

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT EGGS (ENGLAND) REGULATIONS 2021

Monday 22 November 2021

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The Committee consisted of the following Members:

Chair: MRS SHERYLL MURRAY

† Abrahams, Debbie (*Oldham East and Saddleworth*) (Lab)
 † Afriyie, Adam (*Windsor*) (Con)
 † Cairns, Alun (*Vale of Glamorgan*) (Con)
 † Clarke, Theo (*Stafford*) (Con)
 Duffield, Rosie (*Canterbury*) (Lab)
 Gardiner, Barry (*Brent North*) (Lab)
 † Jones, Fay (*Brecon and Radnorshire*) (Con)
 † Kearns, Alicia (*Rutland and Melton*) (Con)
 † Moore, Robbie (*Keighley*) (Con)
 † Prentis, Victoria (*Minister of State, Department for Environment, Food and Rural Affairs*)

Spellar, John (*Warley*) (Lab)
 † Tami, Mark (*Alyn and Deeside*) (Lab)
 † Timms, Stephen (*East Ham*) (Lab)
 † Webb, Suzanne (*Stourbridge*) (Con)
 † Wheeler, Mrs Heather (*South Derbyshire*) (Con)
 † Williams, Craig (*Montgomeryshire*) (Con)
 † Zeichner, Daniel (*Cambridge*) (Lab)

Huw Yardley, Stella-Maria Gabriel, *Committee Clerks*

† **attended the Committee**

Second Delegated Legislation Committee

Monday 22 November 2021

[MRS SHERYLL MURRAY *in the Chair*]

Draft Eggs (England) Regulations 2021

4.30 pm

The Chair: Before we begin, I remind Members that they are expected to wear a face covering and to maintain social distancing as far as possible. That is in line with Government guidance and that of the House of Commons Commission. Please give each other and members of staff space when seated and when entering and leaving the room. I remind Members that they are asked by the House to have a covid lateral flow test twice a week if coming on to the parliamentary estate. That can be done either at the testing centre on the estate or at home. Members should send their speaking notes by email to hansardnotes@parliament.uk. Similarly, officials in the Public Gallery should communicate electronically with Ministers.

4.31 pm

The Minister of State, Department for Environment, Food and Rural Affairs (Victoria Prentis): I beg to move,

That the Committee has considered the draft Eggs (England) Regulations 2021.

The draft regulations were laid—that is the end of my jokes—before this House on 19 October.

This draft statutory instrument has been laid to allow marketing standards checks on class A eggs imported from third countries to continue to be conducted at the locations where they already take place. That is in accordance with current practice and, indeed, practice over the past 30 years or so. The instrument is needed because, without amendment, the retained regulation on egg marketing standards will require those checks to be relocated, causing disruption to the inspection process and requiring considerable additional resources, with no material benefit to anyone, frankly. The instrument will have effect only in England. Both the Scottish and Welsh Governments will make the same amendment to their own domestic legislation.

Marketing standards are intended to ensure that the market is supplied with products of satisfactory quality to meet consumer expectations. They are in addition to, and completely separate from, safety—or sanitary—standards. Sanitary standards will continue to be checked at the border, as they are at the moment. The amendment to be made by this draft instrument is not a change of policy and simply continues the existing arrangements for the marketing standards checks.

Through the functioning of the Northern Ireland protocol, regulation 589/2008 on egg marketing standards—which Great Britain has retained—will continue to apply to Northern Ireland, as it has effect in the EU. Therefore, the current checking arrangements for the movement of third-country class A eggs into Northern Ireland will not change.

For class A eggs to be imported into GB from a third country, the Secretary of State must determine whether the third country has equivalent egg marketing standards. Only European Union member states are currently recognised as producing eggs to that equivalent standard. I should add that we do not export or import a vast number of eggs—that accounts for about 10% of the egg market in England.

In the future, however, should things change and should we wish to import eggs from any third countries other than those in the EU, the Secretary of State must first make a similar determination of equivalence. Until then, class A eggs may not be imported into GB from non-EU countries. I reassure the Committee that that is really not an issue at the moment, because we do not import eggs from non-EU countries. We will continue to uphold the high standards expected by UK consumers.

The change contained in this draft SI been discussed with British egg industry stakeholders, and we held a joint consultation with the Scottish and Welsh Governments. I ask the Committee to approve the regulations.

4.34 pm

Daniel Zeichner (Cambridge) (Lab): It is a pleasure to serve with you in the Chair, Mrs Murray. I thank the Minister for her full and clear introduction, as ever.

As we belatedly start to introduce checks on goods coming from the EU, the issue of where and when checks will be made will, I imagine, be an issue that will crop up for many goods. Today, however, we are talking about eggs. We are advised that class A eggs are not currently imported from outside the European Union, so in practice this applies only to eggs from the EU. However, as the Minister said, the provision could potentially be extended in future. There is, of course, the ongoing issue of Northern Ireland to consider.

I was struck by the questions raised by the Secondary Legislation Scrutiny Committee's report, following which there are a number of issues that I hope the Minister can clear up. Returning to the well-worn subject of arrangements on the Northern Ireland border, the Department for Environment, Food and Rural Affairs has said in response to a question from the Secondary Legislation Scrutiny Committee that eggs from Northern Ireland will continue to have unfettered access to Great Britain, which is as one would expect. It is not clear to me entirely how many eggs are going backwards and forward anyway. I am told by experts that most countries like to produce their own eggs. I therefore imagine that most in the island of Ireland are produced and consumed there.

I commend the quarterly egg statistics—which make for fascinating reading—maintained and published by DEFRA. Looking at those, it seems as if the numbers in Northern Ireland egg packing stations—about one sixth of the UK total—tell a slightly different story. Will the Minister tell us how many eggs that are produced in Great Britain are shipped to NI and could she confirm that they will be checked at the border, as stated in DEFRA's response to the Secondary Legislation Scrutiny Committee? How much time is needed for those checks, and what is the estimated cost?

I would also be grateful if the Minister could provide some insight into how the current negotiations on the NI protocol between Lord Frost and the EU might

impact on the future importation of eggs from Great Britain into Northern Ireland. I suspect she may not wish to comment on that.

Appendix 4 of the SLSC's report shows that the Committee raised with DEFRA its concerns that the majority of respondents to DEFRA's initial consultation were actually against the proposals in this instrument. Indeed, paragraphs 10.4 and 10.5 of the explanatory memorandum helpfully explain that over 80% of those consulted opposed the proposal and that the answer to this clear expression of interest was that

"a round table will be scheduled".

Presumably a roundtable was scheduled to explain to them why they were wrong.

Looking at the response to the SLSC report, the roundtable seems to have been held on 24 September, where it was argued that this instrument will allow the Animal and Plant Health Agency to carry on randomly checking for both domestic and imported eggs at warehouses, distribution centres and packing centres and that if egg inspections were conducted at the border, inspectors would be unable to maintain their normal rate of inspection. That sounds basically like a cost argument to me. DEFRA helpfully says:

"It is likely that inspectors would be unable to maintain their normal rate of inspections on... imported eggs."

In other words: "We won't check at the border, because that requires extra resource." However, checking at the border may help to stop potential future fraud, and that would be worth doing.

It seems to me that when the Government promise no imports of goods imported at lower standards, that is a promise based on trust, not checking. Somehow we will trust that others would not be so unsporting as to send us lower-standard goods, because we trust them not to. That sounds pretty weak, which may be why some in the industry are not entirely convinced.

The Opposition will not oppose today's regulations, but it seems that we are opening ourselves up to a situation where other countries check our goods going into their country, but we just wave stuff through. It is an open invitation to fraud, and it is very tough on our producers, who face much tougher checks than their competitors.

Finally, we have had correspondence with a representative from the egg industry, who raised the issue of costs. Will the Minister please confirm that the costs associated with checking eggs at packing centres will not be borne by the egg industry?

Today's debate should guarantee our high animal welfare, food safety and marketing standards, and I share the concerns of industry stakeholders that DEFRA has failed to provide sufficient reassurance that these proposals will uphold those standards.

4.39 pm

Victoria Prentis: I am very happy to respond to the hon. Gentleman's points. However, I do not currently know the exact number of eggs that are shipped to Northern Ireland, so I am happy to write to him on that specific point. The key issue, for the purposes of the

draft SI, is that the current checking arrangements for Northern Ireland will continue to apply; there will be no change, at all, to the way that that works.

As I said earlier, compared with the entire industry, the number of eggs we import is relatively small, at about 10%; we also export a certain number. The numbers fluctuate a bit but, as the hon. Gentleman said, British consumers prefer to eat locally produced eggs—I suspect that consumers across the rest of the world do, too.

In the consultation, the reason why the stakeholders initially objected to the change was that, of course, the British egg industry is very ambitious and wants to produce more eggs, so that we do not import any at all. That was very much the tenor of the conversation that the Department had with industry. I am glad to say that the roundtable, which was held to talk through concerns raised, went very well, and my officials were able to allay industry's concerns. In summary, the read-out from the roundtable was that, while domestic producers felt that eggs should be checked at the border, egg marketing inspectors from APHA were able to explain that additional resources would be needed to do this, which might necessarily divert resources from other functions.

Daniel Zeichner: I hear what the Minister says and I am reassured. However, from conversations with people in the egg industry my sense is that they are deeply concerned about the threat of lower-cost producers being able to undercut them. I am told that there is something like a 16% cost advantage from other egg producers in Europe. Should we not be concerned about that?

Victoria Prentis: No, we certainly should not. If we pass this SI, APHA will continue to undertake risk assessment checks, both on domestic and imported goods. Other checks happen already, such as the sanitary checks—the safety checks—that happen at the border, as I mentioned earlier. The Food Standards Agency is also able to make checks on safety at the retail or processing end—that is normally where those checks take place. British consumers, and the British egg industry, should be under no illusion at all that imported and domestic eggs will not continue to be properly checked to ensure that they come up to our rightly high standards.

During the course of the roundtable, we also explained that imported eggs will be subject to exactly the same checks as domestic eggs, and that we will not import eggs from third countries until a full assessment has been made. Truthfully, we do not feel that is likely to be necessary or, indeed, to happen.

I hope that hon. Members fully understand the need for this statutory instrument, which ensures that marketing standard checks on class A eggs continue to happen in the locations where they take place today. This SI should avoid any disruption to the level of checks that currently take place and will allow egg marketing inspectors to continue to uphold our high standards. I therefore commend these regulations to the House.

Question put and agreed to.

4.42 pm

Committee rose.

