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GENERAL COMMITTEES

Public Bill Committee

AGRICULTURE BILL

Eleventh Sitting

Thursday 5 March 2020

(Morning)

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Monday 9 March 2020

The Committee consisted of the following Members:

Chairs: † Sir David Amess, Graham Stringer

† Brock, Deidre *(Edinburgh North and Leith)* (SNP)
† Clarke, Theo *(Stafford)* (Con)
Courts, Robert *(Witney)* (Con)
† Crosbie, Virginia *(Ynys Môn)* (Con)
† Debbonaire, Thangam *(Bristol West)* (Lab)
† Dines, Miss Sarah *(Derbyshire Dales)* (Con)
Doogan, Dave *(Angus)* (SNP)
† Goodwill, Mr Robert *(Scarborough and Whitby)* (Con)
† Jones, Fay *(Brecon and Radnorshire)* (Con)
† Jones, Ruth *(Newport West)* (Lab)
† Jupp, Simon *(East Devon)* (Con)
† Kearns, Alicia *(Rutland and Melton)* (Con)
† Kruger, Danny *(Devizes)* (Con)
† McCarthy, Kerry *(Bristol East)* (Lab)
† Morris, James *(Halesowen and Rowley Regis)* (Con)
Oppong-Asare, Abena *(Erith and Thamesmead)* (Lab)
† Prentis, Victoria *(Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs)*
† Whittome, Nadia *(Nottingham East)* (Lab)
† Zeichner, Daniel *(Cambridge)* (Lab)

Kenneth Fox, Kevin Maddison, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 5 March 2020

(Morning)

[Sir David Amess *in the Chair*]

Agriculture Bill

11.30 am

The Chair: Good morning everyone for what might be the last day of consideration in Committee of the Agriculture Bill. The selection list for today's sitting is available in the room.

Clause 40

Power to make regulations for securing compliance with WTO Agreement on Agriculture: general

Deidre Brock (Edinburgh North and Leith) (SNP): I beg to move amendment 31, in clause 40, page 36, line 20, at end insert—

"(1A) Regulations under this section containing provision that extends to Scotland may be made only with the consent of the Scottish Ministers."

This amendment would require that the power to make regulations extending to Scotland can only be exercised with the consent of Scottish Ministers.

The Chair: With this it will be convenient to discuss amendment 99, in clause 40, page 36, line 20, at end insert—

"(1A) No regulations may be made under this section unless the Secretary of State has consulted each devolved authority on a draft of the regulations."

Deidre Brock: I will be brief, because this is basically a rerun of arguments I have made in Committee on earlier amendments on Scottish Ministers getting a say over areas of devolved competence. We are concerned that the views of Scottish Ministers might be overlooked or overruled in future. In our view, the agreement of Scottish Ministers should be sought in all areas of devolved competence. Again, I cannot see why it is possible in other Bills being scrutinised by this Parliament to insert that the agreement of the devolved Administrations is required, not simply that their views will be taken into account, only for that perhaps to be subsequently ignored by this or future Secretaries of State. I will leave it there, but our views on the issue are particularly clear. I am interested to hear what the Minister has to say in response.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis): It is a pleasure to be back for a busy day in the Agriculture Bill Committee.

We do not dispute that agriculture is a devolved matter. However, this particular provision is about ensuring UK-wide compliance with an international agreement. That responsibility is, rightly, reserved to the UK Government. This is not about whether the devolved Administrations have the competence to implement and observe international agreements; it is about ensuring UK-wide compliance in an international sphere.

We therefore maintain that the clause is reserved, and we cannot concede that the regulations may be made only with consent from Scottish Ministers, because that would impinge on our powers to ensure our compliance with the World Trade Organisation agreement. We recognise that devolved Administrations have significant interests in these matters, and we are working closely with those Administrations on the draft regulations. We have made a firm commitment to consultation now and in future in the making and operation of the regulations.

Turning to amendment 99, the clause underpins the Government's commitment to continued compliance with WTO regulation following European Union exit. The UK is a founding member of the WTO, but, as a member of the EU, was bound by the regulations of the common agricultural policy, which ensured compliance by all member states with WTO obligations. Outside the common agricultural policy, we will have to have a new regime and a new approach to ensuring compliance with our continuing WTO obligations.

Agriculture is devolved in the UK, so each Administration will decide their own future policy on farm subsidies. The clause allows each Administration to do that, but it gives the Government powers to ensure UK-wide compliance with WTO obligations. We will continue to work closely with devolved Administrations officials, as we have been doing for more than a year. I am assured that the relationship is good and that that work is going well. It is important to ensure that all parties' views are properly considered.

An agreement between the Department for Environment, Food and Rural Affairs and the Welsh Government contains commitments that the draft regulations will be presented to the UK's four Agriculture Ministers with the aim of securing agreement, followed by an exchange of letters. In that context, I ask that the hon. Lady withdraw her amendment.

Thangam Debbonaire (Bristol West) (Lab): I rise to speak—I am double hatted—not as a Whip, but as a shadow Minister with responsibility for European affairs, formerly Brexit, which I still am at the moment.

I shall speak to amendment 99, which I hope will offer a balance. The Minister obviously understands that we recognise that WTO compliance is a reserved matter, but also that agriculture is devolved. We therefore feel that placing requirements on the devolved legislatures, without a corresponding requirement on the Government to at least consult them, is not fair. This is a delicate balance to strike, and we feel that amendment 99 is a balanced way forward.

It is interesting that clauses 40 to 42 will mean that we have to adhere to WTO rules—specifically, the agreement on agriculture. They bind us to supranational rules, which is an interesting take on where we are as a country, given that so many Ministers and Brexit-supporting MPs have for many years made the Brexit case by stating, and in fact restating, their devotion to sovereignty and their desire for the UK Parliament to have complete control of our laws, borders and money, to use a phrase, which they appeared to want. However, here we are putting into legislation the requirement to adhere to a supranational, unelected body, with its own court of dispute resolution, the findings of which we will all be bound by. I want to make sure that Government Members are aware of that.

Victoria Prentis *indicated assent.*

Thangam Debbonaire: Good. Excellent. We have that on the record. I happen to like supranational rules—provided that nation states have debated and agreed to them—which advance the course of human wellbeing, equality, sustainable development, animal welfare, biodiversity and all those other wonderful things that the Bill will put into law. I would like us to amend the Bill with amendment 99, so that the way we do that balances out the responsibilities between the nations of the United Kingdom.

Signing up to an international treaty is not a loss of sovereignty—clearly the Government agree in relation to the WTO, which is quite interesting—but an exercise of it. We believe that co-operation with other nation states is good. Contrary to what some have said, nations do not do better when they isolate themselves from supranational co-operation; I definitely heard a Minister say that recently.

I am curious, because it appears from these clauses—I might have this wrong—that the Government seem to want to take back control not to share that control with the nations of the UK, but to concentrate power in ministerial hands. We would like to make sure that that power is properly shared with our elected representatives in the regions and nations.

Clauses 40 to 42 are perfect examples of that concentration, because they give Ministers the power to make demands of the elected legislatures on a devolved matter, but with no reciprocal requirement on the Government to involve or even consult those legislatures. Given that the previous Government found that the WTO-only option was most damaging to the economy, and that the current Government do not seem to want to release any more recent assessment of the impact of downgrading our ambition to the much inferior WTO-only agreement, we think it even more necessary to make sure that our devolved legislatures are properly consulted.

WTO means tariffs on some products and a regime for which our farms are not ready. The amendment cannot fully ameliorate the potential damage to our economy and farms from reverting to a WTO-only deal, but it would at least mean that the devolved legislatures were properly involved.

During the evidence session, I asked the Welsh Government's director of environment and rural affairs whether he wanted a requirement for the Secretary of State to consult the devolved legislatures on the operation of those provisions. I said:

"This is about classifying domestic support in so far as it affects the agreement on agriculture and relates to our position in the WTO. It is a very specific question: do you think that Wales—and Scotland and Northern Ireland—should be consulted, as well as required to provide information?"

He said:

"This is an issue that we had extensive conversations with the Minister about"—

I am absolutely sure that that is true—

"regarding the equivalent text in the previous version…we would love a consent provision".

He also said that

"in the context of the last Bill we came to a bilateral agreement between the UK Government—the Department for Environment, Food and Rural Affairs—and the Welsh Government on how the provisions would be operated in practice. The Minister"—

that is the previous Minister, who is now Secretary of State—

"has confirmed to us that that agreement will be carried over with this Bill. We look forward to him"—

presumably, this now means the new Minister—

"making that statement again during this stage of the Bill or at a later stage in the House, about how we would work together on that, about the advice and about, were there to be disagreement, our opposition being formally presented to the House of Commons to be part of your decision-making process."

He wanted there to be a way that any opposition by a devolved legislature could be presented to the House of Commons. He said:

"We have agreed a way of working to ensure that that voice is heard effectively."

I do not doubt that, but when I asked him again about what that agreed way of working was, saying that it was not in the Bill, he confirmed that it is not in the Bill, but said:

"It is an exchange of letters".—[*Official Report, Agriculture Public Bill Committee,* 13 February 2020; c. 94, Q145-46.]

Exchange of letters is a good thing, but it is not legally binding. Bilateral conversations, again, are a good thing, and I have absolutely no doubt that DEFRA, the Welsh Government and other devolved Administrations are consulting properly, but we want this in the Bill, because an exchange of letters is not adequate. It relies on the good will of Ministers. I have no doubt that the Minister has good will towards all the devolved nations, but we want to ensure that that good will is bound into law with a modest requirement to consult the devolved legislatures.

I ask Government Members, and the Minister, to note that the backdrop to these clauses is that the WTO now appears to be no longer just the backstop, but the frontstop—I do not know whether there is such a thing as a frontstop, but this seems to me to be a problem, because that is the worst of all the possible options identified by the previous Government. At the very least, we should be ensuring that our devolved legislatures are properly consulted.

Victoria Prentis: Very briefly, the hon. Lady has made an entertaining speech, in which, I politely suggest, she is trying on this particular issue to have her cake and eat it. The reason we cannot agree to these amendments—though we share her views on the importance of talking to and consulting with devolved Administrations; I do not think there is any doubt in this room about that—is that we keep as a reserved matter compliance with WTO rules. We are absolutely part of the WTO; she is right on that. I take on the chin her sharper comments about whether that is fully understood, but it is certainly understood by those on the Government Benches, and she should be in no doubt about that.

On the hon. Lady's specific point about what Mr Render said in evidence and the assurance given by my predecessor, who is now Secretary of State, I am happy to look at whether we should restate that commitment, and I undertake to do so.

Thangam Debbonaire: I completely understand that agriculture is devolved and compliance is reserved. That is why our amendment would require consultation to take place. It would not be a veto on the part of the

[Thangam Debbonaire]

devolveds, which I understand others might wish to have. I would like the Minister to consider that as a compromise.

Victoria Prentis: We need to ensure that the provisions made under the clause are fair and proportionate. We want to involve devolved Administrations and I have set out how we intend to do so. In my view, that is adequate, so I ask the hon. Member for Edinburgh North and Leith to withdraw her amendment.

Deidre Brock: I agree with the hon. Member for Bristol West that power is being concentrated under this clause towards the UK Government and the Secretary of State. Once again—when there is a common view among the four National Farmers Unions of the four nations that any common frameworks covering anything to do with agriculture must be agreed, not simply consulted upon—I fail to see why this quite reasonable suggestion is continually disagreed with by Ministers.

I speak here, I suppose, on behalf of the Scottish Government, rather than every devolved Administration, because I would not presume to do that. However, I assume that they feel exactly the same and follow the views of their National Farmers Unions as well. The possibility exists within this clause and others for our Ministers' policy choices to be constrained. Those policy choices reflect closely the conditions of their own nations, and they must be taken into account. Their views must be listened to and their agreement sought.

That is why, although I agree with much of what the hon. Member for Bristol West has said, properly involving the devolved Administrations means respecting their wishes and seeking their consent, rather than simply seeking to consult with them but ultimately, perhaps, ignoring them. I will therefore push the amendment to a vote.

11.45 am

Question put, That the amendment be made.

The Committee divided: Ayes 1, Noes 9.

Division No. 25]

AYES

Brock, Deidre

NOES

Clarke, Theo
Crosbie, Virginia
Dines, Miss Sarah
Goodwill, rh Mr Robert
Jones, Fay
Kearns, Alicia
Kruger, Danny
Morris, James
Prentis, Victoria

Question accordingly negatived.

Amendment proposed: 99, in clause 40, page 36, line 20, at end insert—

"(1A) No regulations may be made under this section unless the Secretary of State has consulted each devolved authority on a draft of the regulations."—*(Thangam Debbonaire.)*

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 10.

Division No. 26]

AYES

Debbonaire, Thangam
Jones, Ruth
McCarthy, Kerry
Whittome, Nadia
Zeichner, Daniel

NOES

Brock, Deidre
Clarke, Theo
Crosbie, Virginia
Dines, Miss Sarah
Goodwill, rh Mr Robert
Jones, Fay
Kearns, Alicia
Kruger, Danny
Morris, James
Prentis, Victoria

Question accordingly negatived.

Clause 40 ordered to stand part of the Bill.

Clause 41 ordered to stand part of the Bill.

Clause 42

REGULATIONS UNDER SECTION 40: CLASSIFICATION OF DOMESTIC SUPPORT AND

PROVISION OF INFORMATION

Deidre Brock: I beg to move amendment 32, in clause 42, page 38, line 17, leave out from "support" to end of line 19.

This amendment would remove the role of the Secretary of State as final arbiter in dispute resolution.

The Chair: With this it will be convenient to discuss amendment 33, in clause 42, page 38, line 20, leave out subsections (4) and (5).

This amendment would remove the requirement to provide information to the Secretary of State.

Deidre Brock: These amendments once again go to the heart of the devolved settlement, and the question of whether for Scotland, "taking back control" means actually taking back control. The principle is that Scotland should be the arbiter of her own schemes and provisions, and should decide what is covered in them. There should be no role for a Secretary of State in the UK Government to be an overlord for Scotland's agricultural sector, or for its support schemes. It makes sense for Scottish Ministers, overseen by the Scottish Parliament, to make those decisions.

I appreciate that, as we have already heard, the opinion of the UK Government is that compliance with the WTO agreement is an international obligation, and that the final decision should rest with them. I remind them that the Scottish Administration have had cases where they have been held liable for infringements of international agreements. I argue that Scotland's Government should not be reliant on the UK Government to get those decisions right in order to avoid being stung by the consequences. Scotland is more than capable, I assure all hon. Members, of getting these things absolutely right on its own.

Mr Robert Goodwill (Scarborough and Whitby) (Con): It seems somewhat ironic that with all those policies, the Scottish National party would abdicate the decisions to

Brussels; certainly on agriculture and fisheries policies, particularly those involving trade, Brussels would be making the important decisions.

Deidre Brock: I am not really inclined to rehearse all the arguments of the Brexit situation back and forth—they have been ongoing for some time. I am certain the right hon. Gentleman is well aware of the Scottish Government's views on these issues, as well as those of the SNP group at Westminster.

I will refrain from pointing out that the WTO is falling apart at the moment, unfortunately, as a result of the actions of the US President, because that would be beneath my dignity, but it should be borne in mind that without a tribunal system, the WTO simply does not function. The point of the amendments is simply to ensure that Scotland has the freedom of movement to ensure that it complies with the agreements, whether or not the UK does. That seems a very fair and equitable way to do things. I hope the Minister will take that into consideration and agree to my proposals.

Thangam Debbonaire: I wish to make a few remarks on amendments 32 and 33. We will not support amendment 32 because it provides a veto for Scotland on the reserved matter of WTO compliance. The hon. Lady is right about the WTO; we could have a whole discussion about why and how we have ended up with the WTO and where we seem to be going, but today is not the day for that.

On amendment 33, we still feel that our amendment to clause 40 would have provided a good compromise of a consultation process, whereas the SNP amendment removes the requirement on the devolved Administrations to provide that information. It would have been better to be more balanced. We will not vote against that amendment, but we wish the Minister to take into account the fact that we offered a compromise in amendment 99, and we urge her to consider that at a later stage.

Victoria Prentis: Starting with amendment 32, now that the UK has left the EU, we have become a fully independent member of the WTO. That means that the UK Government are responsible for ensuring that the whole of the UK complies with its obligations. In fully federal countries such as the USA and Canada, the WTO always insists that agricultural trade is reserved—that is how the WTO functions with federal states. One of the UK Government's obligations under WTO rules is to notify the UK's use of agricultural support to the WTO membership. It is essential that the nations of the UK take a consistent approach to classifying agricultural support in accordance with those requirements.

Clause 42 provides for a decision-making process that will, quite properly, involve all four nations of the UK. That will be set out in regulations made under the clause. Where a decision cannot be reached through that process, the UK Government, as the hon. Member for Bristol West said, must ultimately be responsible for the final decision, but we hope that agreement can be reached. The amendment would remove the safeguard of final decision making from the Secretary of State and potentially impede our ability to comply with WTO obligations where we cannot reach agreement, although we hope that we will.

Turning to amendment 33, the whole clause must be read in the context of "securing compliance" with the WTO agreement on agriculture, which is incontrovertibly a reserved matter. We need to be able to reassure WTO members that, despite the unusual degree of agricultural devolution in the UK, we have the means to ensure that we will have the relevant data to be able to comply. The amendment would remove the Secretary of State's ability to make regulations for securing, from any part of the UK, the information necessary for the UK Government to meet those international obligations. I therefore ask the hon. Member for Edinburgh North and Leith to withdraw the amendment.

Deidre Brock: I heard what the Minister said and we are clearly having great difficulty in coming to an agreement between the two Governments and between us on the Committee. From my point of view, decision-making powers that allow not for agreement but simply for consultation do not seem fair or equitable, so I will press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 1, Noes 15.

Division No. 27]

AYES

Brock, Deidre

NOES

Clarke, Theo
Crosbie, Virginia
Debbonaire, Thangam
Dines, Miss Sarah
Goodwill, rh Mr Robert
Jones, Fay
Jones, Ruth
Jupp, Simon
Kearns, Alicia
Kruger, Danny
McCarthy, Kerry
Morris, James
Prentis, Victoria
Whittome, Nadia
Zeichner, Daniel

Question accordingly negatived.

Amendment proposed: 33, in clause 42, page 38, line 20, leave out subsections (4) and (5)—*(Deidre Brock.)*.

This amendment would remove the requirement to provide information to the Secretary of State.

The Committee divided: Ayes 1, Noes 10.

Division No. 28]

AYES

Brock, Deidre

NOES

Clarke, Theo
Crosbie, Virginia
Dines, Miss Sarah
Goodwill, rh Mr Robert
Jones, Fay
Jupp, Simon
Kearns, Alicia
Kruger, Danny
Morris, James
Prentis, Victoria

Question accordingly negatived.

Clause 42 ordered to stand part of the Bill.

Clause 43 ordered to stand part of the Bill.

Schedule 5

PROVISION RELATING TO WALES

Amendments made: 65, in schedule 5, page 58, line 18, leave out from "scheme" to end of line 20 and insert

', so far as it operates in relation to Wales, for or in connection with making changes the Welsh Ministers consider would serve any one or more of the following purposes—

(a) simplifying the administration of the scheme or otherwise making its operation more efficient or effective;

(b) removing provisions which are spent or of no practical utility;

(c) removing or reducing burdens, or the overall burdens, on persons applying for, or entitled to, direct payments under the scheme or otherwise improving the way that the scheme operates in relation to them;

(d) securing that any sanction or penalty imposed under the scheme is appropriate and proportionate;

(e) limiting the application of the scheme to land in Wales only.'.

This amendment and Amendments 66 and 67 amend the powers of the Welsh Ministers to make regulations modifying legislation governing the basic payment scheme in relation to Wales. The amendments take account of changes to clause 9, which confers similar powers on the Secretary of State in relation to England.

Amendment 66, in schedule 5, page 58, line 23, leave out from "Wales" to end of line 24 and insert

'so long as that provision does not reduce the amount of a direct payment to which a person would have been entitled had the provision not been made.'.

See the explanatory statement for Amendment 65.

Amendment 67, in schedule 5, page 58, line 24, at end insert—

'(2A) In this paragraph, "burden" includes—

(a) a financial cost;

(b) an administrative inconvenience;

(c) an obstacle to efficiency, productivity or profitability.'

See the explanatory statement for Amendment 65.

Amendment 68, in schedule 5, page 59, line 12, after "modify" insert

'the following legislation so far as it operates in relation to Wales'.

This amendment and Amendments 69 to 73 amend the powers of the Welsh Ministers to make regulations modifying certain legislation governing payments to farmers and others as it operates in relation to Wales. The amendments take account of changes to clause 14, which confers similar powers on the Secretary of State in relation to England.

Amendment 69, in schedule 5, page 59, line 16, leave out "the purpose of" and insert

"or in connection with making changes that the Welsh Ministers consider would serve any one or more of the following purposes".

See the explanatory statement for Amendment 68.

Amendment 70, in schedule 5, page 59, line 18, leave out "in relation to Wales, or"

See the explanatory statement for Amendment 68.

Amendment 71, in schedule 5, page 59, line 19, leave out paragraph (b) and insert—

'(b) simplifying the operation of any provision of such legislation, or making its operation more efficient or effective;

(c) removing or reducing burdens, or the overall burdens, imposed by such legislation on persons applying for, or in receipt of, payments governed by the legislation, or otherwise improving the way that the legislation operates in relation to such persons;

(d) securing that any sanction or penalty imposed by such legislation is appropriate and proportionate.'.

See the explanatory statement for Amendment 68.

Amendment 72, in schedule 5, page 59, line 21, after "paragraph" insert—

'"burden" includes—

(a) a financial cost;

(b) an administrative inconvenience;

(c) an obstacle to efficiency, productivity or profitability;'.

See the explanatory statement for Amendment 68.

Amendment 73, in schedule 5, page 59, line 26, at end insert—

'(c) the legacy regulations.

'(3A) In sub-paragraph (3), the "legacy regulations" means retained direct EU legislation relating to the financing, management and monitoring of the common agricultural policy that preceded Regulation (EU) No 1306/2013 and includes—

(a) Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy;

(b) Commission Regulation (EC) No 1975/2006 of 7 December 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures;

(c) Commission Regulation (EU) No 65/2011 of 27 January 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures.'.

See the explanatory statement for Amendment 68.

Amendment 61, in schedule 5, page 61, line 30, leave out "the National Assembly for Wales" and insert "Senedd Cymru".—*(Victoria Prentis.)*

See the explanatory statement for Amendment 51.

Schedule 5, as amended, agreed to.

Clause 44 ordered to stand part of the Bill.

Clause 45 ordered to stand part of the Bill.

Schedule 6 agreed to.

Clause 46 ordered to stand part of the Bill.

Clause 47

REGULATIONS

12 noon

Amendments made: 54, in clause 47, page 41, line 3, leave out

"the National Assembly for Wales"

and insert "Senedd Cymru".

See the explanatory statement for Amendment 51.

Amendment 55, in clause 47, page 41, line 16, leave out

"the National Assembly for Wales"

and insert "Senedd Cymru".—*(Victoria Prentis.)*

See the explanatory statement for Amendment 51.

Clause 47, as amended, ordered to stand part of the Bill.

Clause 48

INTERPRETATION

Amendment made: 56, in clause 48, page 41, line 46, leave out

"the National Assembly for Wales"

and insert "Senedd Cymru".—*(Victoria Prentis.)*

See the explanatory statement for Amendment 51.

Clause 48, as amended, ordered to stand part of the Bill.

Clause 49 ordered to stand part of the Bill.

Schedule 7 agreed to.

Clause 50

POWER TO MAKE CONSEQUENTIAL ETC PROVISION

Amendment made: 95, in clause 50, page 42, line 31, at end insert—

(ia) section 32(3) and (4), so far as relating to Wales,".—*(Victoria Prentis.)*

This amendment makes the Welsh Ministers responsible for making provision under clause 50 in connection with clauses 32(3) and (4) as they apply in relation to Wales.

Clause 50, as amended, ordered to stand part of the Bill.

Clauses 51 and 52 ordered to stand part of the Bill.

Clause 53

COMMENCEMENT

Amendments made: 96, in clause 53, page 43, line 35, leave out paragraph (c).

This amendment removes clause 53(2)(c) which is superseded by the words proposed to be inserted in clause 53(2)(d) by Amendment 97.

Amendment 97, in clause 53, page 43, line 36, at end insert—

(ia) section 32(3) and (4),".

This amendment limits the Secretary of State's power to commence clause 32(3) and (4) to those provisions as they apply in relation to England.

Amendment 98, in clause 53, page 44, line 3, at end insert—

(ia) section 32(3) and (4),".—*(Victoria Prentis.)*

This amendment makes the Welsh Ministers responsible for commencing clauses 32(3) and (4) as they apply in relation to Wales.

Clause 53, as amended, ordered to stand part of the Bill.

Clause 54 ordered to stand part of the Bill.

New Clause 1

IMPORT OF AGRICULTURAL GOODS

'(1) Agricultural goods may be imported into the UK only if the standards to which those goods were produced were as high as, or higher than, standards which at the time of import applied under UK law relating to—

(a) animal welfare,

(b) protection of the environment, and

(c) food safety.

(2) "Agricultural goods", for the purposes of this section, means—

(a) any livestock within the meaning of section 1(5),

(b) any plants or seeds, within the meaning of section 22(6),

(c) any product derived from livestock, plants or seeds.'—*(Daniel Zeichner.)*

This new clause would set a requirement for imported agricultural goods to meet animal welfare, environmental and food safety standards which are at least as high as those which apply to UK produced agricultural goods.

Brought up, and read the First time.

Daniel Zeichner (Cambridge) (Lab): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

New clause 4—*Import of agricultural goods after IP completion day—*

'(1) After IP completion day, agricultural goods imported under a free trade agreement may be imported into the UK only if the standards to which those goods were produced were as high as, or higher than, standards which at the time of import applied under UK law relating to—

(a) animal welfare,

(b) protection of the environment,

(c) food safety, hygiene and traceability, and

(d) plant health.

(2) The Secretary of State must prepare a register of UK production standards, to be updated annually, to which goods imported under subsection (1) would have to adhere.

(3) "Agricultural goods" for the purposes of this section, mean—

(a) any livestock within the meaning of section 1(5),

(b) any plants or seeds, within the meaning of section 22(6),

(c) any product derived from livestock, plants or seeds.

(4) "IP completion day" has the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020.'

New clause 7—*International trade agreements: agricultural and food products—*

'(1) A Minister of the Crown may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 unless the agreement—

(a) includes an affirmation of the United Kingdom's rights and obligations under the SPS Agreement, and

(b) prohibits the importation into the United Kingdom of agricultural and food products in relation to which the relevant standards are lower than the relevant standards in the United Kingdom.

(2) In subsection (1)—

"international trade agreement" means—

(a) an agreement that is or was notifiable under—

(b) an international agreement that mainly relates to trade, other than an agreement mentioned in sub-paragraph (i) or (ii);

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975;

"relevant standards" means standards relating to environmental protection, plant health and animal welfare applying in connection with the production of agricultural and food products;

"SPS Agreement" means the agreement on the Application of Sanitary and Phytosanitary Measures, part of Annex 1A to the WTO Agreement (as modified from time to time);

"WTO Agreement" means the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994.'

This new clause would ensure that HMG has a duty to protect the quality of the domestic food supply by ensuring that imported foodstuffs are held to the same standards as domestic foodstuffs are held to.

New clause 30—*Prohibition on the sale of certain animals and animal products: substances—*

'(1) Subject to subsections (3) and (4), no person shall sell or supply for human consumption any animal—

(a) which contains or to which there has been administered—

(i) a Class I prohibited substance listed in paragraph 1 of Schedule [*Prohibited substances*],

(ii) a Class II prohibited substance listed in paragraph 2 of Schedule [*Prohibited substances*],

(iii) a Class III prohibited substance listed in paragraph 3 of Schedule [*Prohibited substances*], or

(iv) a Class IV prohibited substance listed in paragraph 4 of Schedule [*Prohibited substances*],

unless that substance was administered in accordance with subsection (4);

(b) that is an aquaculture animal to which—

(i) a Class II prohibited substance listed in paragraph 2 of Schedule [*Prohibited substances*],

(ii) a Class III prohibited substance listed in paragraph 3 of Schedule [*Prohibited substances*], or

(iii) a Class IV prohibited substance listed in paragraph 4 of Schedule [*Prohibited substances*],

has been administered;

(c) which contains a substance specified by the Secretary of State in regulations under subsection (5)(a) at a concentration exceeding the maximum residue limit; or

(d) to which a medicinal product has been administered if the withdrawal period for that product has not expired.

(2) No person may sell or supply for human consumption any animal product which is derived wholly or partly from an animal the sale or supply of which is prohibited under subsection (1).

(3) Nothing in paragraph (1)(d) shall prohibit the sale before the end of the withdrawal period of any high-value horse to which has been administered allyl trenbolone or a beta-agonist in accordance with regulation 5 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits)(England and Scotland) Regulations 2015, provided that the type and date of treatment was entered on the horse's passport by the veterinary surgeon directly responsible for the treatment.

(4) The prohibitions in paragraphs (1) and (2) shall not apply to the sale of an animal, or of an animal product derived wholly or partly from an animal to which has been administered a compliant veterinary medicinal product—

(a) containing testosterone, progesterone or a derivative of these substances which readily yields the parent compound on hydrolysis after absorption at the site of application, if the administration is in accordance with regulation 26 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015;

(b) containing allyl trenbolone or a beta-agonist, if the administration is in accordance with regulation 27 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015;

(c) having oestrogenic action (but not containing oestradiol 17β or its ester-like derivatives), androgenic action or gestagenic action, if the administration is in accordance with regulation 28 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015.

(5) The Secretary of State may make regulations—

(a) specifying for the purposes of subsection (1)(c) maximum residue limits for pharmacologically active substances, and

(b) adding one or more substances to any of the classes of prohibited substances in Schedule [Prohibited substances].

(6) Regulations under subsection (5) shall be made by statutory instrument, and any such statutory instrument may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(7) For the purposes of this section—

a veterinary medicinal product is a compliant veterinary medicinal product if it complies with the requirements of Regulation 25 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015), and

"withdrawal period" shall have the meaning given in Regulation 2 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015).

(8) Regulations 9 and 10 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015 are revoked.'

New clause 31—*Prohibition on sale: hygiene—*

'(1) No person shall sell or supply any animal which has been treated for the purposes of removal of surface contamination with a substance other than potable water.

(2) No person shall sell or supply any animal product which is derived wholly or partly from an animal which has been treated for the purposes of removal of surface contamination with a substance other than potable water.'

New clause 32—*Prohibition on sale: stocking densities—*

'(1) No person shall sell or supply any chicken, any part of a chicken or any product which is partly or wholly derived from a chicken unless the condition in subsection (2) is met.

(2) The condition is that the stocking density in any house in which the chicken was reared—

(a) did not exceed 33 kilograms per m^2 of usable area, or

(b) did not exceed 39 kilograms per m^2 of usable area if the requirements of subsection (3) were met.

(3) The requirements of this subsection are that the keeper must—

(a) maintain and, on request, make available to the Secretary of State, documentation in the house giving a detailed description of the production systems, in particular information on technical details of the house and its equipment, including—

(i) a plan of the house including the dimensions of the surfaces occupied by the chickens;

(ii) ventilation and any relevant cooling and heating system (including their location), and a ventilation plan, detailing target air quality parameters (such as airflow, air speed and temperature);

(iii) feeding and watering systems (and their location);

(iv) alarm and backup systems in the event of a failure of any equipment essential for the health and well-being of the chickens;

(v) floor type and litter normally used; and

(vi) records of technical inspections of the ventilation and alarm systems;

(b) keep up to date the documentation referred to in subparagraph (a);

(c) ensure that each house is equipped with ventilation and, if necessary, heating and cooling systems designed, constructed and operated in such a way that—

(i) the concentration of ammonia does not exceed 20 parts per million and the concentration of carbon dioxide does not exceed 3,000 parts per million, when measured at the level of the chickens' heads;

(ii) when the outside temperature measured in the shade exceeds 30°C, the inside temperature does not exceed the outside temperature by more than 3°C; and

(iii) when the outside temperature is below 10°C, the average relative humidity measured inside the house during a continuous period of 48 hours does not exceed 70%.

(4) In the case of a chicken reared in a house which is not in the United Kingdom, it shall be a requirement upon the importer to demonstrate to the satisfaction of the Secretary of State that—

(a) documentation equivalent to that specified in subsection (3) was maintained by the keeper and was available for supply to the appropriate regulatory authority, and

(b) the conditions under which the chicken was reared were equivalent to, or better than, those set out in subsections (2) and (3).

(5) For the purposes of this section, "chicken" shall mean a conventionally reared meat chicken.'

New schedule 1—*Prohibited substances*—

1 Class I prohibited substances

Aristolochia spp. and preparations thereof

Chloramphenicol

Chloroform

Chlorpromazine

Colchicine

Dapsone

Dimetridazole

Metronizadole

Nitrofurans (including furazolidone)

Ronizadole

2 Class II prohibited substances

Thyrostatic substances

Stilbenes, stilbene derivatives, their salts and esters

Oestradiol 17β and its ester-like derivatives

3 Class III prohibited substances

Beta-agonists

4 Class IV prohibited substances

Substances having oestrogenic (other than oestradiol 17β or its ester-like derivatives), androgenic or gestagenic action.

Daniel Zeichner: It is a pleasure to continue serving under your chairmanship, Sir David. I am afraid that we will not be rattling on at quite the pace you have managed so far.

Hon. Members on both sides of the Committee will be delighted that today we are going to unleash, as the Prime Minister would say, the full talents of the shadow Front-Bench team and Labour Back-Bench Members. Again, I encourage the Government to do the same. Yesterday morning, while eating my porridge, I enjoyed a thoughtful contribution on the "Today" programme—territory currently uninhabited by Ministers of course—from the hon. Member for Devizes. It is an odd world where Back-Bench Members are free to speak on national media but are constrained on detailed scrutiny. The Government love power but may be less keen on responsibility.

A document relevant to our discussion has once again been released in the middle of a morning. This time, it is a 109-page document on bovine TB. Although it is another favourite document of mine, hon. Members will be grateful that I will not subject it to rigorous scrutiny, but one of my hon. Friends will talk to it this afternoon.

Let me get to the core business. Throughout the Committee, we have said that it is crucial that, in any future trade deals, imported agricultural goods meet our animal welfare, environmental and food safety standards to protect our consumers and prevent our farmers being undercut by lower-standard imports. The Bill improves the standards that we set ourselves by reducing environmental impacts and incentivising public goods, such as high welfare standards. If we do not have coherency between our agricultural and trade policies, however, the Government might as well make the entire Bill null and void.

Hon. Members will have noticed in the oral evidence sessions that I asked almost every witness the same question. Although they put it in different ways, they all gave similar answers and agreed that it is the key issue. The Government have said that they are committed not to allow future trade deals to weaken our food standards—I anticipate the Minister's response—but the problem is that we have yet to find anyone who believes that. I suspect the same goes for most Government Members. There is a simple solution, which we will say again and again: put it in the Bill. I am tempted to follow the Prime Minister's lead and get Opposition Members to chant, but I think that is a bit naff, so we will not do that. We will try to do better.

We are sceptical because the actions of the Government and the Prime Minister seem to point in a different direction. On Sunday, the Secretary of State had the opportunity, but again refused to rule out chlorinated chicken and hormone-treated beef being imported from the US under a new deal.

Alicia Kearns (Rutland and Melton) (Con): Does the hon. Gentleman not recognise that we have put it into law that we cannot import chlorinated chicken? We would require primary legislation for that to be removed once we have left the EU, so it is not up for discussion. It is in the legislation. All hon. Members will have a chance to vote on that.

The hon. Gentleman says that the Government are giving all the signs of having no interest in protecting standards, but did he not note Liz Truss' announcement of our red lines, which are standards? That has reassured my farmers locally, who are very happy for all amendments on trade standards to go into a trade Bill, not the Agriculture Bill.

Daniel Zeichner: I am delighted that we are getting some rumbustious debate. I will come to the point later of the exact legal position on the current status, which I suspect is not nearly so clear. I am not convinced that many are as reassured by the Secretary of State for International Trade's document, which I have started reading, as the hon. Lady has, but I am glad that some of her constituents are satisfied, because many are not.

We know that the Prime Minister will not prioritise alignment with EU standards in the upcoming EU trade deal. When asked last month about lower-standard

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American products coming to the UK, he described such fears as "hysterical" and "mumbo-jumbo". Given his past record, as I take that as, "Yes, we should be very worried indeed."

If the Minister is in any doubt about the need to include a safeguard for our production standards in the Bill, I point to the comments made by a Government adviser on food strategy at the weekend, which reveal that the iconoclasts running the show have little regard for protecting our farmers and the domestic production of food. The *Mail on Sunday* article was a classic of its type, including comments such as

"Britain doesn't need famers,"

according to the adviser, and

"the food sector is not 'critically important' to the economy."

It concluded with the memorable message from the *Mail on Sunday* to the Government:

"Britain doesn't need farms? Find another box to think outside!"

Alicia Kearns: Does the hon. Gentleman recognise that that email was sent in a personal capacity by an adviser? It is MPs and Ministers who make legislation, not advisers—I am pretty sure about that. *[Interruption.]* I do not know who that individual adviser is, so clearly he is not advising my views. The Secretary of State for International Trade, the Secretary of State for Environment, Food and Rural Affairs and the Prime Minister have all made it clear that the points the adviser makes are not Government policy. We can either listen to nonsensical personal emails or pay attention to what those on the Front Bench are saying. I think they have been clear that the *Mail on Sunday* story was complete nonsense. Does the hon. Gentleman agree?

The Chair: Order. I remind hon. Members that when they refer to other hon. Members they need to use their constituency titles.

Daniel Zeichner: I have to say that I do not normally find myself in agreement with the *Daily Mail*, but on this occasion there may be something in it. The important point is that there are clearly people close to Government who have dramatic views that seem different to those of the vast majority of Conservative Members, as well as Labour Members. It is a question for the Government to decide who they choose to seek advice from, but it can hardly be denied that it is out there.

Mr Goodwill: Does the hon. Gentleman recall that in an earlier evidence session George Monbiot advocated for precisely those points, and argued for desisting in the production of sheep and cattle on the uplands and planting them with trees? Does he subscribe to that view, as espoused by *The Guardian*?

Daniel Zeichner: I am grateful to the right hon. Gentleman, but there is a subtle difference between witness evidence and the evidence that has been given in the important Dimbleby review on our future food policy. I think there is a difference, but, as always, I respect his observation.

Moving on from jousting about newspapers, it is important that to have a discussion about levels of food security, as I have mentioned. It is an intellectually plausible position to say that we do not have to produce our own food and that we could become like Singapore. That is an important political debate that should be had transparently, not in private emails between advisers. Without proper legal protection in place, many people will feel that whatever the Government say will just be warm words.

To go back to the point raised by the hon. Member for Rutland and Melton, at the last DEFRA questions the previous Secretary of State said pretty much what she just said. She said:

"Our high environmental, animal welfare and food safety standards are already in law, including legislating to prevent the importation of chlorinated chicken or hormone-treated beef".—[*Official Report*, 6 February 2020; Vol. 671, c. 438.]

We were interested by that statement. Can the Minister clarify further the statement that they are "already in law" by providing the details of the legislation where those standards can be found? Can she explain what mechanism would be used if the Government are required in a trade negotiation to amend or remove any of the standards and describe, in that scenario, the level of parliamentary scrutiny that would apply?

That should be good ground for the Minister as she is an esteemed lawyer. I am neither esteemed nor a lawyer, so I was grateful that, after the exchange at DEFRA questions, the shadow Secretary of State sought advice. We have advice from the House of Commons Library and—guess what?—it is complicated. Inevitably, trying to unravel the complexity of bringing EU law into domestic law and the overlaps is difficult. I suspect the law would need to be tested and, as ever, different lawyers would give different advice; that tends to happen. Some think that EU-derived domestic legislation covering these matters could, in some circumstances, be changed by the Government using delegated powers in the Food Safety Act 1990, without the need even to seek parliamentary approval, let alone primary legislation.

We are questioning the Government on this. My hon. Friend the shadow Secretary of State queried it with the previous Secretary of State, and we await a response with interest, because it is an important point. However, the seeming lack of clarity hardly fills us with confidence, because this is such an issue. Clearly, in the interests of certainty and clarity—which, in fairness, we can agree we do not have—we should put this in the Bill. We should agree an amendment to create a proper legislative guarantee that future trade deals will not allow imports of agricultural goods used to lower environmental, public health, and animal welfare standards. This is that amendment.

12.15 pm

Farming and environmental groups are, as far as I can see, pretty unanimous in their agreement that we need that guarantee. We have heard reference in the evidence sessions and in some previous discussions to the 60-plus farming, environmental, animal welfare and food industry organisations that have all written to the Prime Minister, calling for that safeguard. As I am sure we are all aware, in a couple of weeks we expect many farmers to be lobbying Parliament on just that issue.

Interestingly, that is a consensus not just across organisations, but across the party divide in the Chamber. The words of the new clause are not ours, not Labour's words, but the exact same words tabled in the amendment of the Minister's colleague, the hon. Member for Tiverton and Honiton (Neil Parish), the esteemed Chair of the Select Committee on Environment, Food and Rural Affairs. I suspect the words of one of the senior members of a previous Committee at the end of Second Reading are still ringing out—he certainly expected to see improvements, and if we cannot deliver those today, they will certainly be introduced on Report.

To add to the evidence, the cross-party EFRA Committee clearly concluded in its scrutiny report of the earlier Agriculture Bill in 2018 that, in its collective opinion:

"The Government should put its money where its mouth is and accept an amendment to the Agriculture Bill stipulating that food products imported as part of any future trade deal should meet or exceed British standards".

This is that amendment.

The direction could not be clearer. I ask the Minister to take a long think. Are the concerns of that wide range of organisations, almost every witness seen by this Bill Committee and the Government's own Back Benchers really as hysterical as the Prime Minister seems to think? Or could it be that there is actually a serious issue?

What would be the point of the Bill if all its good work in encouraging farmers to adopt higher environmental and animal welfare standards is undermined on day one by imports with lower standards flooding in and undercutting them? If farmers have to face that competition from cheaper food produced to lower standards than those they will rightly be expected to work to in the environmental land management schemes, the real danger is that they will be forced to walk away from delivering those public goods entirely. That has a further consequence. The danger is that all the environmental improvements we are hoping for from the Bill would be undermined. In fact, our environmental standards could fall. That danger was raised repeatedly by the witnesses the Committee heard from.

The Government have already rejected our amendment calling for proper baseline environmental and welfare standards, so the reality we will be faced with, if they do not respond positively to our new clause, is that the new green world of farming that we had hoped for will be one where the environmental public goods are not delivered, where our farmers are forced to produce food at lower animal welfare and environmental standards, and where we will have imports of chlorinated chicken and hormone-injected beef on our supermarket shelves, which we do not wish to see.

Ruth Jones (Newport West) (Lab): My hon. Friend is making a powerful speech. Does he agree that it is strange that the shadow Minister wrote to the now Minister on 19 February on the specific question of standards already in law and, as of today, we have still have had no response?

Daniel Zeichner: It is, because it was made clear that there would be a clear response. I suspect that the issue is complicated and people are working on it, but I absolutely share my hon. Friend's concern. This is something we need clarity on.

Mr Goodwill: I absolutely understand and sympathise with the hon. Gentleman's objectives. His new clause talks about "agricultural goods", which presumably includes animal feed. It is pretty much accepted that environmental standards in Brazil, Argentina, the United States and Canada are lower than ours. Would the new clause ban the importation of all agricultural feed, including soya beans and maize, into the United Kingdom, should the exporting country's environmental standards not be as high as ours, given that those products are mixed, so it could not be done on an individual farm basis?

Daniel Zeichner: I fully accept that the provision would need to be thought through and worked through in future. My point is that in general we must be careful about such changes, because I do not want our agriculture sector to be put at a disadvantage.

We do not want what I have just been outlining to happen. I suspect that the Minister and the vast majority of her colleagues do not want it to happen either. I mentioned the chlorinated chicken and hormone-injected beef, and it is worth spending a moment to remind ourselves of the exact nature of the kinds of low-standard food imports that we need to guard against.

When it comes to a trade deal with the US, we know that by and large its regulations on farm animal welfare are substantially lower than those of the UK. My understanding is that the US has no federal regulations at all in many of the areas in which the UK has enacted detailed regulations. The RSPCA raised, in evidence, the fact that 55% of the pork meat and bacon that we eat is imported. Virtually all of it comes from the EU, which follows comparatively high standards of production.

If we start going to the US, where they still use sow stalls and inject pigs with ractopamine, both of which are rightly illegal in UK pig farming on animal welfare grounds, we completely undermine our moral commitments against those practices, and allow undercutting of our farmers, who are committed to such higher standards. I remind members of the Committee that ractopamine is a feed additive used to manipulate growth in pigs, which has been shown to be highly detrimental to pig welfare, causing lameness, stiffness, trembling and shortness of breath. There is a reason we do not use it. It is the same for hormone-treated beef, which is produced in the US by injecting cattle with growth hormones to generate greater mass more quickly. That is banned in the EU on animal welfare and public health grounds.

The issue with the chlorinated chicken produced in the US is that the chickens have been kept in such dismal and intensive conditions that the chlorine is required to wash off the pathogens that they have become infected with during rearing and slaughter. The principle is animal welfare, but there is also a real question over food safety. Of course, we heard evidence on that. It is fair to say that there is dispute about the comparative rates of food-borne illnesses in the US and the UK but, as we heard from Professor Keevil of the University of Southampton, there are now studies that suggest that chlorine washing is not as effective as was once thought, and can make pathogens undetectable without actually killing them, so that they may remain capable of causing disease.

I feel strongly that those are not products that we want on our shelves or in our freezer cabinets. I will echo the words of the president of the National Farmers Union, who last week delivered this statement to a clearly discomfited Secretary of State:

[Daniel Zeichner]

"To sign up to a trade deal which results in opening our ports, shelves and fridges to food which would be illegal to produce here would not only be morally bankrupt, it would be the work of the insane."

I might not have used exactly the same words, but I agree with the sentiment, and I think that the Secretary of State was discomfited because he knows that she is right.

It is crystal clear that we need a safeguard. How on earth do the Government expect to negotiate their way out of this, when the US Secretary of State Mike Pompeo has clearly said that chlorinated chicken must be part of any UK-US trade agreement? Why not come clean and admit that in the negotiations there will be trade-offs, one of which, sadly, could be selling out our farmers and our environment?

New clauses 30 to 32 are particularly interesting, and members of the Committee who have read them will note that they are detailed. They may think, "Gosh, what a clever bunch they are on the Labour side." They may not—but it is actually better than that. Let me explain where the new clauses came from. I suspect that some Members already know, and I hope that the Minister was warned when she took the job. The new clauses—the exact words—were tabled to the previous Bill by none other than the current Secretary of State, the right hon. Member for Camborne and Redruth (George Eustice). That Bill never reached Report and there was no opportunity to debate the new clauses. I am grateful to eagle-eyed experts from an organisation that shall remain nameless—they know who they are—for drawing them to our attention.

We judge that it would be of use to the Committee to consider the new clauses. They are deeply probing and have an illustrious pedigree, because they first saw the light of day during the brief, tricky period when the current Secretary of State was on the Back Benches, having resigned his post over a difference of opinion with the then Prime Minister about our relationship with the European Union. To some extent, we are slightly puzzled that those amendments have not been re-tabled by the Government for this version of the Bill. It would be useful to hear the Minister explain why the Government apparently now feel that these worthy proposals, tabled then, are not worth revisiting now. I will choose my words carefully, because the Secretary of State is clearly not part of the Committee. I ask the Minister, why does she not agree with the proposals? Perhaps she does.

We were particularly struck by what these new clauses seemed to be looking to achieve. Members of the Committee will agree that they deal with complex and technical matters on which a degree of expertise is needed in matters of animal health and veterinary pharmaceutical practice. Our understanding is that the aim here was to place in primary legislation many of the protections and safeguards on food safety and animal welfare that already currently exist in secondary legislation, both retained EU and domestic. The force of the proposals would be to ban the sale of animals or products from animals that have been treated with a range of compounds whose use is currently illegal in this country, except in restricted circumstances where they are being used under veterinary supervision for veterinary therapeutic purposes, and only then if residues are acceptably low.

It is truly a fascinating read to see what these compounds include. Schedule 1 lists testosterone, progesterone, oestradiol 17β, stilbenes and trenbolone, which are all hormones permitted as growth promoters in US beef production. The beta-agonists listed are used as growth promoters, more commonly in pig production, and I believe that ractopamine, which I mentioned earlier, would be classified under that category.

Most interestingly, new clause 31 would prohibit the sale, for hygiene reasons, of any animal product that comes from animals being treated with any substance other than potable water for the purpose of removing surface contamination. By my understanding, that would essentially preclude the sale of chlorine or oplactose-acid washed chicken in this country.

Mr Goodwill: New clause 31 does not actually refer to post-slaughter use and, as it is sloppily drafted, would apply to the washing of show animals at shows, the use of saline solution for washing eyes or, indeed, the use of diluted sheep dip after docking of sheep. Does the hon. Member recognise that the new clause needs tightening up? It refers to an animal during its entire lifecycle.

Daniel Zeichner: As ever, I am hugely grateful to the right hon. Member, whose drafting skills I would happily draw on in trying to improve the amendments. He will reflect that the new clause was sloppily drafted not by Opposition Members, but by the current Secretary of State. We are very happy to work with the right hon. Member on improving it, but I think he knows what was being referred to in those circumstances.

It seems to us that the Government are currently refusing to include in the Bill a ban on food imports produced to lower standards than our own. They have also dodged amendments to the Bill that were suggested previously by the current Secretary of State himself, which seemed to aim to ensure the exact same thing—banning the sale of animal products in this country that had been subjected to chemicals and processes that we do currently allow here.

What exactly has been going on? The Minister needs to come clean on this. The Secretary of State did not include these prohibitions either in the previous Bill or in the current Bill, even though he was the Minister in charge of both Bills. What came over him when he briefly left the Government? What conditions was he made to accept when he agreed to come back and then to become Secretary of State? Does this whole episode not show that, in his heart of hearts, he probably agrees with us that the only way to safeguard our animal welfare and food safety standards and to prevent our hard-pressed British farmers from being undercut by cheap, sub-standard imports, is to put these provisions in the Bill?

We believe that new clause 1 is the crucial amendment. It would not just strengthen the Bill but safeguard its core aims. We make no apology whatever about pressing it to a vote. I urge the Minister to listen closely to the unanimity of voices on this amendment and to recognise the need for this addition to the Bill. I appreciate that this is a tough moment for Government Members. As they vote, they must be aware that the future of many of their constituents is on the line. I want to safeguard their future, our countryside and our food safety.

12.30 pm

Kerry McCarthy (Bristol East) (Lab): I rise to support everything that my hon. Friend the Member for Cambridge has said on new clause 1. I shall also speak to new clause 4, which was tabled by the hon. Member for North Dorset (Simon Hoare), with the support of many of his Conservative colleagues. At the moment, I am the only Labour Member whose name has been added to it, but I am sure that many others would join me on Report.

Some of us sat on the Committee that considered the first draft of the Agriculture Bill in the last Parliament. I was also on the Environmental Audit Committee and the Environment, Food and Rural Affairs Committee, as well as part of as various all-party parliamentary groups, and there were also debates on these matters in the Chamber and at oral questions. Ministers, including the then Secretary of State for the Department of Environment, Food and Rural Affairs, the Farming Minister and, at various points, the International Trade Secretary, gave us verbal reassurances.

There was a bit of a trajectory, because in the early days, we could get Ministers to say only that UK standards would be protected. Eventually, after lots of prompting on our part, some of them—although certainly not on the International Trade side—said that that also applied to imported goods. The Minister needs to reflect on why it is very clear, as my hon. Friend the Member for Cambridge said, that those assurances are not believed. The absolute fact of the situation is that everyone, from the NFU to environmental and consumer groups, wants those things enshrined in law, as do the Conservative Members who have signed the new clause.

The Minister has talked about including those assurances in a trade Bill, but when the Trade Bill was introduced to Parliament, we were fobbed off. We tried to get something in there, but were told that it applied only to current trade agreements and not to future ones, although some legal opinion said that it did. When we tried to discuss that during the passage of the European Union (Withdrawal) Bill and all the discussions about Brexit, we were told that it would pop up somewhere else. That game of musical chairs just does not wash with people. We want to see this measure in the Agriculture Bill because it specifically relates to food standards and animal welfare, as we have heard in detail.

I remember trying to bring the matter up during arguments about the Transatlantic Trade and Investment Partnership, way before Brexit. The then Member for Streatham, who was our shadow Business Secretary, made great play about the NHS being at risk under TTIP. When I started trying to talk to him about chickens, he looked at me as if to say, "What on earth is she on about now?" Now, the chickens have come home to roost—metaphorical chickens—and everyone knows about the issue, but nobody is convinced that the Government are willing to support preventive measures.

We spoke earlier about articles in the *Daily Mail* and *The Guardian*. I will quote a *Guardian* article from 6 March—hon. Members are probably ready to sneer at it—which said:

> "Agriculture in the US remains quite backward in many respects. It retains a position of resisting more information on labels to limit consumer knowledge and engagement."

The vested interests involved in the US food sector are absolutely immense, with huge lobbying efforts and huge amounts of disinformation and press work. The article continues:

> "Its livestock sectors often suffer from poor husbandry, which leads to more prevalence of disease and a greater reliance on antibiotics",

which we know is an issue.

> "Whereas we have a 'farm to fork' approach to managing disease and contamination risk throughout the supply chain through good husbandry, the US is more inclined to simply treat contamination of its meat at the end with a chlorine or similar wash."

The article continues:

> "In the US, legislation on animal welfare is woefully deficient."

That article was penned by the now Secretary of State at the Department for Environment, Food and Rural Affairs, during the brief hiatus after he left the Government in February 2019. He immediately turned to *The Guardian* to make known his views on just how worried he was about US animal welfare.

Mr Goodwill: Does the hon. Lady understand that the US actually consumes most of its own beef? Only about 13.5% of its beef is exported, mainly to Japan and the far east. There is not a great stockpile of American beef looking for a market, either in the UK or the EU.

Kerry McCarthy: I am not sure that that is particularly relevant. At the moment there is a ban on hormone-pumped beef entering our markets. The UK is the third biggest market in the world for food imports. It is clear that if the doors were open, there would be a potential market here and the US would be very keen to get into it. Most of the discussion on trade deals so far has not been about the beef sector anyway.

As my hon. Friend the Member for Cambridge has already said, at about the time that the now Secretary of State wrote that article, he also tabled what are now new clauses 33, 34 and 35 to the then Agriculture Bill. Why would he do that? He had made the arguments in public. He did a sterling job trying to defend the Government's position during the first sitting of the Agriculture Bill. He came across as reasonably sincere, but the moment he had the freedom to say what he really thought, he went to the press and wrote an article in *The Guardian* outlining clearly and eloquently what his concerns were. He did not seek verbal reassurances from the Government; he sought legislative reassurances. So if it is good enough for the Secretary of State when he is allowed free rein to say what he feels, I am sure the Minister can understand why many of her colleagues on the Conservative Back Benches and Opposition Members also agree with him.

Deidre Brock: I agree with much of what the previous speakers have said. New clauses 1 and 4 are grand in their way and I will support them, but we have to go further. I want to see the standards of the EU maintained, but perhaps that is for a different debate. However, it is possible to write it into domestic law that imports have to match the sanitary and phytosanitary standards of the WTO.

The WTO agreement on the application of sanitary and phytosanitary measures is clear that science has to underpin the standards to protect human, animal or

[Deidre Brock]

plant health. The agreement allows states to protect their food supplies and the imports of supporting products to the benefit of citizens. I know the argument will be that Ministers seek to protect citizens, but we do not know that that will always be the case. We should seek to ensure that citizens have the confidence to believe in this measure and in future Governments, and in the commitment to protecting foods and health. Citizens should also have the right to understand how Governments intend to do that and should have the ability to challenge them if necessary.

The SPS agreement allows standards to be set, so we should have them set. That would have allowed Ministers to assure the public that animal welfare and plant health would be maintained, and that imported food would be of a standard that we could rely on for health and the protection of life. As NFU Scotland recently pointed out, assurances around priorities in negotiations work only if the US upholds its side of the bargain. It stated:

"After all, there's no point having a level playing field if the two sides are playing to different rules."

I therefore support new clause 7.

Thangam Debbonaire: I will make a few brief remarks on behalf of the shadow European affairs team. As we leave the European Union, we want to make sure we do not lose anything in terms of our high standards and that we try to spot the places where there is potential for loopholes, which I hope none of us wants.

My hon. Friend the Member for Bristol East admirably made the case that the Secretary of State's real views are in alignment with ours. We therefore present the Government with an opportunity to vote for the Secretary of State's actual views. We in the European affairs team feel we are here to make sure that the transference of Europe-wide rules to UK standards is not undermined by trade agreements with other parts of the world. We simply want to safeguard that. So, on behalf of the shadow European affairs team, I want to add my support to the case made by Opposition Front and Back Benchers, which, after all, reflects the Secretary of State's views.

Victoria Prentis: I thank hon. Members for tabling these new clauses. I genuinely appreciate the opportunity to talk once again about the importance of food standards. The hon. Member for Bristol East will never find me sneering at or questioning the importance of food standards. This is an important debate, and it is right that we have it here, and while considering other Bills, as we move to a new world where we have left the EU and hopefully have free trade agreements with many other countries.

I welcome the opportunity to reiterate the Government's commitment to not lowering our standards as we negotiate new trade deals. The Prime Minister has consistently stated that we will not compromise our high environmental, food safety or animal welfare standards now that we have left the EU. We made that commitment in our manifesto, and my right hon. Friend the Secretary of State for International Trade reaffirmed that commitment to the House earlier this week in respect of a US trade deal.

Kerry McCarthy *rose—*

Victoria Prentis: I will give way, but I have a long speech and a lot to cover.

Kerry McCarthy: I am sure the Minister does, but the problem is that I suspect I know what she will say. To cut to the chase, given that it would make everybody so much happier if that commitment was in the Bill, what is the reason for its not being?

Victoria Prentis: I will set out the Government's position on that. The hon. Member for Cambridge was kind enough to say that I was an esteemed lawyer. I do not know whether that is true, but I am certainly a very experienced Government lawyer, and I gently say that the purpose of primary legislation is not about making people happy, although the purpose of the policy behind it might well be that. We come at this from the same place: we all like high standards in British agriculture and want to support our farmers. However, I will set out why the Government have come to this conclusion, which will take some time, I am afraid, and I will deal with the point made by the hon. Member for Bristol East.

To deal with the point made by the hon. Member for Bristol West, we are retaining existing UK legislation, and at the end of the transition period, the European Union (Withdrawal) Act 2018 will convert on to the UK statute book all EU food safety, animal welfare and environmental standards. That will ensure that our high standards, including import requirements, continue to apply.

The hon. Member for Cambridge said I was an esteemed lawyer—who knows?—and also that he was waiting for a letter from the Department. I am certainly an experienced enough lawyer not to wish to interfere in that process. If a letter is being drafted, I will make sure to look at it. However, he asked specifically about hormone-treated beef and washed chicken. I will give him the directives and the way they are transposed into British law as I see it. The top line is that all EU law on food safety standards was carried over by the 2018 Act.

EU Council directive 96/22/EC, as amended, which bans the import and production of hormone-treated beef, was transposed into UK law through national legislation. It is found in various regulations, including the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015; Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019; and the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016. I will write to the hon. Gentleman on that, because I do not expect him to take a note of all those, or the Secretary of State will write to the shadow Secretary of State. I do not want to interfere in that letter-writing process.

On the washing of poultry, European Union controls on the surface decontamination of poultry—regulation 853/2004—will be retained through the 2018 Act, and have been made ready to be carried over into UK law immediately after the transition period through the Specific Food Hygiene (Regulation (EC) No. 853/2004) (Amendment) (EU Exit) Regulations 2019, which will maintain the status quo that no product other than drinking water is currently approved in the EU to decontaminate poultry carcases. That will remain the same in the UK. I will write to the hon. Gentleman properly about that, so that he has the details. It is complicated, as he says.

The regulations I have mentioned include artificial growth hormones for domestic production and imported products, and we would require legislation to change those regulations. Both hormone-treated beef and washing of poultry are covered. The Government have said that any future deals must respect our regulatory autonomy, which means that we will not sign agreements that threaten our ability to set our own high standards, of which we are proud. Our standards are driven by consumer and retailer demand and frequently go above current regulatory standards; most of us would welcome that. The Agriculture Bill will help to ensure that we continue to maintain those high standards in line with the needs of our farmers, retailers and consumers.

12.45 pm

The Government take the view that banning imports unless all domestic standards are met is not always appropriate. For animal welfare, some domestic legal requirements can be assessed and enforced as part of inspections considering the holistic welfare of animals on farms, but those standards will be unsuitable metrics for decisions on individual imports. Indeed, we would have no way to enforce such restrictions or to check on the position of farms abroad.

Accepting new clause 1 would create considerable uncertainty about whether current imports—on which we rely for food security, particularly at times of worry—including those from the EU, could continue. Our significant concern is that the new clause would put current trade agreements at risk and threaten our vital agri-food export trade. For example, 23% of our whisky exports are covered under current trade agreements that we are seeking to transition at the end of this year, and we would not want to put those at risk. The UK already ensures that, without exception, all imports of food meet the stringent food safety standards that are required of our domestic producers. The independent Food Standards Agency will continue to ensure that that remains the case.

The World Trade Organisation allows for trade restrictions in very specific circumstances, such as for food safety or to protect public morals. It is not clear to the Government that the requirements of new clause 1 would meet the WTO criteria, and we are concerned that we would risk significant challenge from it. That is what I was trying to say, in a slightly flippant way, to the hon. Member for Bristol West earlier about having our cake and eating it. As she said, we are signed up to the WTO; as such, we must abide by its rules. We are concerned that the new clause would affect the trade of the more than 160 WTO members. It could draw a challenge from any of them, if they believed our import measures were arbitrary, discriminatory or a disguised form of protectionism.

Thangam Debbonaire: Is the Minister not making my case that the WTO is therefore the lowest common denominator? It is a real problem that we have ended up heading in this direction.

Victoria Prentis: I feel that the hon. Lady was partly making my point: we have to stick to WTO rules. I think she and I agree that we want to comply with WTO rules. As a lawyer with many years' experience, I am explaining my concern that the new clause would possibly not comply with WTO rules—I put it no more strongly than that.

Prior to the start of negotiations for each new free trade agreement, the Government will publish—indeed, we have done so this week—our approach to negotiations, including our negotiating objectives and other explanatory material. We did so on 27 February ahead of the start of negotiations with the EU, and on Monday this week for the US negotiations. Right hon. and hon. Members, and the general public, have a chance to scrutinise those documents and the Government will rightly be held to account. Once negotiations are under way, we will continue to keep the public and Parliament informed. We believe that that approach strikes the right balance of allowing Parliament and the public to scrutinise the trade policy, while maintaining the ability of Government to negotiate flexibly in the best interests of the UK.

I turn to new clause 30 and new schedule 1. As several hon. Members have said, the provisions were tabled when the previous Agriculture Bill was before the House during the last Session. The hon. Member for Cambridge will recognise that domestic legislation already provides for a prohibition on the use of substances listed in new clause 30, and for maximum residue limits for substances to be specified. My response to the comments about the new clauses that were tabled by the current Secretary of State is this: are we not fortunate to have a Secretary of State who is a champion of standards in our food and agricultural sector? Quite frankly, to turn around the words of the hon. Member for Bristol East, the Secretary of State wholly supports the Agriculture Bill as drafted. He has been reassured that this is not needed in primary legislation, and if it is good enough for the Secretary of State, it is good enough for me.

To go into detail, as the hon. Member for Cambridge did, new clause 30 does not refer to the operability amendments and other provisions in the exit legislation made last year—obviously, because it was drafted before that. That legislation deliberately took a flexible approach to the specification of maximum residue limits, rather than the more onerous scrutiny that the new clause would lead to. The legislation will come into force at the end of the transition period. Setting a maximum residue limit for a particular substance does not overturn the legislative prohibition on the use of substances as growth promoters.

Parliamentary scrutiny is, of course, important. But, as was explained in debates on the exit statutory instruments last year, a non-legislative approach when setting maximum residue limits is more efficient and likely to avoid unnecessary delays, which might have financial implications for industry and make the UK less attractive to pharmaceutical companies looking to market veterinary medicines. If that were to lead to a reduction in available medication, it could have a significant impact on animal welfare. As such, although we recognise that there are arguments for increasing the level of parliamentary scrutiny, the Government prefer to maintain the approach set out in our exit legislation—of course, it was not around when the amendment was drafted—that was considered and approved by Parliament at the end of last year.

Turning to new clause 31, I hope the hon. Member for Cambridge can agree that there are instances in which substances other than drinking water are already deemed appropriate for the specified purposes, having been subject to rigorous risk analysis processes. In fact, the EU has approved lactic acid for treating beef carcases, recycled hot water for carcases of certain species and

[Victoria Prentis]

clean water—not drinking water—for fishery products. I hope we can agree that it would be regressive to undo what are already considered safe practices. The unfortunate effect of the new clause would be to stymie any process for considering new substances for use in the UK in future. It could restrict the potential for innovation to realise new hygiene benefits.

The wording of new clause 31, whether intended or not, goes much further than existing restrictions—I do not want to talk about sloppy drafting, but I am concerned that such a provision could result in serious animal health and welfare implications. Live animals could no longer be effectively washed or treated with antiparasitic treatment, as my right hon. Friend the Member for Scarborough and Whitby said, such as sheep dips. Udder washing is a perfectly normal practice to stop mastitis, and we would not want to interfere with that. Maintaining safety and public confidence in the food we eat remains a high priority for the Government, and the current regulatory framework ensures that.

New clause 32 would prevent meat and other products from conventionally reared meat chickens from being sold or supplied in the UK unless they are produced to a stocking density no greater than 39 kg per square metre, which is our current maximum in Great Britain. Northern Ireland has set a maximum stocking density of 42 kg per square metre. As such, the new clause would mean that meat chicken legally produced in Northern Ireland over 39 kg per square metre could not be sold in the UK. I am sure that was not the intention when the new clause was drafted.

Further, although we have a strong domestic sector producing around £2.4 billion of poultry meat per year, in 2018 we imported £2.1 billion of chicken meat and chicken products. Some of those, including imports from some EU member states, do not meet our stocking density requirements. Imposing a restriction of this kind on imports might result in food security issues, and it would certainly impact cost. We all want to move in the same direction on animal welfare, but we may not be able to do so by means of new clause 32.

I am pleased to have had the opportunity to restate the Government's commitment to standards and to highlight Parliament's role in scrutinising our negotiation approach to free trade agreements. However, as I mentioned, we have retained EU legislation for existing protections on food safety, animal welfare and environmental standards, and I therefore the Opposition to withdraw the new clause.

Daniel Zeichner: I have listened very closely to the Minister addressing a range of complicated issues. In responding, I will work backwards.

We fully accept that drafting the detail in these proposals was a complicated process, and we pay tribute to the current Secretary of State for the work he did in attempting to deal with this conundrum. I have to say that I think the Bill—this is the part the Minister was not really able to address—in effect takes apart what the Secretary of State was trying to do, which we think was really important. I invite the Minister to reflect on whether it would be possible to work cross-party before we get to the next stage of the process to amend some of the detail. That would seem to me to be a good way forward, and it would reflect what I suspect we can probably all agree on. Knocking this down on the basis that there are problematic points of detail—I do not dispute that it is complicated and difficult—is not the right way to go.

That leads us to the Minister's point about our relationships in the WTO. We know that the WTO is a troubled organisation at the moment, but we also know that there is plenty of opportunity all the time for people to challenge. The question is why they do it at some times and not others. That goes back to the points made by my hon. Friend the Member for Bristol West.

There is a political set of questions about how trading blocs deal with disputes. The sad truth is that we are now outside one of the big trading blocs and we do not have the power of an umbrella that would probably prevent others from making challenges that we might not think reasonable. We have seen that in the new world order, with Trump and so on, quite spurious challenges may be made that generate a whole raft of legal procedures, which take time and are difficult to deal with. A small player is much more vulnerable than a big player to being picked off, because big players have more resources in their armoury to fight back with.

I am afraid that is the difficult situation that the Government have got us into. On the WTO rules, I recognise that there is some potential for challenge, but that is where we are at. We must ensure that we do everything we can to protect our people in this new world. The clearest and most helpful way of doing that in negotiations would be to put what we have proposed in the Bill; if we did so, the others in the negotiations would know it was non-negotiable.

That goes back to the basic point that the Minister made at the beginning of her speech. I am afraid the harsh truth is that when the Prime Minister makes a series of promises, they are not believed. My hon. Friend the Member for Bristol East made some excellent points: for all the reasons we have heard about today, including the piece that the current Secretary of State wrote all those months ago, how can we believe the Prime Minister when—

Ordered, That the debate be now adjourned.—*(James Morris.)*

1 pm

Adjourned till this day at Two o'clock.