

House of Lords European Union Energy and Environment Sub-Committee Report

‘Brexit: Plant and Animal Biosecurity’

Government Response

- The Government welcomes the Committee’s report into Brexit: Plant and Animal Biosecurity.
- This paper sets out the Government’s response to the Committee’s conclusions and recommendations, as contained in the Summary of Conclusions and Recommendations section of the report.
- The Committee’s recommendations/questions are in bold and the Government’s responses are in plain text.

Introduction

- 1. Plant and animal diseases, and invasive non-native species, are a constant threat to the UK’s ecology and economy. Ensuring effective biosecurity measures are in place is therefore of great and lasting importance. (Paragraph 5)**
- 2. While operating under a global framework, and with some opportunities for national measures, much of the UK’s biosecurity currently depends upon cooperation with the EU. (Paragraph 12)**

The Government agrees with these observations and is committed to maintaining high standards of biosecurity in the UK. We treat this as a strategic priority and the UK has a strong international reputation in this area. We are constantly monitoring evolving threats closely and apply effective measures in response.

We recognise the importance of biosecurity cooperation with the EU and our proximity to Europe means continued close and effective collaboration is in the best interests of all; pests and diseases do not respect national borders. We have excellent relationships with our counterparts abroad and are confident that these will continue in future, not least as our expertise is well regarded internationally.

Legislation

- 3. While the Government has stated that all EU biosecurity legislation will be transposed into domestic law using powers under the European Union (Withdrawal) Act 2018, the loss of the role of EU institutions enshrined in the legislation will create gaps that need to be filled. UK bodies will need to be given the necessary powers to carry out important biosecurity functions currently undertaken at EU level. We ask the Government to confirm whether the powers conferred on Ministers by Section 8 of the EU (Withdrawal) Act to address “deficiencies dealing with withdrawal” will be**

sufficient to enable Ministers to set up new agencies, or whether further primary legislation is needed. (Paragraph 23)

We consider that UK bodies currently hold the powers, capabilities and resources needed to undertake important biosecurity functions quickly and effectively. The Government is currently considering the extent to which there may be a need for any new agencies to be established in future, and hence what sort of powers and legislation may be needed to ensure we have the right architecture. Decisions on how we progress will depend on the nature of our final partnership agreement with the EU.

4. One biosecurity function that will need to be repatriated is food safety risk management. We call on the Government to provide clarity to the industry and the wider public on how this will be conducted when the UK leaves the EU, and when, if necessary, any legislation will be brought forward. It is important that the principle of keeping food safety decisions at arm's length from those Ministers who are responsible for dealing with the interests of food producers is maintained. (Paragraph 24)

The current regulatory framework for food and feed safety is well established and designed to protect the public's health. The Government's priority is to maintain the same high standards for food and feed safety after the UK leaves the EU and to ensure we take a risk-based, proportionate approach to decision making. With this in mind, UK risk management decisions will continue to be based on sound scientific evidence after EU exit.

The Food Standards Agency is working closely with DHSC, Defra, DExEU and the Devolved Administrations to ensure that the food safety regulatory framework continues to be robust. Our aim is to have a food standards framework that protects consumer interests, maximises confidence, and facilitates international trade. We continue to consider a range of options for the future of risk assessment and scientific advice in the United Kingdom after the UK has left the EU. During an implementation period, the UK will continue to respect the decisions reached by the various EU committees.

The Food Standards Agency is currently recruiting for their new risk assessment department which will provide guidance and scientific advice to their risk management teams and will work closely with APHA and Defra to ensure that we retain the highest standards of food safety.

5. We call on the Government to clarify how the list of Invasive Alien Species of Union Concern, which is central to the Invasive Alien Species Regulation, will be updated and administered when the UK leaves the EU. (Paragraph 30)

6. We further recommend that, where bringing across EU biosecurity law through the EU (Withdrawal) Act requires the UK to replicate functions previously performed by EU institutions, the Government should commit to replicating the same level of rigour, transparency and accountability as exists at present. (Paragraph 31)

The list of Invasive Alien Species of Union Concern which is in force on exit day will become the list of species which applies across all parts of the UK after exit, and the requirement to review the list of species at least every six years will be retained.

The Commission's ability to make implementing acts amending the list of Species of Union Concern will be substituted with a power for the Secretary of State for Defra to make regulations to update the list of species in England, Wales and Northern Ireland. This power will only be exercised with the consent of Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, and with the consent of the Scottish Ministers for the purposes of imports and exports. The Scottish Government will be laying a separate statutory instrument to convert aspects of the EU Invasive Alien Species Regulation into domestic law in Scotland where this relates to matters which are not reserved matters for the UK Government.

The Government intends to transfer the functions of the EU's Invasive Alien Species Committee for species listing and the Invasive Alien Species Scientific Forum for risk assessments to existing domestic bodies. These bodies include the GB Non-native Species Programme Board, the GB Non-native Species Secretariat and the GB Non-native Risk Analysis Panel. The GB governance structure will need to be given a UK remit after exit in order to include Northern Ireland. The expectation is that the replacement UK bodies will also support Scotland to ensure ongoing UK co-operation and co-ordination.

7. We welcome the commitment made by the Minister that the new EU Plant Health Law will be implemented in the UK, and call for similar clarity in respect of the EU Animal Health Law. (Paragraph 36)

The UK has been fully involved in the development of the new EU Animal Health Law. This law is due to come into force after we leave the EU and its provisions are still being finalised. We will wish to review the final legislation before committing to adopt it in full, taking into account our intention to maintain the highest standards of biosecurity in the UK in future.

8. As in other policy areas, the EU's biosecurity legislation includes a range of reporting requirements and checks to ensure Member States are complying with the law. The Commission also has the power to take legal action against countries that are failing to comply, including referral to the Court of Justice of the European Union, which can impose financial penalties. (Paragraph 41)

9. As we concluded in our Brexit: environment and climate change report, as well as bringing EU biosecurity legislation into UK law, the Government must establish independent and effective domestic enforcement mechanisms to take on the role currently filled by the Commission. (Paragraph 42)

The Withdrawal Act brings across all relevant EU legislation into domestic legislation and we already have domestic enforcement mechanisms for this legislation and legal and political processes for holding the government to account. Amendments to existing offences will be made where necessary to provide UK bodies with the ability to enforce and prosecute serious cases of non-compliance following EU exit.

The Government has no immediate plans to introduce an independent body to oversee the Government's application of this legislation. We will continue to review what if any additional measures need to be taken to ensure laws are properly enforced across the UK when we no longer have access to the European Commission's Directorate-General for Health and Food Safety (DG SANTE) auditing function.

UK-EU Cooperation

10 Given geographical proximity and the volume of trade and travel between the UK and the EU, continued cooperation is critical to the UK's future biosecurity. (Paragraph 49)

The Government agrees that continued cooperation is critical to the UK's future biosecurity and we plan to build upon the strength of our existing relations in the mutual interest of both the UK and the EU.

UK plant and animal health biosecurity arrangements protect the environment from pests and diseases and this will continue after the UK's exit from the EU. Our intention is that high biosecurity standards will continue to be met and in ways that support trade and the smooth flow of goods between the UK and the EU.

11. As an EU Member State, the UK currently receives pest and disease notifications that assist in maintaining the UK's biosecurity. While EU notifications are often made publicly available, relying on this after we leave the EU would mean the UK receiving notifications more slowly than it currently does as a Member State. (Paragraph 57)

12. We urge the Government therefore to seek continued participation in EU disease notification systems. Detailed provision also needs to be made for how the UK could maintain its biosecurity without full access to these systems. With only months to go before the UK leaves the EU, it is concerning that these provisions are not already in place. (Paragraph 58)

13 If the UK is unable to maintain access to the EU's disease notification systems, it will be able to draw on international sources of information. It is not clear, however, whether these would enable the UK to maintain its current level of biosecurity. (Paragraph 62)

The Government agrees with the Committee that continued participation in EU pest and disease notification systems would be desirable and we would like to retain full access to EU disease notification systems where possible. There is some precedent for third country access to EU notification systems, and access to these is something that we will seek to negotiate with the EU.

All of the EU notification systems have publicly available elements which the UK will continue to be able to access after EU exit. These public notifications will be supplemented with extensive intelligence gathering from other organisations, agencies and networks, and

will be supported by enhanced bilateral relationships with key trading partners and our nearest neighbours. Functionality has already been added to the UK-owned plant-health portal to replace some of the EU notification system functions, and we constantly look for opportunities to enhance our existing plant and animal disease risk intelligence systems.

14. The ability to trace the movements of animals and plants (and plant and animal products) is an important component of biosecurity. (Paragraph 66)

15. We note that work has already begun to create a UK replacement for the EU's TRACES system. Given the crucial role the system plays in minimising the biosecurity risks of trade and managing a disease outbreak when it occurs, it is crucial that the replacement system is ready by the time the UK leaves the EU in March 2019. (Paragraph 67)

The Government agrees with the Committee that the ability to trace the movement of animals and plants is an important component of biosecurity. The new imports notification system for the UK is currently being developed and this should be ready for end-to-end testing in January 2019. We are also currently evaluating contingency options with the Food Standards Agency and Port Health authorities should any aspects of the new system not be fully functional in time for EU exit.

The import and export of regulated plants is facilitated by UK IT systems (PEACH and e-Domero) and these will be retained after EU Exit. These systems have been tested to ensure that they are operationally ready for March 2019.

16. Given that a stand-alone UK system would not benefit from the EU-wide intelligence contained in TRACES, the Government should also explore the potential to link a UK system to TRACES. (Paragraph 68)

The Government's preferred option in the short term is to retain access to TRACES. The Government is developing its own import notification system to take the place of TRACES if this is not possible and it agrees that if the two systems can be linked there is likely to be benefits for both the EU and the UK.

17. We call on the Government to seek continued involvement in the Working Party of Chief Veterinary Officers (and the Working Party of Chief Plant Health Officers), so that both formal and informal biosecurity information sharing can continue. (Paragraph 71)

We remain committed to engaging with EU and international partners to maintain and enhance networks, for the sake of promoting good biosecurity and animal health and welfare standards and exchanging information.

We work to build on our existing involvement in organisations such as the European and Mediterranean Plant Protection Organisation (EPPO), the International Plant Protection Convention (IPPC), the OIE (World Health Organisation for animal health), the European

Commission for the Control of FMD (EUFMD) as well as building up our bilateral relationships.

The full extent to which we will remain involved in EU networks and institutions is dependent on the outcome of discussions on the future relationship between the UK and the EU. Within the UK, Defra's relationship with the Devolved Administrations will remain strong. The UK CVO will continue to have monthly meetings with the CVOs in the Devolved Administrations and the UK Chief Plant Health Officer will continue to host quarterly meetings with her Devolved Administration counterparts to coordinate their activities at a UK level and to discuss common approaches.

18. Assessing the risks posed by various biosecurity threats, and then deciding on an appropriate response, are functions currently undertaken predominantly at EU level. Post-Brexit, the UK will no longer be able to rely on the EU's risk assessment and risk management expertise. We urge the Government to ensure that the relevant UK bodies are adequately resourced, and have the necessary legal powers, to undertake these functions from March 2019. (Paragraph 79)

Robust risk assessment and risk management underpins strong biosecurity in the UK, and the Government currently has a full suite of scientific specialists, inspection and assurance teams within Defra, the Animal and Plant Health Agency (APHA); the Food Standards Agency; CEFAS; the Forestry Commission; Natural England; and the Fish Health Inspectorate. Taken together, this provides strong capability in terms of knowledge, skills and delivery, across the animal and plant health, invasive-non-native species, and food biosecurity fields.

In relation to animal health and non-foodborne zoonotic disease threats, we have many international experts who sit on EFSA's working groups and panels and who will continue to do so after EU Exit. These experts deliver scientific opinions and risk assessments for risk managers at the EU level.

Should the effectiveness of risk assessment and risk management in the UK be affected by reduced access to EU bodies in future, we will consider to what extent UK bodies need to be provided with further resourcing or legal powers.

19. Collaborative work with researchers from across the EU strengthens the UK's biosecurity knowledge and expertise and can be an effective channel for informal information sharing. (Paragraph 88)

20. We note that the Government's proposal for the future UK-EU relationship includes continued cooperation on research and participation in EU research funding programmes, and we welcome this inclusion. Given that such an agreement cannot be guaranteed, however, we call on the Government to evaluate the impact on the UK's biosecurity of any loss of joint EU research funding and to ensure alternative sources of funding are available to mitigate any risks identified. (Paragraph 89)

We remain fully committed to research collaboration with the EU where possible within the terms of our future relationship. As the Committee notes, collaboration brings many benefits. These include access to wider knowledge pools, better use of resources, increased research

capacity, reduced duplication of effort and increased preparedness by providing opportunities to study pests and diseases before they arrive in the UK.

Specific to biosecurity, the Government has encouraged the UK research and innovation community to continue applying for grants such as Horizon 2020 funding and to participate in related projects. We will also continue to collaborate through activities such as the STAR-IDAZ International Research Consortium, a global initiative to coordinate research programmes at an international level to contribute to the development of new and improved animal health strategies. This currently brings together 25 organisations from 16 countries, with a combined five-year research budget of the current partners for work within the scope of the IRC research area in excess of £1.9 billion.

Defra aims to maintain its very strong cooperative relationships with European research bodies in plant and animal biosecurity. This includes Euphresco, a large European Network of 67 phytosanitary (statutory plant health) funders from across Europe that increases cooperation of national phytosanitary research programmes and the Animal and Plant Health Science Partnership that joins up Animal and Plant Health Science across the UK to build research capability.

As the Committee notes, the outcome of the future UK-EU relationship is not yet known. At this stage we are planning for every eventuality. Two major components of our planning are the underwrite guarantee and the post EU exit extension to the guarantee. These mechanisms would ensure cross-border biosecurity research would remain well supported after EU exit.

In the case of Horizon 2020 the underwrite guarantee will cover UK participants with existing Horizon 2020 funding, or those who have submitted a bid before EU exit and are notified of their success after exit, for the lifetime of their projects. Through the extension to the underwrite guarantee, the Government has committed to guarantee UK participants' funding in all Horizon 2020 calls open to third country participants from the date of exit. The guarantee would cover the lifetime of their projects, even if they last beyond 2020. Given our recognition of the importance of programmes such as Horizon and our investment in making a success of such frameworks we remain hopeful that we can retain full association whilst recognising the need to contribute in line with other associates.

21. When the UK leaves the EU, UK laboratories will lose EU Reference Laboratory status. They will also lose the funding associated with that status, so it is paramount that the Government ensures UK laboratories are adequately funded to enable them to provide the necessary level of expertise to maintain the UK's biosecurity, and to support their continued work with other EU and international Reference Laboratories. (Paragraph 95)

The Government recognises the importance UK laboratories play in maintaining biosecurity and Defra has already provided additional funding to those laboratories which are losing their EU Reference Laboratory status. This will ensure a strong level of expertise and resources is retained and will contribute to maintaining UK laboratories' reputation as well as ensuring strong research facilities are retained after EU exit.

22. As Reference Laboratories all have their own disease specialisms, the Government needs to ensure that the international Reference Laboratory network it will be relying on covers the full range of diseases in which the UK has an interest. (Paragraph 96)

The Government recognises the importance of the international Reference Laboratory network covering the full range of diseases in which the UK has an interest.

Our world-leading UK laboratories already play a very active role in international Reference Laboratory networks and have built up a well-deserved strong international reputation. Our laboratories will maintain strong bilateral relationships with their international peers in their respective fields and in relation to the full range of diseases where possible. As part of this we will seek to maintain strong and effective relationships with laboratories within the European Union.

23. We note the concerns over the loss of EU funding for environmental, nature conservation and climate action projects, many of which have significant biosecurity components. The Government will need to consider what additional resource is needed to continue the biosecurity activity currently funded by the EU. (Paragraph 99)

LIFE is the EU's financial instrument which supports environmental, nature conservation, and climate action projects throughout the EU. We expect that UK-based organisations will be able to continue to participate in the LIFE programme until the end of 2020 as they do now, and successful projects agreed within this timeframe will be fully funded by the Commission until they finish. To provide further funding certainty the UK government has guaranteed to underwrite funding for LIFE project bids submitted by UK organisations and approved by the Commission while we are still a member of the EU.

The Government's 25 Year Environment Plan sets out our plans to protect and enhance the environment, including after our departure from the EU, and makes clear that public funding will continue to play an important role in this vision.

Trade and inspections

24. While phytosanitary certificates offer a high degree of biosecurity, they also entail a more rigorous administrative and inspection process than the plant passports currently used for the trade of plants between the UK and EU. Both Government and businesses will need to ensure they have sufficient resource to implement the change in regime at the point the UK leaves the EU. (Paragraph 105)

The Animal and Plant Health Agency (APHA) initiated a recruitment of additional Plant Health Inspectors in the late summer to ensure that it has sufficient trained resource to administer and inspect any increased number of Phytosanitary Certificates required post Exit. We are also engaging with industry to ensure they are able to implement the change in regime effectively.

25. The UK will have to carry out more inspections of products at its borders post-Brexit to ensure it is not exposed to higher biosecurity risks. (Paragraph 113)

26. Doubt has been cast on whether there is sufficient infrastructure to carry out biosecurity inspections on goods arriving from the EU. We call on the Government urgently to clarify its plans for ensuring the necessary facilities will be available to maintain the passage of goods across the UK's borders (Paragraph 114)

The Government is committed to maintaining high standards of biosecurity and food safety whilst minimising any disruption to trade. Following our exit from the EU, we expect that standards in the EU will remain constant in the short term, and the biosecurity and public health risks posed by EU imports are therefore unlikely to change immediately upon EU exit. Defra is working with the Food Standards Agency, and has stated publicly their commitment to maintaining the current risk-based control approach to imports from the EU in the short term to ensure a smooth transition as the UK leaves the EU.

In the future, Defra considers that controls on imports should be risk-based and proportionate, taking advantage of available technologies to facilitate as frictionless trade as possible. As part of establishing risk-based and proportionate controls we will be considering related infrastructure needs. Defra and the Food Standards Agency are working closely together to develop proposals and will consult on these proposals in 2019.

27. The need for these inspections could, however, be reduced if the Government were to place minimal checks on imports from the EU. We note, however, that the UK Government would at the very least be obliged to comply with WTO rules. In our *Brexit: food prices and availability* report we urged the Government to publish exactly what customs and border requirements it would put in place on EU food imports in that situation. We repeat that recommendation. (Paragraph 115)

The WTO Sanitary and Phyto-Sanitary (SPS) Agreement gives WTO members leeway to define their acceptable level of risk and tailor measures to specific conditions in exporting countries. It also includes provision to take a risk-based approach to imports.

We are committed to the principles of secure and frictionless trade where possible whilst safeguarding our biosecurity.

We have published Technical Notices on Gov.uk setting out changes that would come into effect should WTO rules apply. This guidance stated that in the initial months following EU exit there are no plans to change current import controls for animals, animal products and high-risk food and feed from the EU. Details are also provided in the published Technical Notice for imports of plants and plant products, including new arrangements for imports from the EU, currently covered by the plant passport system. This guidance also explained that the UK would require importers to pre-notify the Food Standards Agency of imports from the EU using the UK's new import notification system. Defra and the Food Standards Agency are working closely together to develop proposals for the import controls that would apply after the initial period.

28. A decision to place minimal checks on imports from the EU would need to be accompanied by a mechanism for monitoring the risks of such an approach as UK and EU rules diverge over time. (Paragraph 116)

Immediately upon exiting the EU, the risks from EU commodities will be largely unchanged. The Government agrees with the Committee that, depending on the UK's future relationship with the EU, it will be important to keep the import inspection system under review as those mechanisms mature and in the event that UK and EU rules diverge. Decisions of the extent of inspection of goods will continue to be underpinned by robust risk assessment as today. We will continue to produce an annual report for Parliament on our import controls and any

disease risks from imports, as required by the amendment introduced in 2002 to section 10A of Animal Health Act.

29. Although Brexit provides an opportunity for the UK to pursue trade deals with countries outside the EU, it is vital that these deals do not compromise the UK's biosecurity. Any new trade deals must include measures to protect the UK from their biosecurity risks. (Paragraph 121)

Any future trade agreements must work for consumers, farmers, and businesses in the UK. We will maintain our standards on food safety, plant and animal health, animal welfare, and environmental protection as part of future trade deals. The Government agrees with the Committee's observation throughout the report that maintaining the highest standards of plant and animal health are vital to protecting our environment, economy, health and lifestyle. To do so it is essential we maintain the highest standards of biosecurity and disease surveillance and continue to protect our borders from pests and diseases. We intend to ensure there are appropriate controls in place that provide a high level of biosecurity and public protection whilst also enabling trade.

WTO member countries have the right to take the Sanitary and Phyto-Sanitary (SPS) measures necessary for the protection of human, animal and plant life or health. WTO members retain the right to choose the level of protection they deem appropriate in their territories, provided they are scientifically justifiable.

30. As an EU Member State, the UK currently relies on EU inspections and audits to ensure biosecurity standards in non-EU countries are being met, reducing the biosecurity risks posed by trade. We anticipate that the Government will need to resource its own audits post-Brexit, but the extent of this obligation will depend on the details of the final trade agreement between the UK and the EU, and on the terms of trade agreements struck with third countries. (Paragraph 125)

The Government agrees with the recommendation and has plans to establish this capability.

Staff

31. In our report *Brexit: agriculture*, we brought the Government's attention to the overwhelming reliance of the agricultural sector on EU citizens providing official veterinarian services. These veterinarians also play vital roles throughout the process of maintaining the UK's biosecurity. We call on the Government to take steps as a matter of urgency to ensure that both the public and private sectors are able to retain or recruit qualified veterinarians to maintain the UK's biosecurity post-Brexit. (Paragraph 129)

The Government has guaranteed the rights of EU citizens and their family members living in the UK, and UK nationals living in the EU. The immigration White Paper published on 19 December sets out the foundation for a single immigration system, where it is workers' skills that matter, not where they come from. The future system will focus on high skills, welcoming talented and hardworking individuals that will support the UK's dynamic economy, enabling employers to compete on the world stage. Additionally, should it be necessary the Veterinary Surgeons Act 1966 (VSA) will be amended to ensure that those holding non-UK veterinary degrees can still register to practice in the UK. These

amendments will not affect the rights of EEA nationals already registered to practice veterinary surgery (with the Royal College of Veterinary Surgeons, RCVS) in the UK or in the process of registering by 30 March 2019. These changes will continue to allow the overwhelming majority EEA veterinary degree holders to continue to have their degrees automatically recognised after EU exit as long as they meet equivalent RCVS standards. This will allow employers to continue to recruit non-UK veterinary surgeons to fill key roles, such as Official Veterinarians across a number of sectors.

For the future we recognise an underlying vacancy rate of around 11 percent across the profession. We are working closely with the British Veterinary Association and the Royal College of Veterinary Surgeons to ensure sufficient capacity not only upon exiting the EU but also in the longer-term. This includes work to emphasise the importance and attractions of the veterinary role and to build capacity in the education system. We are pleased that around 70 additional vets will be graduating in June 2019 in the UK in comparison to the previous year.

32. We welcome the recent recruitment within Defra to help ensure the Department is prepared to take over responsibility for both delivery and policy formation from the EU. But despite this increase in resources witnesses remained concerned about Defra's capacity to maintain biosecurity standards post-Brexit. We call on the Department to ensure that enough appropriately trained staff are dedicated to the issue of biosecurity. (Paragraph 135)

Maintaining biosecurity standards after EU exit is a strategic priority for Defra and we plan to ensure that enough appropriately trained staff are dedicated to this area. Defra is committed to the recruitment of the additional resource to support exiting the EU and future requirements will be dependent on the terms of the future relationship between the UK and the EU.

Defra, the Food Standards Agency and the Devolved Administrations are working closely together with the Royal College of Veterinary Surgeons and the British Veterinary Association through the Veterinary Capability and Capacity Project to explore ways to make sure we continue to have access to a talented workforce from around the world, to support the retention of existing resources, and to increase and develop the contribution of UK citizens to the UK veterinary workforce.

33. The Government must clarify and secure agreement on the division of biosecurity responsibility between central and devolved bodies, in order to enable the devolved administrations to plan effectively and recruit the necessary staff. (Paragraph 136)

36. The existence of an EU biosecurity framework helps to ensure the UK's biosecurity measures are effective aids in establishing trade agreements to which the UK is party, and makes it easier for companies to move products within the UK without additional bureaucracy. We heard strong support for establishing a similar UK-wide framework post-Brexit. (Paragraph 155)

37. It will be important for all the relevant devolved administrations to play a full role in developing a UK-wide biosecurity framework, and for the result to allow for variations between the UK's regions—where ecological and geographical differences give rise to different biosecurity vulnerabilities and solutions without creating internal borders. (Paragraph 156)

Animal and plant health are areas of devolved competency. The Government is committed to preserving the existing decision making powers of the Devolved Administrations. An established and effective governance arrangement between Defra and the three Devolved Administrations is already in place. As part of our preparations for EU exit, the Devolved Administrations are involved in the governance of Defra's EU Exit projects. We have in addition established UK devolution working groups for animal and plant health. These working groups enable us to discuss EU Exit planning with the Devolved Administrations, including supporting preparations across the Devolved Administrations, and facilitate the development of frameworks.

34. Without adequate plant and animal health inspectors at the border, it will not be possible to maintain the UK's biosecurity. We recommend that the Government review the skills required to maintain biosecurity, and publish Its findings, and its plans for addressing any gaps, as a matter of urgency. (Paragraph 140)

35. It will be challenging to train newly-recruited biosecurity inspectors to the necessary standard by the date the UK leaves the EU. It is therefore vital that the UK's post-Brexit immigration system allows EU nationals to continue to play a role in delivering biosecurity services, and we call on the Government to enable this. (Paragraph 142)

We recognise the importance of skilled labour for the delivery bodies engaged in animal and plant health activity at the borders and we keep under constant review the inspection and other skills required to maintain biosecurity. After we leave the EU we intend to have an immigration system that works in the best interests of the UK, both controlling immigration whilst continuing to ensure we have access to the labour we need.

Biosecurity is one important component of this wider issue and the Government is considering the options carefully. The Government has stated publicly our commitment to protect the rights of EU citizens currently resident in the UK, including those working as frontier workers, to remove any ambiguity over their future. We will ensure that businesses and communities, including representatives from across the biosecurity sector, have the opportunity to contribute their views. Meanwhile Defra is working closely with the Home Office to ensure that there is a long term strategy for biosecurity workforces as part of the future immigration policy.

A pan-UK framework

38. We urge the Government to reach an arrangement which maintains the treatment of the island of Ireland as a single epidemiological unit. (Paragraph 168)

This Government recognises the importance of cross-border cooperation in biosecurity and that the land border and trading patterns mean that for most biosecurity threats Northern Ireland and the Republic of Ireland will be treated as a single epidemiological unit. There are already cross border strategies and cooperation that acknowledge the island as a single epidemiological unit for biosecurity purposes.

After we leave the EU, the devolved institutions in Northern Ireland will continue to apply a Sanitary and Phyto-Sanitary regime which provides biosecurity for Northern Ireland in the

context of the island of Ireland, and which is informed by the scientific appraisal of plant pest and animal disease risk.

Improving the UK's biosecurity

39. Membership of the Single Market required the UK to share a biosecurity regime with the EU. The Government will need to choose between maintaining that alignment for the sake of trade, and taking alternative approaches to strengthen its biosecurity once it is no longer constrained by EU policy. The need to facilitate trade post-Brexit must not be allowed to compromise the UK's biosecurity. (Paragraph 172)

Any future trade agreements must work for consumers, farmers, and businesses in the UK. When we leave the EU we will retain our existing high standards of food safety, plant and animal health, animal welfare and environmental protection. We will keep our existing UK legislation, and the EU Withdrawal Act will convert EU law into UK law as it applies at the moment of exit.

Looking further ahead, our future relationship with the EU will be based on a balance of rights and obligations, taking into account the principles of each Party during negotiations. It will put in place provisions to promote regulatory approaches that are transparent and efficient, and will promote the avoidance of unnecessary barriers to trade in goods. In that context the UK will consider aligning with EU rules in relevant areas, whilst continuing to meet our biosecurity objectives.

40. After Brexit it may be possible for the UK to respond more quickly to newly identified biosecurity threats, rather than waiting for EU institutions and 28 Member States to agree on an appropriate course of action. (Paragraph 175)

44. Brexit provides an opportunity for the Government to consider fundamentally altering its approach to managing biosecurity, moving away from a system based on a list of restricted items, which does not provide optimum protection against unknown risks, and towards a unified biosecurity policy across all sectors. (Paragraph 190)

The Government agrees with the Committee that after EU exit the increased freedom to amend our controls over time will enable us to tailor our approach to meet UK needs. We are constantly looking for opportunities to improve our systems, and leaving the EU presents an opportunity to consider how to improve our resilience further against animal and plant diseases.

Depending on our future relationship with the EU, the UK's exit could provide an opportunity to examine and adjust our biosecurity measures on imports from the EU. For example, due to the rules of the EU Single Market, it is currently simpler for the UK to impose restrictions on the import of plants from outside the EU than it is on plants from within the EU when there is a threat to the UK. Similarly, the EU may deprioritise or delist animal diseases that we would still wish to restrict or control. We point the Committee to the example of *Xylella* on which Defra gave evidence to the Committee previously.

41. Depending on the nature of the UK's post-Brexit relationship with the EU and its agencies, the UK may be able to establish its own lists of restricted species, both

removing items on the EU lists that pose no threat to the UK, and adding items where doing so would improve the UK's biosecurity. This would, however, have implications for the UK's ability to trade freely with the EU. (Paragraph 179)

The Government agrees with the Committee's observation and notes that decisions on listing restricted species should be evidence based. Evidence supporting these decisions will take account of impacts on the UK's ability to trade freely with the EU and, as noted in response to recommendation 39, safeguarding UK biosecurity remains a key priority in trade decisions.

42. Regardless of the nature of the UK's future relationship with the EU, it is vital that alterations to the list of restricted species remain evidence-based. (Paragraph 180)

The Government is determined that the requirements and criteria for risk assessing and listing invasive non-native species will be retained and remain evidence-based. In future the UK Scientific Forum will be responsible for undertaking risk assessments of species in accordance with the EU's methodology for risk assessment. The UK Scientific Forum will advise the UK Committee which will make recommendations to Ministers on decisions relating to the listing of species.

43. The UK could consider the merits of implementing far stricter biosecurity controls than are currently in place, although this would have implications for trade agreements and appears to be at odds with the Government's proposal to share a 'common rulebook' with the EU. Once the scope of the UK's ability to adjust its arrangements in the context of its future relationship with the EU has been clarified, we urge the Government to consult on and conduct a scientific assessment of areas where it might be appropriate to impose additional biosecurity restrictions, particularly in relation to the threat posed by invasive species. (Paragraph 186)

The Government is committed to maintaining our high standards of biosecurity and to the ongoing continuous improvement of our biosecurity measures in relation to animal health, plant health and invasive species. We note the Committee's interest in invasive species and we regularly assess the level of threat that invasive species pose as part of regularly assessing the biosecurity threats to animal and plant health. We are currently developing proposals for improving our response to invasive species threats (including elements for public awareness, enforcement, alerts and rapid responses) and for the resourcing these measures. Most of these measures would be unlikely to impinge on a 'common rulebook' with the EU.

45. The examples of Australia and New Zealand show that more restrictive regimes can be highly effective at maintaining biosecurity on remote island nations, particularly when legislation is combined with public awareness campaigns. While the UK is not so geographically isolated, and implementing a similar regime would require a substantial increase in biosecurity resourcing, the Government may wish to review the costs and potential benefits of such measures after the UK has left the EU. (Paragraph 194)

We have a strong global reputation for biosecurity and are committed to the ongoing continual evaluation and improvement of our biosecurity measures. In so doing we identify best practice worldwide, such as in Australia and New Zealand, and consider what can be applied in the UK.

Increasing public awareness is already an important feature of our biosecurity programme and we will build on existing campaigns across animal health, plant health, and invasive species after EU exit. Effective communication with both industry and the broader public is essential to the success of our current programmes.

We currently share biosecurity guidance and information through trade media, conferences, and other fora. Our campaign on African Swine Fever is an example of how we have increased public and industry awareness in animal health. For plant health the 'Don't Risk It' campaign is intended to make the public aware of the risks of bringing plants home from their holidays. We also run a successful awareness campaign at the border for invasive species on aquatic biosecurity (Check, Clean, Dry) which we are looking to expand in the future.