



Windsor Framework Democratic
Scrutiny Committee

OFFICIAL REPORT (Hansard)

Regulation (EU) 2024/3115 regarding Plant Health
Controls and Reporting Obligations: Department of
Agriculture, Environment and Rural Affairs

16 January 2025

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr David Brooks (Deputy Chairperson)
Dr Steve Aiken
Mr Jonathan Buckley
Mr Declan Kearney
Ms Kate Nicholl
Ms Emma Sheerin
Mr Eóin Tennyson

Witnesses:

Ms Charmaine Beer	Department of Agriculture, Environment and Rural Affairs
Mr John Joe O'Boyle	Department of Agriculture, Environment and Rural Affairs

The Deputy Chairperson (Mr Brooks): I welcome again John Joe O'Boyle, chief executive of Forest Service, and Charmaine Beer, head of plant division, from DAERA. I ask the officials to brief the Committee. Thank you.

Ms Charmaine Beer (Department of Agriculture, Environment and Rural Affairs): Thank you for the invitation to provide further information for your inquiry on regulation (EU) 2024/3115 on plant health of the European Parliament and of the Council of 27 November 2024, amending regulation (EU) 2016/2031 as regards multi-annual survey programmes; notifications concerning the presence of regulated non-quarantined pests (RNQP); 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 and the use of plant passports; certain reporting requirements for demarcated areas and surveys of pests; and amending regulation (EU) 2017/625 with regard to certain notifications of non-compliance.

As we stated last week, this regulation is amending legislation that sits under annex 2 of the Windsor framework. That is currently under the Secretary of State's control. The changes are to enhance effectiveness, transparency and practical implementation of the EU plant health regulatory system, but do not change overall plant health policy. It does not change the Windsor framework agreement for the movement of plants and plant products into Northern Ireland. Officials in the Department for Environment, Food and Rural Affairs (DEFRA) and DAERA have assessed that the regulation does not significantly differ, in whole or part, from the content and scope of the EU instrument that it amends or replaces, and that it would not have a significant impact that is specific to the everyday life of communities in Northern Ireland in a way that is liable to persist.

This regulation will apply to all EU member states and also to Northern Ireland as a result of the Windsor framework agreement. It amends EU 2016/2031, which is known as the EU plant health regulation on specific reporting requirements and procedures for implementing controls in respect of certain high-risk plants. It also amends regulation (EU) 2017/625, the official controls regulation (OCR), regarding specific notifications of non-compliance.

Following on from the evidence that we presented last week, we asked if there were specific questions which the Committee wanted us to respond to. The Committee forwarded eight questions, which I will now address. The first two questions relate to GB-NI trade movement — what is the volume of trade in plants moving from GB to NI, how much of that trade concerns plants moving with a Northern Ireland plant health label (NIPHL), and how much of that has to comply with red lane procedures? During the 2024 calendar year, a total of 10,763 consignments of plants were received at ports in Northern Ireland. That equates to an average of just over 200 consignments per week. Of that, 1,708 consignments of plant products were moved into Northern Ireland for use in the Northern Ireland market under the NIPHL scheme, otherwise known as the green lane procedure. The total number of consignments entering Northern Ireland using the red lane procedure was 9,055. That can be broken down further as follows: 7,536 consignments from GB under full OCR compliance; 236 consignments from the rest of the world; and 1,283 consignments destined for ROI that were transiting through Northern Ireland. It is important to note that many Northern Ireland businesses choose to bring consignments to Northern Ireland with phytosanitary certificates under OCR checks. That enables them to subsequently supply market opportunities for part or whole consignments to the EU, particularly the Republic of Ireland, at a later date.

The third question was as follows: if the legislation did not apply and, as a result, Northern Ireland was out of sync with the digital systems that are being set up under the legislation, what impact would that have on traders and businesses here? The introduction of the ePhyto digital system eliminates the need for a competent authority in GB to provide a scanned copy of the original phytosanitary certificate to a company making a consignment to a Northern Ireland point of entry, which reduces burden on business. Enabled by these amendments, the GB consignor can send the ePhyto reference number and date of issue to the Northern Ireland consignee, which can be used by DAERA as the competent authority. The operator responsible for the consignment can use the ePhyto as part of the pre-notification procedure, which can be available within an hour of confirmation of a satisfactory inspection of the consignment in GB. This negates time delays currently experienced for issue of hard copy phytosanitary certificates from the competent authority in GB prior to dispatch.

Feedback from ePhyto testers, including some Northern Ireland businesses, is that this represents a welcome improvement, in particular minimising time frames for movements of goods. Additionally, there are significant benefits to DAERA, as the competent authority, in streamlined digital reporting. Improving swifter reporting and dissemination of information on plant health increases the capacity and speed to act to reduce risk to plant health security for agriculture, forestry and horticulture businesses, which is beneficial.

The fourth and fifth questions are, "Can you give us an update on the UK Government's position on regulated non-quarantined pests? The explanatory memorandum (EM) produced when the Act was at a proposal stage stated that this policy area was under review. Do you expect the Government to introduce similar requirements for RNQPs for plants entering the GB market?" We have no further update to provide on this other than what is stated in the EM provided to you which indicated that RNQP is still under review by the UK Government.

The sixth and seventh questions both relate to plant health common framework matters: "To what extent do existing requirements relating to the import of plants and plant products vary across the UK? What impact would the regulation have on the operation of the common framework and on regulatory divergence within the UK?" The common framework recognises the scope of divergence across UK nations in line with devolved Administrations' respective legislative requirements. This regulation has no impact on the operation of the common framework and does not change the extent of any regulatory divergence. It makes technical and procedural amendments to the existing regulations.

The final question received from the Committee was: "Can you tell us about your discussions with DEFRA on the regulation?" The plant health team in DAERA has had recent discussions with plant health policy counterparts in DEFRA to discuss the impact of this EU regulation in GB and NI. As you are aware, DEFRA provided an explanatory memorandum on this regulation, describing the anticipated implications for the UK. Their development of the EM included discussions with DAERA plant health officials. The impact assessment that you received last week was drafted by DEFRA and DAERA. Both agreed the low impact of the regulation, concluding that this was not introducing any

plant health policy changes but improved procedural aspects of implementing the existing plant health regulation, EU 2016/2031. Shared common benefits were noted in the digitisation of returns from competent authorities, the use of ePhytos, the change to import prohibitions and derogations, the removal of some NI reporting requirements and a reduction in the frequency of others.

I trust that this information is useful for your inquiry and we are happy to take any further questions, Chair.

The Deputy Chairperson (Mr Brooks): Thank you very much.

Mr Buckley: Thank you very much. I felt that that was very useful, particularly the way in which the questions from the previous session were answered like that, personally. That is the first time that I have seen that done by witnesses, so thank you for it. If possible — if that was the case again and it was prepared in advance — would it be possible for the Committee to be given that briefing? I do not have it in my pack. It would be interesting, because some of the figures that you quoted could be used in follow-up questions. Maybe you would supply that.

I have just a couple of extra questions. In relation to the level of trade, have you any statistics — you may not have them to hand — that relate to business to consumer in relation to plant movements from GB to Northern Ireland, and the level that that was at pre withdrawal agreement, protocol or Windsor framework and post, for interest? The other question in relation to that would be the number of high-risk plants that existed pre withdrawal agreement, protocol or framework and post, for comparison.

That is about it from me. I do not expect you to have those figures off hand, but they can be supplied.

Ms Beer: OK, yes. Your second question was high-risk plants before and after?

Mr Buckley: Yes, from GB.

Ms Beer: We will have to come back to you with some of these details.

The Deputy Chairperson (Mr Brooks): Are there any further questions? No? Thank you. As colleagues said, thank you for the nature of your presentation. It was much appreciated. A lot of the questions that might otherwise have been asked have been dealt with comprehensively. Thank you very much, and I will let you get on with your day.

Ms Beer: Thank you all.