines in Northern Ireland.” In paragraph 13 of the EM you state that “As per Article 13(3) of the Protocol, the EU acquis in Annex 2 is automatically updated now that Regulation (EU) 2019/6 has come into force. However, while discussions on veterinary medicines continue between the UK and the EU, the Government does not propose to take steps to implement or supplement Regulation (EU) 2019/6 in Northern Ireland. This includes the transitional rules in Article 152, therefore, there are no current implications from the proposal as medicines may continue to be marketed in Northern Ireland in line with the packaging and labelling requirements under the previous legislation.” Can you explain why the Government has decided not to implement the Regulation for the moment? What impact will this have on the farming industry in the meantime?

In paragraph 15 you state that the Veterinary Medicines Directorate is currently in the process of reviewing and updating the Veterinary Medicines Regulations 2013 (VMR), which have effect in Great Britain. What impact will any divergence between Great Britain and Northern Ireland in relation to veterinary medicines have on Northern Ireland and in particular the farming industry? Will the public consultation on any changes to these Regulations include Northern Ireland?

We would be grateful for a response to this letter by 13 June 2022. In the meantime, we retain an active interest in this document.

30 May 2022