

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Second Delegated Legislation Committee

TRADE IN ANIMALS AND ANIMAL PRODUCTS  
(LEGISLATIVE FUNCTIONS) AND VETERINARY  
SURGEONS (AMENDMENT) (EU EXIT)  
REGULATIONS 2019

*Monday 7 October 2019*

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**Friday 11 October 2019**

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**The Committee consisted of the following Members:**

*Chair:* JOAN RYAN

† Afriyie, Adam (*Windsor*) (Con)  
 Beckett, Margaret (*Derby South*) (Lab)  
 † Chalk, Alex (*Cheltenham*) (Con)  
 † Courts, Robert (*Witney*) (Con)  
 Cryer, John (*Leyton and Wanstead*) (Lab)  
 † Debbonaire, Thangam (*Bristol West*) (Lab)  
 † Eagle, Maria (*Garston and Halewood*) (Lab)  
 † Eustice, George (*Minister of State, Department for  
 Environment, Food and Rural Affairs*)  
 † Evennett, Sir David (*Bexleyheath and Crayford*)  
 (Con)  
 Hayes, Helen (*Dulwich and West Norwood*) (Lab)

† Henderson, Gordon (*Sittingbourne and Sheppey*)  
 (Con)  
 † Lamont, John (*Berwickshire, Roxburgh and Selkirk*)  
 (Con)  
 † McFadden, Mr Pat (*Wolverhampton South East*)  
 (Lab)  
 † Mc Nally, John (*Falkirk*) (SNP)  
 † Martin, Sandy (*Ipswich*) (Lab)  
 † Merriman, Huw (*Bexhill and Battle*) (Con)  
 † Morris, James (*Halesowen and Rowley Regis*) (Con)  
 Ben Street, Ellen Watson, *Committee Clerks*  
 † **attended the Committee**

## Second Delegated Legislation Committee

Monday 7 October 2019

[JOAN RYAN *in the Chair*]

### Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019

4.30 pm

**The Minister of State, Department for Environment, Food and Rural Affairs (George Eustice):** I beg to move,

That the Committee has considered the Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019 (S.I. 2019, No. 1225).

This statutory instrument serves three purposes. First, it makes a number of technical changes to existing statutory instruments, to ensure that retained EU law continues to operate effectively after the UK leaves the EU. Secondly, it ensures that our statute book is closely aligned with the EU initially, to support our application for third-country listing for live animals and products of animal origin. Thirdly, it makes a minor correction to an earlier EU exit SI.

The SI was made under the urgency procedure, as it will be required to support the UK's application to the European Commission for third-country listed status for animal health purposes, which is currently being considered by the EU's Standing Committee on Plants, Animals, Food and Feed—SCoPAFF. As the Government have made clear, we seek a negotiated withdrawal from the EU, but we are also taking all responsible steps to prepare for all scenarios, including a no-deal exit.

The European Commission considered the UK's request for third-country listing at the SCoPAFF meeting on 9 April, and based on guarantees and the relevant animal health and hygiene legislation being in place on that date, it agreed to expedite that third-country listing so that it was available from day one. However, another vote is now required, on 11 October, and this SI must be ready and on the statute book to provide the EU with the necessary assurances to be able to expedite that third-country listing. We are making an offer to the European Union, which it has agreed to previously and, we hope, will again, to align certain sanitary and phytosanitary regulations for a period of nine months, in return for its expediting that third-country listing so that it will be available from day one.

This statutory instrument, as with all such instruments, has a rather long title. I will refer to it simply as the animal imports SI, which I think will be easier for everyone. The animal imports SI transfers legislative powers that give the Secretary of State, with the consent of Ministers from the devolved Administrations, the power to amend, vary or add to the list of third countries that can export animals and animal products into the United Kingdom—a function previously carried out by the European Commission.

The SI also gives the UK the power to align with the EU by being able to add new countries to the list for commodities permitted to be imported once the relevant veterinary and scientific risk assessments have been made. Previously, this power was not considered urgent, since we have many alternative powers in other legislation to prevent trade from countries where there is deemed to be either an animal health or a food safety risk. However, this additional power makes it easier to align directly with the EU during that nine-month transition period, in accordance with the undertaking that we have given in order to expedite that third-country listing.

The SI also amends previously made EU exit SIs regarding animal and animal product imports. This is linked to that first power and will simply allow the Secretary of State, again with the consent of the devolved Administrations where appropriate, to publish lists of animals and products that require or are exempted from border veterinary checks outside of the legislation. This will mean that we can vary both the countries on that register and the products that each of those countries are able to export to the UK.

**Maria Eagle** (Garston and Halewood) (Lab): Can the Minister explain why he is amending regulations that had already been made under the EU exit procedures in the European Union (Withdrawal) Act 2018 before we had even got to exiting? Was a mistake made the first time round or has there been a development? Why does he have to amend statutory instruments that were supposed to prepare us for a no-deal exit?

**George Eustice:** There are two reasons: first, as I said, the EU SCoPAFF's April agreement has expired and it is considering the matter again on 11 October. Although the ability to amend and update the list in a quick and expeditious way was not considered essential the first time round, given more time we believed it would be helpful to put it in there to place beyond any doubt the fact that the EU would have all the assurances it needed to expedite third country status.

There was also an error, which I was coming on to. The statutory instrument amends the Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019 by correcting a reference to the Recognition of Professional Qualifications (Amendment) (EU Exit) Regulations 2019 to enable certain EU, EEA and Swiss veterinary surgeons to register with the Royal College of Veterinary Surgeons. The error was simply that the previous SI referred to paragraph 43 of a regulation regarding professional qualifications that had been laid before the House by the Department for Business, Energy and Industrial Strategy. The relevant paragraph in its final iteration became paragraph 44, so there was an error in cross-referencing to the wrong paragraph, and this SI simply corrects it.

Part 1 of this statutory instrument contains relevant definitions used in the instrument. The legislative powers to amend the list are transferred from the Commission in parts 2 and 3 of this instrument. In parts 4 and 5, amendments are made to a previously made EU exit statutory instrument, and to domestic regulations in England and Northern Ireland relating to the trade in animals and animal products. No policy changes were made by those amendments; they are simply technical.

The final purpose of this SI is to correct a genuine but minor error in referencing a paragraph that turned out to be wrong in the final iteration of the regulations that I have mentioned. The devolved Administrations were fully engaged in the development of this statutory instrument, and it applies to the whole of the UK. I therefore commend the regulations to the Committee.

4.38 pm

**Sandy Martin** (Ipswich) (Lab): I will not take issue with the wording or the provisions in the statutory instrument, but I will take issue with a lot of the implications and the way in which it has been brought forward. When we considered a whole raft of these statutory instruments back in April, we warned that the greatest danger to animal and plant health might come from imports from third countries that came through other European Union countries on their way to the United Kingdom, but that were no longer being checked by the European Union on the grounds that we were no longer a member. That still very much remains the case.

From reading this statutory instrument, it is clear that it is an attempt to shore up our defences against that danger, but I am not at all clear how that will happen. How will we have enough qualified staff to make all the inspections necessary when we have relied on the European Union to make checks and to set the criteria for those checks, and even relied on EU nationals being most of our veterinary surgeons and carrying out much of our other agriculture and animal-related work? Have the Government set aside any funding to increase the recruitment and training of scientists and inspectors for doing this work? On what basis can the United Kingdom assess the safety of third countries, when most of the labs, assessment procedures and criteria have until now been located, set or carried out in the European Union, with its far greater resources for so doing?

What assurance can the Minister give that the United Kingdom will not be bludgeoned into accepting dangerous imports as part of an unbalanced trade deal with the United States, China or any other large power? What would be the implications of losing recognised third-party status with the EU, which is a real possibility if we do end up having a trade deal with a third party that involves our importing things that the EU would not consider safe? Is there any intention of adding to our list importing countries that are not yet recognised by the EU as third-party countries? If so, why would we be more likely than the EU to recognise that they were a valuable and safe importer, given that the EU has far greater facilities and capacity for assessing whether a third party would be safe to import from? All those questions show the difficulty of this country suddenly starting to do for itself something that we have done co-operatively with the rest of the European Union for many years until now.

There is a real issue about the use of the made affirmative process, especially in this case. The Minister says that it is an urgent case, but the process does not allow for careful reflection. Over and over again with such SIs, we have seen small errors that could, and in some cases probably would, result in serious holes in our legislation that would allow serious breaches of this country's plant and animal safety. Doing it this urgently does not allow for the sort of careful reflection that we

need to get these statutory instruments right. It is not necessary to do this using the made affirmative process in any case, because we are meeting here today on 7 October, according to my watch, which comes before 11 October. I would be grateful if the Minister could explain why it is necessary to do this using the made affirmative process.

In any case, as my hon. Friend the Member for Garston and Halewood pointed out, if the Government were serious about doing a deal, and having a deal for us to leave the European Union, it would not be necessary to cover these statutory instruments today. If the Government are not serious about doing a deal, surely they are still serious about abiding by the European Union (Withdrawal) (No. 2) Act 2019, which would rule out a no-deal Brexit on 31 October.

**Alex Chalk** (Cheltenham) (Con): I am grateful to the hon. Gentleman for giving way. The former Prime Minister had a deal that dealt with the money, citizens' rights and the transition period. If the hon. Gentleman was so keen on a deal, which part of that package did he, in truth, disagree with?

**Sandy Martin:** I thank the hon. Gentleman for raising the same question that members of his party have raised over and over again. There are lots of things that I disagreed with in the former Prime Minister's deal, but this is not the time or place to go into them. That is not within the scope of the regulations; what is within scope is the real danger we are putting this country in on animal health and the possibility of the spread of disease as a result of the determination to go for a no-deal Brexit.

4.44 pm

**John Mc Nally** (Falkirk) (SNP): It is always a pleasure to serve under your chairmanship, Mrs Ryan.

The Scottish National party is committed to the welfare of all animals during transport, whether within the United Kingdom or for export purposes. Live animal transportation remains important for Scottish agriculture, especially for our island communities. The Scottish Government work to ensure that that is done as humanely as possible, and that the highest possible animal welfare standards are upheld. Animals should be exported only in line with strict welfare standards that ensure freedom from harm and sufficient rest and nourishment. The current EU legislation contains many measures that provide such protection. The Scottish National party remains committed to ensuring that livestock in Scotland are reared, transported and treated throughout their lives humanely, with respect and to the highest possible welfare standards. With that in mind, may I bring the Minister's attention to a point that needs total clarification?

In the Operation Yellowhammer statement, the Chancellor of the Duchy of Lancaster stated:

"Hundreds of vets have...been trained to issue those certificates and additional personnel certified to support them."

For me that figure is far too vague. Is it 100, 200, 300, 400, 500 or 600? How many additional personnel have been certified to support the vets? It is very unclear and is exactly the opposite of what it should be. It should be reassuring to producers and to members alike that everything is in place. That does not seem to be the case, and I want an answer about the figures today.

4.46 pm

**Adam Afriyie** (Windsor) (Con): I welcome this statutory instrument. Two things occur to me. It seems that fears are being raised about the effect on standards overall. Perhaps the Minister will confirm this in his closing remarks, but this is not just an opportunity to ensure that we have control of the third countries from which we import and of the standards of the products that they provide to us. We may also have control over improving those standards in future. Will the Minister confirm that this statutory instrument gives the UK Government the ability to improve standards, or to perhaps remove countries from the approved list, which the EU may otherwise not have done?

4.47 pm

**George Eustice**: I shall try to deal with as many of the points that have been raised as possible. Starting in reverse order with the point raised by my hon. Friend the Member for Windsor, it is indeed the case that these powers, having been brought across, give the UK Government the power and the ability to change the list should, for instance, the European Union have a more lax state of affairs than us. Should it take unnecessary risks with food safety or public health, we would have the option to change the list to have a more stringent approach should it be necessary.

The purpose of amending the regulations now is, in the initial instance, to give the European Union the reassurance that we have all of the powers that we need dynamically to align our regulations on some of these SPS issues with the EU so that it can be reassured that we are not going to depart during that transitional period from the inspection regime that it currently has.

The hon. Member for Ipswich, the shadow Minister, raised the issue of goods from third countries. He is concerned that they may not be checked or inspected at all, but that is not the case. Currently, goods that come into the European Union will be checked in accordance with European standards. Goods that come into the UK on the day after we leave the European Union will also be checked, as they are now, on behalf of the European Union, in exactly the same way that they are now. Where we have transit goods—goods that are landed in another EU country but are destined for the UK market—they will be checked in exactly the same way as they are now when they come into the UK.

So it is already the case that goods in transit are inspected in the UK when they arrive, not at the port of entry. In so far as they are not coming through as goods in transit, but are simply landed in another EU port and then re-exported to the UK, they would undergo the same checks as they do today through the EU's own system.

The other point I want to make is about rapid alert systems. The EU system is called RASFF: ports in member states can alert one another to problems that they have encountered at the border. The UK contributes the vast majority of the data to that, far more than any of the other countries. I think that for some items, as much as 75% of the intelligence on the system comes from the UK. We have to understand that the EU does not have its own inspection taskforce; it relies on member states. Currently, this task is performed at border inspection posts by the Animal and Plant Health Agency on our

behalf, which does a very thorough job. That is where the expertise comes from; it does not come specifically from the European Union.

It may be the case that more goods have to go through the transit route to get to the UK. We anticipate an increase in the number of transit goods, which could mean up to around 8,000 extra checks at UK border inspection posts compared with now. However, we believe that we already have the resources to manage what is a small increase, based on the number of checks that we already do.

The hon. Member for Ipswich asked why we need to use the urgent procedure for this regulation. A European Union SCoPAFF meeting is taking place on 11 October, a few days away; that is not long. It has been a rather moving date: at one point it was going to be earlier in October, then at another point it was going to be 18 October, and it now seems to be moving again to 11 October. Given the importance of getting that third-country listing, we believed it was important to ensure we had done everything possible to provide the EU with the reassurance it wanted to be able to expedite that listing. That is why we made this regulation under the urgent procedure.

The hon. Gentleman ventured into a number of other areas, including the so-called Benn Act—the European Union (Withdrawal) (No. 2) Act 2019. However, when challenged on some of those points, he also pointed out that they were outside the scope of what we are discussing today, so I will not be drawn into those issues save to say that this Government are working very hard and energetically to get an agreement, and have come forward with a sensible proposal to replace the so-called Irish backstop.

**Sandy Martin**: Why is it necessary to bring this SI forward now if there is no chance of our leaving without a deal on 31 October, and if there is a chance of our leaving without a deal on 31 October, how does that square with the European Union (Withdrawal) (No. 2) Act? That was the point I was making about that Act.

**George Eustice**: I am sure the hon. Gentleman will be aware that the European Union (Withdrawal) (No. 2) Act does not say there cannot be a no-deal Brexit. It requires the Prime Minister to send a certain letter on a certain date. We do not yet know whether the European Union would agree to extend; we do not know what terms it would demand or extract; and we do not know whether those terms, and any counter-offer it made, would be acceptable to the Government, Parliament or anybody else. There are still many uncertainties here, and we are clear that we will leave, with or without a deal, at the end of October. That remains the Government's position, and it is therefore prudent to prepare for all eventualities, which is why this SI is necessary.

Finally, I will deal with a point made by the hon. Member for Falkirk about vets and veterinary capacity. This particular regulation is more about the inspections that APHA would conduct on behalf of the Government on imports from third countries, and less about the export health certificate. No veterinary capacity is really relevant to those inspections, other than the APHA port inspections that we already carry out. As I said, I believe we have sufficient capacity to manage that small increase in load.

However, the hon. Gentleman has raised a point about export health certificates, where goods going the other way would need some veterinary attestation to say that the goods are what they said they were. We have been offering free training for official vets to sign EHCs. Some 736 have registered with APHA, and 564 are already enrolled on that course. I am told that 152 have qualified, and the number of official veterinarians who can sign EHCs for food products has increased by 200 since 8 February, to 835. We are also looking at additional approaches, such as having certification support officers so that this work can be done by people other than fully

qualified vets. We are conscious that there will be an increase in burden when it comes to export health certificates, and we have been working to build capacity in that area.

I hope that I have managed to address most of the issues that have been raised, and therefore commend the regulation to the Committee.

*Question put and agreed to.*

4.55 pm

*Committee rose.*

