

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT WINDSOR FRAMEWORK (ENFORCEMENT
ETC.) REGULATIONS 2023

Monday 11 September 2023

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Friday 15 September 2023

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The Committee consisted of the following Members:

Chair: CAROLINE NOKES

- | | |
|--|---|
| † Benn, Hilary (<i>Leeds Central</i>) (Lab) | † Loder, Chris (<i>West Dorset</i>) (Con) |
| † Bonnar, Steven (<i>Coatbridge, Chryston and Bellshill</i>) (SNP) | † Mills, Nigel (<i>Amber Valley</i>) (Con) |
| † Browne, Anthony (<i>South Cambridgeshire</i>) (Con) | † Mortimer, Jill (<i>Hartlepool</i>) (Con) |
| † Byrne, Liam (<i>Birmingham, Hodge Hill</i>) (Lab) | † Spencer, Mark (<i>Minister for Food, Farming and Fisheries</i>) |
| † Churchill, Jo (<i>Vice-Chamberlain of His Majesty's Household</i>) | † Sturdy, Julian (<i>York Outer</i>) (Con) |
| Coyle, Neil (<i>Bermondsey and Old Southwark</i>) (Lab) | † Tami, Mark (<i>Alyn and Deeside</i>) (Lab) |
| † Drummond, Mrs Flick (<i>Meon Valley</i>) (Con) | † Vara, Shailesh (<i>North West Cambridgeshire</i>) (Con) |
| † Hardy, Emma (<i>Kingston upon Hull West and Hessle</i>) (Lab) | † Wilson, Sammy (<i>East Antrim</i>) (DUP) |
| † Jones, Andrew (<i>Harrogate and Knaresborough</i>) (Con) | Yohanna Sallberg, Kevin Maddison, <i>Committee Clerks</i> |
| | † attended the Committee |

Third Delegated Legislation Committee

Monday 11 September 2023

[CAROLINE NOKES *in the Chair*]

Draft Windsor Framework (Enforcement etc.) Regulations 2023

6 pm

The Minister for Food, Farming and Fisheries (Mark Spencer): I beg to move,

That the Committee has considered the draft Windsor Framework (Enforcement etc.) Regulations 2023.

The draft regulations were laid before the House on 4 September. Their purpose is to implement arrangements agreed under the Windsor framework, which, as hon. Members will be aware, was announced by the Government in February this year.

The prospect of full implementation of the original Northern Ireland protocol met with some challenge from businesses and communities in Northern Ireland. Despite a range of grace periods being in place, the protocol has already led to significant disruption in the links between Great Britain and Northern Ireland. The central purpose of the draft regulations is to put in place essential arrangements that were agreed in the Windsor framework to address that.

The measures fundamentally recast the old Northern Ireland protocol to restore the smooth flow of trade in the UK internal market, safeguard Northern Ireland's place in the Union and address any concerns over any democratic deficit. Importantly, the draft regulations do not establish those arrangements themselves, but provide Northern Irish authorities with powers required as a consequence of those arrangements. That will ensure their proper functioning and guarantee protection for Northern Irish consumers, in line with that in the rest of the United Kingdom.

To enable the flow of trade once again, we are introducing new regimes for the movement of goods between Great Britain and Northern Ireland. First, the Northern Ireland retail movement scheme establishes a new, sustainable, long-term legal framework for trade in retail agrifood goods between Great Britain and Northern Ireland. The new scheme will allow traders moving agrifood goods destined for the final consumer in Northern Ireland to benefit from a unique set of arrangements.

The arrangements enable consignments to move on the basis of a single certificate, without routine physical checks, and on the basis of Great British—not EU—public health, marketing and organic standards, as well as catch documentation requirements for certain species of fish. Indeed, the Windsor framework secures the disaggregation of over 60 EU regulations on goods moving to Northern Ireland via the scheme. The application of GB standards to those goods ensures a common approach across the United Kingdom. The scheme will be available to all such traders, including retailers, wholesalers, caterers and those providing food to public institutions such as schools and hospitals.

Secondly, the Northern Ireland plant health label regime will remove the requirement on plants for planting and used farming or forestry machinery to be accompanied by expensive phytosanitary certificates, which cost businesses around £150 per movement. Instead, operators will be able to register and become authorised to issue an attachable Northern Ireland plant health label for goods moving from Great Britain to Northern Ireland. That will help to significantly reduce the cost for businesses that move such goods to Northern Ireland. The Northern Ireland plant health label is based on the existing UK plant passport regime, which controls plant health in the rest of the UK and ensures freedom from pests. Previously banned seed potatoes will once again be available in Northern Ireland from other parts of the UK. They will also move under the Northern Ireland plant health label scheme.

The draft regulations will allow for the significant, pragmatic and proportionate enforcement of key elements in these new schemes. First, as agrifoods entering Northern Ireland under the Northern Ireland retail movement scheme can now meet the same public health, marketing and organic standards that apply elsewhere in the UK, relevant bodies in Northern Ireland need the powers to ensure compliance with those standards. The draft regulations ensure that existing Northern Ireland powers can be used in respect of goods that move under the scheme, including the ability to remove non-compliant goods from sale and act against non-compliant businesses. Such powers are already in place in Northern Ireland in respect of EU standards; as such, the regulations do not represent a widening of enforcement powers or additional responsibility for business. Importantly, though, they will ensure the continued protection of public health, consumers' interests and food safety in Northern Ireland, guaranteeing that consumers in Northern Ireland will benefit from the same high food safety standards and equivalent protections as consumers in the rest of the UK.

Secondly, the draft regulations provide the necessary enforcement powers to ensure compliance with the Northern Ireland plant health label regime, in line with what already exists for the UK plant passport regime in the rest of the UK. They affect only businesses that make use of the regime and are no more burdensome than they are for British businesses operating within the plant passport regime. They will ensure that authorities in Great Britain and Northern Ireland will be able to manage non-compliance with the Northern Ireland plant health label regime proportionately, using the existing domestic plant health enforcement regime.

The measures are intended not to burden lawful traders but to create an equitable ground for business and protect the interests of consumers in Great Britain and Northern Ireland. As we would expect, the measures will have no impact on traders who abide by the relevant Great British standards for agrifood and the terms and conditions of the Northern Ireland plant health label scheme.

As we move forward with the Windsor framework, let us not forget its profound implications for trade and the economy. The framework is an innovative solution that removes the Irish sea border for goods remaining in the UK and provides a stable legal foundation for trade, allowing everyday goods to move easily while adhering to the highest standards and protecting biosecurity on

the island of Ireland. The new arrangements will ensure that consumers in Northern Ireland can access goods available across all parts of the UK and that they are protected by the same high standards as consumers elsewhere in the UK.

I hope I have assured all Committee members about the purposes and aims of this statutory instrument. It is a crucial part of the Windsor framework, which the Government announced earlier this year. I am sure that we all agree that this is a positive step for business and consumers. As we take this positive step forward, let us remember that the framework is about not just trade, but securing a brighter future for all. I am grateful for Committee members' attention. I look forward to a short debate and then moving forward.

6.7 pm

Hilary Benn (Leeds Central) (Lab): It is a great pleasure to serve under your chairship, Ms Nokes. I am grateful to the Minister for his explanation of the draft regulations. As he will know, I strongly support the Windsor framework as a way out of the mess that both the Government and the EU had got themselves into. For that reason, we will not oppose the regulations, although I want to raise some questions.

I realise that these particular regulations are principally about ensuring that the appropriate authorities have the power to enforce the new arrangements, but, as the Minister will be only too well aware, it is essential that people understand what is expected of them so that they do not fall foul of these enforcement rules. In other words, we need clarity and timely guidance. On that question, may I begin by referring to paragraph 7.4 of the explanatory memorandum? About halfway down, it says:

“The SPS Regulation will also be applicable in NI, but under Article 1(2) and Annex 1 of that regulation, the standards in directly applicable EU law are disapplied in relation to retail goods under the Scheme.”

So far, so good. It goes on:

“This means that the relevant NI legislation does not apply to retail goods under the Scheme.”

But the very next sentence says:

“This SI applies the NI legislation to goods under the Scheme.”

Maybe I have misread the paragraph or missed something, but surely the relevant Northern Ireland legislation either does not apply to goods under the scheme or it does. Which of those two is it, or are those two consecutive sentences referring to different types of goods or different circumstances?

Next, the Minister will be aware that many of those who submitted evidence to the recent House of Lords European Affairs Committee inquiry, which produced an excellent report that I commend to all Members, argued that the implementation of these new arrangements, while a great improvement on the full application of the Northern Ireland protocol, will still represent an increase in checks and paperwork compared with the grace periods. Does the Minister accept that?

Let us take an example. There is a particular issue for hauliers who carry mixed loads—I think it is referred to as groupage—some of which is for the red lane and some of which is for the green lane but all of which is in the back of the same truck. In practical terms, how will the situation be managed to ensure the right enforcement for the right lane? Can the Minister give an assurance

that no goods that qualify for the green lane will be subject to red lane inspection even though they are in the back of the same truck with red lane goods? To what extent will the red and green lanes apply to the products that he referred to?

The explanatory memorandum makes it clear that agrifoods moving from Great Britain to Northern Ireland under the Northern Ireland retail movement scheme, which I welcome, will be able to meet relevant GB public health and consumer protection standards. Can the Minister therefore confirm for the record, because I understand this to be the case, that cakes and ice cream containing the food whitener titanium dioxide, which is banned in the European Union but not in the UK, can continue to be moved from Great Britain to Northern Ireland and sold to consumers there?

From 1 October, businesses in Great Britain will be able to move prepacked retail goods as well as certain other goods, including fruit and vegetables, through the green lane to Northern Ireland under the Northern Ireland retail movement scheme. These requirements will come in in three phases. As I understand it, in phase 1, the “Not for EU” label that we have started to see will be required on all prepacked meat products, meat packed on sales premises and some dairy products. I understand that compound products such as chicken kiev are included in phase 1, but composite products such as pepperoni pizza are not. I am a vegetarian, but I thought it was important to raise that point. Is the Minister confident that the new arrangements, including the difference between compound and composite products, are well understood by manufacturers and traders? Will those enforcing the new arrangements take a proportionate approach to their implementation in this case and the others he referred to?

The provisions for seed potatoes are a great step forward and I welcome them, but can the Minister clarify the situation on the movement of certain shrubs and trees—in particular, oak, yew, honeysuckle, willow, hazel, dogwood, birch, chestnut, beech, fig, ash, jasmine, walnut, rowan, poplar, cherry, and hazel and hawthorn—given their importance for hedgerows? As I understand it from the document issued by his Department on 6 September entitled “Regulated plants for planting under a Northern Ireland plant health label”, the trees I just mentioned

“must not be moved from Great Britain to Northern Ireland”, although in respect of *Acer*, also known as maple, *Malus*, also known as crab apple, and *Crataegus*, also known as hawthorn, it states:

“Some of the species in this genus have now been approved to move”

and advises traders to

“Consult your local PHSI Inspector.”

The Minister will be aware that the inability to move certain species of tree or shrub from Great Britain to Northern Ireland for planting causes a great deal of concern to farmers, growers and garden centres. Since only some of these trees and shrubs have been cleared for movement so far, what will be the process for clearing the rest so that there is ultimately free trade in these iconic species?

Finally, on any agrifood checks, it would really help if there was a veterinary agreement between the United Kingdom and the European Union. Perhaps the Minister

[Hilary Benn]

could tell the Committee what discussions he has been having with the Commission about how to bring one into being, given that in the vast majority of cases we are still applying EU single market rules to the sector.

6.14 pm

Sammy Wilson (East Antrim) (DUP): On the basis of the Minister's opening speech, the regulations were designed to protect Northern Ireland consumers from goods that might be damaging and that come not from outside the UK, but from within the UK. I suppose we should be grateful, although I am sure many hon. Members will ask what goods are circulating in the rest of the UK that could be damaging to people in Northern Ireland and from which they need protection, while those protections are not afforded to people in Great Britain, because there is nothing in the regulations about those goods being dealt with and prevented from being sold in Scotland, Wales or England. I was a bit bemused by that argument, but according to the explanatory notes it is central to the justification that the Government give for the regulations.

I want to look at the regulations in two ways. Some people have already given up on the idea that we have broken free of the European Union and that it no longer has any say in the United Kingdom. It is a pity that despite the fact that the Windsor framework has been place for six months, the regulations are being raced through. The explanatory notes accept that no consultation was done, even though there is a legal obligation to carry out such consultation. It is claimed that the consultation did not take place because, "We didn't have enough time." We do not have, therefore, the benefit of the opinions of and input from those who will actually feel the impact of the regulations on their businesses, or those who will have to ensure that they are properly enforced.

The regulations also relate to other regulations, such as the plant health regulations and the retail movement regulations that were laid just last week. They are all bound together, but we have not even had sight of them, we will not get a vote on them as they will be taken under the negative resolution procedure, and we will not have a proper discussion of them. That is one reason why people get so suspicious. What is the real motive behind rushing the regulations through?

We should bear in mind that the regulations are not primarily based on decisions made by this Government. They are based on EU regulation 2023/1231, which defines, for example, plant health labelling, which is mentioned 42 times in the regulations. They are not defined by GB or UK legislation—they are defined by the EU. The EU regulation does not even apply to the whole of the EU: it applies specifically to the UK. The requirement for the labelling is part of EU regulation, and for goods to move they have to comply with EU requirements. I know that the Minister has said that the regulations are to help to reduce and do away with the sense of a border, and the Prime Minister has said the same. But look at the conditions that EU regulation 2023/1231 imposes. The goods have to be labelled, they have to be taken over by a trusted trader, they have to have export documents, the retailer has to have a confirmed address in Northern Ireland, and the goods will still be subject to checks—10% initially, and 5% eventually.

I will be interested to hear how the Minister justifies that, because at the minute no border posts have been built to do these checks. By the time the border posts have been built, the rate will be down from 10% to 5%. Do we even have the capacity for these checks? If not—and even if we accept that checks are a good thing in the first place—what does that mean for the movement of goods and the back-up of lorries? I know that that first point will resonate with some Members. These draft regulations are dependent not on what our Government have decided but on specific regulation imposed by the EU on the Government of the UK.

My second point is about what are described as GB standard goods. Goods that come into Northern Ireland must now be examined to ensure that they comply with GB standards. Will the Minister explain why that is the case? In most cases, the standards for these goods are not set for GB alone, because they have been set by UK legislation. Why, therefore, do we have to have this differentiation? Why are goods exported into Northern Ireland to be treated as GB goods that comply with GB standards? If the standards have been set by legislation in this place, on a UK-wide basis, surely there is no need for checks to ensure that goods coming into Northern Ireland comply with GB standards, because all goods should be produced on that basis.

For the life of me, I cannot understand this. I think that the distinction has been made to provide cover. We are talking not about an international border but about border posts designed to ensure that UK standards apply in Northern Ireland. That is the only explanation I can think of for making the distinction: to try to soften the idea that there is an international border between Northern Ireland and GB. But the truth of the matter is that there is an international border for goods that go through the red lane, because they have to go through full international border checks. As I have indicated, the process is not unfettered for those that go through the green lane, because there are requirements on those goods, too.

And here's the thing about EU regulation 2023/1231: it is clear that the EU can, at any time, without discussion with the UK Government, and without having to give a reason, remove the option of the alternative border—I do not know what else to call it. If the EU believes that the green lane is not working, or if it has other reasons for deciding to get tough, it can remove it. That is its default position. Once again, the Government are telling us, "We have a good deal and we are in control of this," but that is not the case.

The whole point of these draft regulations is to safeguard our independence, which is why it is so important that we do not look at them in isolation. They depend on the terms of an EU regulation, which states that the border arrangements that the Minister says are so beneficial to Northern Ireland can be removed at any time by the EU. The irony here is that our own Government never sought a default position on the green lane; the only default position is on the red lane. We do not have any alternative whereby we can say, "The way in which you have directed goods to the red lane is unacceptable to us, so we will go to a green lane default position." We have handed over to the EU the definition of the goods that can comply, we have handed over to the EU the right to decide the nature of the border between Northern Ireland and GB, and we have this justification in place.

One of the purposes of the draft regulations will be to protect Northern Ireland consumers from faulty or non-compliant goods that come from GB. If it is so necessary to have checks for such goods that are so widespread that we have to check 10% of those that go through the green lane, maybe the Minister can tell us what arrangements are in place to protect GB consumers from non-compliant goods.

If there is so much concern about non-compliant goods coming from GB into Northern Ireland and harming Northern Ireland consumers, why is there no such concern about goods coming from the Irish Republic into Northern Ireland that might not comply with UK standards and from which Northern Ireland consumers need protection? Let us just remind ourselves of the food scandals that have occurred: tainted olive oil from Spain, which killed over 1,000 people; pizzas with *E. coli*, which killed two people; or the scandal of horsemeat in burgers that came from the Irish Republic, France and Spain. I could go on and on about food standards. Indeed, a recent report stated that EU consumers were at a health risk from faulty goods because of inadequate policies and the inadequate policing of food standards in the EU.

If the Minister is so concerned about protecting Northern Ireland consumers from goods that are made in the UK, which presumably do not go through the same checks for GB consumers, why is there no concern about goods that cross the border—and not just into Northern Ireland? Do not forget that Northern Ireland is a conduit for goods that can come from Europe into GB. The justification for the draft regulations does not seem to stand up when we look at things in that way. We deserve an explanation from the Minister as to why, if there is such a fear, it is not dealt with on both sides. I suspect that some of the reasons behind the draft regulations that have been given are not valid and do not carry any serious weight.

Although the new arrangement is presented as an improvement, the Minister has already said that many of the goods that will now be caught under the draft regulations, and have checks imposed on them were not subject to checks under the Northern Ireland protocol because of grace periods. This situation is actually worse, because the grace periods disappear. As a result, more goods will have to go either through the red lane for full international checks, or through the green lane.

I do not want to go through the Minister's claims, because a lot of this is anecdotal, but I can tell the Committee that promises such as free access to seed potatoes for Northern Ireland are just not true. In Northern Ireland, seed potatoes cannot be sold in retail outlets, garden centres and so on. People like me who do a wee bit of gardening would not buy tons of them; they would buy a wee bag to plant for Christmas time or whatever. That is not available. Many plants are still not available, and many businesses now say that requirements under EU regulation to permit goods to go through the green lane are so onerous that they are simply not going to purchase any more.

Even big retailers say that. Tesco recently indicated, certainly to its own suppliers, that it would do three things—look to the Irish Republic; look to EU supply chains; and find ways to stock its shelves other than bringing goods from GB—because even with what it knows about the Windsor framework arrangements,

it would be too onerous to bring goods into Northern Ireland. That is the consequence, and I do not think that we should make claims for these regulations that are not true.

6.30 pm

Steven Bonnar (Coatbridge, Chryston and Bellshill) (SNP): It is nice to see you in the Chair this afternoon, Ms Nokes.

We in the SNP understand the purpose and aims of, and need for, yet another Brexit-related SI, this time relating to the Windsor framework to allow trade to take place between Northern Ireland and Great Britain. The right hon. Member for East Antrim outlined many of the pitfalls that he has concerns about, and I am sure that he could have talked for considerably longer. However, it must be stated that once again a monumental amount of parliamentary time is being wasted as we go through the myriad pitfalls that must still be ironed out in the wake of Brexit. As the right hon. Member for Leeds Central said, there are many still to come.

The reality is that we are seven years on from the Brexit vote and three years on from leaving the European Union, yet valuable parliamentary time is being wasted on such instruments as our constituents struggle to make ends meet. None of this comes close to what EU membership gave us.

Both the Westminster parties support Brexit. The Tories and the Labour party both support taking this self-defeating, self-damaging and insular road. The right hon. Member for Leeds Central spoke about many of the self-damaging pitfalls, so I really hope that he will take that forward to his own party leadership. Both parties seem determined to take the rest of us along with them—whether willingly or unwillingly, it does not seem to matter. The reality is that that is why Scottish independence is sitting so high in the polls, even if not for our own party. It is becoming clear that that is Scotland's only way of escaping this Brexit madness and once again taking our place among our European friends as a normal, independent nation in the EU.

6.32 pm

Mark Spencer: I am conscious that this is quite a specific debate about the enforcement of the regulations in Northern Ireland. It is tempting to wade into reliving the debate with the EU and the Brexit debate, and to get into topics that are much wider than the SI we are debating. I will resist temptation and try to stick to the SI.

I will try to address the specific questions asked by the right hon. Member for Leeds Central. On his first question, about paragraph 7.4 in the explanatory memorandum, he was quite specific about wording that may appear in legalese to be somewhat confusing. I will try to clarify that as best I can. The first sentence refers to the effect of the EU regulation; the second refers to the situation after the SI steps in to ensure that GB standards can be applied in Northern Ireland to goods that move under the retail movement scheme—if that makes sense. I am more than happy to correspond with him afterwards to try to clarify the position.

The enforcement in Northern Ireland of the retail movement scheme is set out in the Windsor Framework (Retail Movement Scheme) Regulations 2023.

[Mark Spencer]

The enforcement tools available include suspension or removal from the scheme. However, the relevant competent authorities will take a pragmatic approach to enforcement in the first instance as we work towards maximising compliance with similar domestic schemes. I hope that we will see the compliance and flexibility requested by the right hon. Gentleman.

I did not have time to write down all those trees that the right hon. Gentleman listed, but I will try to deal with his concern. The EU's risk assessment process for the movement of so-called high-risk trees will also be expedited. Once approved, they will move from GB to Northern Ireland with the Northern Ireland plant label. The 11 most commercially important GB-native and other industry-prioritised trees will be expedited so that they can move in time for the main 2023 planting season. That includes important GB-native trees such as English oak, sycamore, beech and the many others that he mentioned.

Hilary Benn: The Minister has made an extremely helpful point, but did he also say that the trees would be ready in time for the 2023 planting season?

Mark Spencer: Yes.

Hilary Benn: We are in 2023, so can I take it that the expediting process for the assessment will happen in very, very short order?

Mark Spencer: We are very keen to expedite this as quickly as possible. Obviously, no one will be planting a tree at this moment in time and we will then move into winter. I will clarify in writing exactly when we hope to have this in place, but we are conscious that we do not want barriers. We want to allow free market movement of goods wherever possible.

I turn to my friend from Northern Ireland, the right hon. Member for East Antrim. I understand his passion and his commitment to Northern Ireland, and we share many of his ambitions. Of course we want Northern Ireland to remain part of the United Kingdom, but in creating the Windsor framework, we are trying to address the challenges that were brought forward through the protocol. He criticises us for not consulting Northern Ireland and those who are affected, but of course there is huge pressure to try to solve this challenge. I know that he would be one of those voices—indeed he was—saying, “Let’s try and overcome the challenges that we face in the protocol.” These are the solutions that we have brought forward and we are trying to expedite those solutions as quickly as possible.

The Windsor framework achieves a long-standing UK Government objective of restoring the smooth flow in trade within the UK internal market. By pursuing a green lane for the movement of goods from GB to Northern Ireland, supporting Northern Ireland's place in the UK, it restores that smooth flow of trade within the internal market by removing some of those unnecessary burdens that disrupted east-west trade.

Sammy Wilson: When one thinks of smooth trade, one thinks of a lorry leaving here in London and going up to Scotland or Wales: it does not get stopped; it does not need to have labels on the goods; the final destination

of the goods does not need to be known; it does not need a trusted trader arrangement for the people involved; and it does not need export papers. How can the Minister claim, when all that has to be in place for goods going to Northern Ireland that are purely for consumption in Northern Ireland, that that can be regarded as smooth trade? It would not be regarded as smooth trade if people had to do it in GB.

Mark Spencer: Again, I hesitate to wade in, because such matters are often way above my pay grade. However, we have to recognise that there are a number of challenges, not least of which are that we have to respect the Good Friday agreement and we have to respect the phytosanitary integrity of the island of Ireland. That is why we are devising these processes to try to expedite and ease that trade as much as possible while respecting all those other challenges that we face as a Government. We need the regulations so that we continue trade with Northern Ireland.

Sammy Wilson: I appreciate the Minister's point about safeguarding the Northern Ireland market and making sure that goods are compliant, including with UK law. However, he was the one who emphasised this point in his speech, and it is also emphasised in the explanatory memorandum, so could he explain to me what dangers the UK Government see in goods going from GB into Northern Ireland that could harm Northern Ireland consumers? Is there a volume of goods, and what sectors of the economy are those goods coming from, that require these kinds of checks because he and his explanatory memorandum have emphasised that this is one of the main reasons for the checks?

Mark Spencer: I am grateful for the right hon. Gentleman's intervention, but this is about the phytosanitary protection of the island of Ireland. Of course, we have obligations to try to mitigate the spread of any diseases in the United Kingdom. For example, we have measures in place with the Welsh Government, and we have operations that will restrict movement of plants across the United Kingdom to protect other parts of the UK from the spread of disease. It will be similar to moving an infected tree from London to Edinburgh, or from London to Shropshire. We need measures in place to ensure that we do not unwittingly spread disease around the United Kingdom.

The right hon. Member for Leeds Central asked a specific question about titanium dioxide. I will do my best to answer him, but I am more than happy to write to him if he does not feel my answer is adequate. The regulations mean that food items containing titanium dioxide, which is now banned in the EU, can lawfully be sent for sale to consumers in Northern Ireland. Under the Windsor framework, more 60 pieces of EU legislation have been disappplied on retail agrifood goods moving from Great Britain to Northern Ireland under the Northern Ireland retail movement scheme. GB standards will apply instead. That food additive remains authorised for use in Great Britain, so prepacked agrifood goods with this additive may be moved from GB to Northern Ireland under the Northern Ireland retail movement scheme for supply to Northern Ireland consumers. That is consistent with a UK market.

Hilary Benn: I am grateful for that clarification—I understood that that was the case—but does it not illustrate a point that the right hon. Member for East Antrim made? I would have thought that he would welcome what is in the regulations because under the Northern Ireland protocol—this was why I raised the example—cake and ice cream containing titanium dioxide would not have been able to move from Great Britain to Northern Ireland. It would have been banned because EU regulations applied. Now, because GB standards apply, which are GB-UK standards, it can move. Does that not demonstrate how this position represents an improvement on the mess with which we grappled previously?

Mark Spencer: I agree with the right hon. Gentleman: it protects the UK internal market, which we are very keen to do. I know that the right hon. Member for East Antrim is also keen to protect that. This is a good example of how things are working.

We have taken a lot of time this afternoon, so I would like to remind members of the Committee of the two critical components of the Windsor framework in the regulations. They will implement the Northern Ireland retail movement scheme, which will establish the new sustainable long-term solution for the movement of agrifood goods from Great Britain to Northern Ireland to the final consumer. Secondly, the Northern Ireland plant health label regime will significantly reduce costs for businesses moving plants to Northern Ireland, putting the process in line with the rest of the UK under the UK plant passport regime. Previously banned seed potatoes will once again be available in Northern Ireland, which

is good news for our farms in Northern Ireland and for our Scottish farmers who export top-quality seed potatoes around the UK. This is a big step forward.

Let us not lose sight of the greater narrative. The statutory instrument is part of a wider framework that echoes our resolve to shape a brighter future for Northern Ireland and stands firmly on the pillars of economic prosperity and democratic values. I thank hon. Members for their engagement and questions.

Question put.

The Committee divided: Ayes 13, Noes 1.

Division No. 1]

AYES

Benn, rh Hilary	Mills, Nigel
Browne, Anthony	Mortimer, Jill
Byrne, rh Liam	Spencer, rh Mark
Churchill, Jo	Sturdy, Julian
Drummond, Mrs Flick	Tami, rh Mark
Jones, Andrew	Vara, rh Shailesh
Loder, Chris	

NOES

Wilson, rh Sammy

Question accordingly agreed to.

Resolved,

That the Committee has considered the draft Windsor Framework (Enforcement etc.) Regulations 2023.

6.45 pm

Committee rose.

