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Strategy, Communications, Legal and Governance Directorate

Consultation on the Proposed Approach to Retained EU Law for Food and Feed Safety and Hygiene

The UFU is the largest farming organisation within Northern Ireland, representing around 11,500 farming families. The structure of the UFU ensures that our policy positions are formed from the bottom up as each of the 25 regional groups have representatives on each commodity committee. Recommendations from these committees are then made to our Executive Committee where the UFU's final policy position is established. This consultation response therefore represents the views of representatives democratically elected to represent around 11,500 farming families throughout Northern Ireland.

1. Do you have any comments on the proposed approach to fixing interoperability in retained EU Law taking account of the Northern Ireland Protocol for day one of exiting the TP as set out in this consultation?

Previously the principle of supremacy of EU law would have given all EU law priority over any domestic law or legislation. This is not the status afforded to retained EU law. Section 8(1) European Union (Withdrawal) Act 2018 will allow ministers of the Crown power to make legislation to deal with deficiencies that could arise on exit in retained EU law. EU law is neither primary nor secondary UK legislation but a new, unique form of domestic law.

Any amendments in legislation must ensure that standards are maintained and that goods can move freely between NI and ROI (and NI and GB). The protocol, designed as a practical solution to avoiding a hard border must deliver just that. It is important that goods are not checked between NI and ROI. This is not necessary. Both NI and ROI (a Single Epidemiological Unit) will remain in the single market and operate within EU customs rules

It is crucial that changes to Retained EU Law do not allow for commercial discrimination of NI goods in the market place due to differentiation that arises as a result of the protocol. An example, such as differences in labelling or standards, could be exacerbated if NI comes

to be regarded as a backdoor for EU and non-EU produce by the GB industry and customers.

2. Do you identify any concerns or risks regarding the proposed approach to fix intolerabilities in retained EU Law that appear not to have been adequately addressed?

The ease at which fundamental provisions can be amended at a later date if required to fix inoperabilities as well as the effects of making it harder to modify inoperabilities. Consideration must also be given to the restrictions put in place when fixing inoperabilities.

3. Are you aware of any impacts of the proposed measures that have not been identified in this consultation?

Yes, weaker household consumption and weaker business investment have not been identified in this consultation.

What is the time frame to complete the one-off familiarisation cost and the consequence of not having this completed on time? It was initially proposed to take 30 minutes to read, understand and then disseminate information to staff and it is now suggested that this will take an hour for each organisation. The time taken will be dependent on the size and structure of the business.

4. Do you agree with the impacts that have been identified within this consultation?

Yes.

5. While this consultation addresses what is being done to ensure retained EU law functions on the day the UK leaves the EU, do you have any general comments on food and feed safety and hygiene in the UK after EU Exit?

The UFU is concerned that the UK's animal welfare standards in food production could be compromised in order to achieve free trade agreements. Northern Ireland's farmers work in harmony with the environment to produce world leading products. Priority must be that the UK's food and feed standards are upheld, not diluted by imports that do match the same quality standards.

Furthermore, resource restraints also exist in the UK taking on checks currently carried out by the EU in terms of third country inspections. We are concerned that this may lead to a reduction in the level of inspection which may result in increased safety issues.

Yours sincerely,



Victor Chestnutt - UFU President