

COMMITTEE FOR AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS

MINUTES OF PROCEEDINGS

THURSDAY 21 JANUARY 2021
ROOM 30, PARLIAMENT BUILDINGS

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

The Committee commenced at 10.04 a.m. in Open Session

1. Apologies

None.

2. Chairperson's Business

Agreed: The Committee agreed to forward copies of the Committee correspondence that issued to HMRC, Minister Gove, Minister Haughton and the Trader Support Service to the

Assembly EU Officer, the Executive Officer, the Infrastructure and Economy committees for their information.

3. Minutes of the meeting held on 14 January and 19 January 2021

Agreed: The Committee agreed the minutes of the meeting held on 14 and 19 January 2021.

4. Matters arising

Noted: The Committee noted the RalSe PowerPoint presentation which accompanied the briefing at the meeting on 14 January 2021 on Agricultural Policy Developments in UK, Ireland and other selected jurisdictions.

Noted: The Committee noted the RalSe briefing paper on the UK Shared Prosperity Fund.

5. Oral Evidence Session Loughs Agency: Role and Remit and update on Mourne Beg River incident

The following officials joined the meeting via StarLeaf at 10.06 a.m.

Mark Wright, Head of Conservation Designation & Protection, DAERA
John McCartney, Director of Conservation & Protection, Loughs Agency
JP O'Doherty, Acting Corporate Services Director, Loughs Agency

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

Mr Blair joined the meeting at 10.09 a.m.

Mr McGlone joined the meeting at 10.09 a.m.

Mr Bradley joined the meeting at 10.10 a.m.

The oral evidence session was reported by Hansard.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed to write to the Loughs Agency through the Department on a range of issues as discussed during the meeting.

6. Oral Evidence Session DAERA: Common Frameworks

The following departmental officials joined the meeting via StarLeaf at 11.09 a.m.

Dr Rosemary Agnew, Director of Brexit, Food & Farming Group
Julie-Ann Moorehead, Brexit Senior Advisor

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

The oral evidence session was reported by Hansard.

Mr McAleer left the meeting at 11.23 a.m.

Mr McGuigan assumed the Chair.

Mr McAleer rejoined the meeting at 11.27 a.m. and resumed the Chair.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed to write to the Department to request the list of priority Common Frameworks in respect of trade issues which has been agreed by the Executive.

7. SR 2020/328: The Horses (Free Access to Competitions) Regulations (Northern Ireland) 2020

The Committee considered SR 2020/328: The Horses (Free Access to Competitions) Regulations (Northern Ireland) 2020 which will amend domestic legislation relating to equine access to competitions to enable DAERA to reserve a portion of the prize money from certain categories of competitions for specific purposes and introduce Council Directive 90/428/EC which prohibits discrimination in relation to equine competitions with regard to the rules of entry, judging and awarding of prize money.

Noted: The Committee noted that the Examiner of Statutory Rules has indicated that there are a number of technical issues with the numbering within the SR and that Department is working on resolving this.

Question put and agreed:

‘That the Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/328: The Horses (Free Access to Competitions) Regulations (Northern Ireland) 2020 and, subject to the Examiner of Statutory Rules Report, has no objections to the rule’.

8. SR 2020/345: The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020

Noted: The Committee noted the clarification from the Department which confirmed that by virtue of the Packaging and Packaging Waste Directive listed in Annex 2 of the Protocol. The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007, as amended, must and will continue to transpose and follow EU law.

Question put and agreed:

‘That the Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/345: The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 and, has no objection to the Rule’.

Mrs Barton raised an objection to the SR on the grounds of the Protocol.

9. SR 2020/359: The Marketing of Seed Potatoes and Propagating Material Regulations (Northern Ireland) 2020

Agreed: The Committee agreed to defer consideration of the SR until the Examiner of Statutory Rules has issued her report which will be available for the meeting on 28 January 2021.

10. SR 2020/360: The Official Controls (Plant Protection Products) Regulations (Northern Ireland) 2020

Agreed: The Committee agreed to defer consideration of the SR until the Examiner of Statutory Rules has issued her report which will be available for the meeting on 28 January 2021.

11. SR 2020/324: The Agriculture, Animals and Aquaculture (Health, Identification, Welfare and Trade etc.) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

The Committee considered SR 2020/324: The Agriculture, Animals and Aquaculture (Health, Identification, Welfare and Trade etc.) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 which will ensure that subordinate legislation relating to animal health and welfare, alien and locally absent species in aquaculture, common marketing organisation and CAP will continue to operate following the Transition Period and aligns with EU obligation in accordance with the Protocol.

Question put and agreed:

'That the Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/324: The Agriculture, Animals and Aquaculture (Health, Identification, Welfare and Trade etc.) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 and has no objection to the rule'.

Mrs Barton raised an objection to the SR on the grounds of the Protocol

12. SR 2020/353: The Animals (Health, Identification, Trade and Veterinary Medicines (Amendment) (EU Exit) Regulations (Northern Ireland) 202d

Agreed: The Committee agreed to defer consideration of the SR until the Examiner of Statutory Rules has issued her report which will be available for the meeting on 28 January 2021

13. SR 2020/327: The Plant and Animal Health (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

Noted: The Committee noted that draft affirmative SR has now been laid in the Business Office.

14. SR 2020/333: The Alien and Locally Absent Species (Aquaculture) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

Noted: The Committee noted that the draft affirmative SR has now been laid in the Business Office.

15. SR 2020/339: The Marketing of Plants and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

Noted: The Committee noted that the draft affirmative SR has now been laid in the Business Office.

16. Written Briefing DAERA: Avian Influenza Outbreak in Northern Ireland 2020/21

Agreed: The Committee noted the departmental written briefing on the Avian Influenza Outbreak and agreed to forward a number of questions to the Department for answer.

17. Written Briefing DAERA: Statutory Instrument – The Greenhouse Gas Emissions (Kyoto Protocol Registry) (Amendments) (EU Exit) Regulations 2021

The following departmental officials joined the meeting at 12.07 p.m.

John Mills, Head of Environmental Policy
Richard Coey, Brexit Environment and EU ETS Team

The officials answered a number of questions in relation to the implications for the UK Trading Scheme and the Protocol.

Agreed: The Committee wishes it to be clearly understood that due to the lack of information on SI The Greenhouse Gas Emissions (Kyoto Protocol Registry) (Amendments) (EU Exit) Regulations 2021 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.

18. Correspondence

The Committee noted the following:

- i. The Departments' Rural Needs Monitoring Report 1 April 2019-31 March 2020.
- ii. Correspondence from the Committee for the Executive Office on a range of issues it has raised with Minister Gove.
- iii. Correspondence from RaISe on the November departmental forecasting and analysis dashboard showing capital and resource expenditure.
- iv. Correspondence from the Department on issues raised at the Committee meeting on 17 December 2020 in respect of EU Exit matters.
- v. Correspondence from the Department on its document on The Sampling Methodology Used for the Selection of Farms for Inspection.
- vi. Correspondence from the Department on issues raised at the Committee meeting on 30 January 2021 in respect of plastic recycling matters.
- vii. Correspondence from the House of Lords EU Committee on issues it has raised with the Finance Secretary to the Treasury on exit summary declarations.
- viii. Correspondence from the House of Lords EU Committee to Michael Gove MP on operation of the Protocol in respect of shortages of products in NI supermarkets.
- ix. Correspondence from Michael Gove MP to the House of Lords EU Committee on issues raised around scrutiny of the Protocol and EU legislation.

- x. Correspondence from the Department on issues raised at the Committee meeting on 10 September 2020 in respect of the temporary closure of Cranswick Country Foods; the report on the Water Framework Directive; and the Lough Neagh Fishermen proposed financial scheme.
- xi. Correspondence from the Department on a Committee Member's query on contact details for the Trader Support Service;
- xii. Correspondence from the Committee for the Executive Office on Committee Scrutiny of Common Frameworks.
- xiii. Correspondence from the Agricultural Wages Board on its Report of Proceedings for the Two Years Ended 31 December 2019;
- xiv. Correspondence from the Committee for Finance on correspondence it considered from the Committee for Infrastructure on January monitoring and the failure of provision of a briefing in a timely manner.
- xv. The 20th Report from the Examiner of Statutory Rules in which no attention has been drawn to SRs 2020/303, 304 and 319, which the Committee has already considered.

The Committee considered correspondence from the Department on issues raised at the Committee meeting on 17 December 2020 in respect of the number of CAFRE students living in rural areas who may be at a disadvantage than their urban counterparts.

Agreed: The Committee agreed to forward the information provided by the Department to Committee for the Economy for information.

19.AOB

Agreed: The Committee agreed to write a letter to the Minister regarding his recent diagnosis of illness.

Agreed: The Committee agreed to write to the Minister for Infrastructure regarding a number of planning related matters which have been highlighted in the oral briefing by Loughs Agency.

20.Date and time of the next meeting

The next meeting of the Committee for Agriculture, Environment and Rural affairs will take place on Thursday 28 January 2021 at 9.30 a.m. in Room 30, Parliament Buildings.

Agreed: The Committee agreed to move into Closed Session to discuss the Forward Work Programme.

The meeting moved into Closed Session at 12.15 p.m.

21. Forward Work Programme

The Committee considered the draft Forward Work Programme.

Agreed: The Committee agreed its forthcoming priorities, which briefing sessions would be oral or written and its approach to consideration of Common Frameworks.

Agreed: The Committee agreed to consider fully virtual committee meetings.

Agreed: The Committee agreed the draft Forward Work Programme.

The meeting adjourned at 12.42 p.m.

Declan McAleer, Chairperson, Committee for Agriculture and Rural Development

Date