

ABOUT

INDEPENDENT COMMISSION ON UK - EU RELATIONS

The Independent Commission is a politically neutral, timebound commission which examines the impact of the Trade and Cooperation Agreement (TCA) and Northern Ireland Protocol (NIP) on the UK.

As well as looking at impacts on different sectors of the economy we look more broadly at impacts on sectors including security and defence, health, education and human rights.

Members of the Commission are leaders in business, journalism, civil society and academia. They work with a team of expert advisors.

The intended outcome of the Commission is to recommend changes to the TCA and Protocol which if implemented would improve outcomes for UK sectors and the people who live and work in the UK.

Our recommendations will be developed in collaboration with UK and EU politicians and relevant officials. We confer with parliamentarians from all parties as well as with regional and devolved and local politicians and party staff.

As well as informing parliamentarians and political parties the Commission will inform the public of its work, both to highlight and explain challenges created by current arrangements and potential amendments.

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The authors would like to thank Minette Batters and Nick von Westenholz of the National Farmers Union who provided a great deal of insight which guided the writing of this report. We would also like to thank our other contributors, many of whom are named at the end of this report, for their time, insight and expertise.

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FOREWORD

The agriculture sector is a UK success story and one that should be celebrated and supported, particularly given its importance to the fight against climate change.

The UK currently has some of the highest environmental and animal welfare standards in the world. UK domestic production meets about 60% of our food needs, a substantial increase from previous decades.

Despite the sector's importance to the UK in recent years farmers have had to contend with huge changes to agriculture policy following Brexit, including the end of the EU subsidy scheme, coupled with discussions about land use and environmental standards in the face of the climate crisis.

Farmers are struggling with a string of problems including post-Brexit and post-pandemic labour shortages which have already resulted in unpicked fruit rotting in fields and a cull of healthy agreements with the EU to support these aims, pigs on farms. They have faced increased costs and decreased government subsidy support since Brexit was agreed.

Farmers are concerned that current high standards are put at risk by new post Brexit trade deals. Without trade rules that protect them supermarket shelves would be flooded with cheap imports from countries where agriculture has a worse environmental impact and lower animal welfare standards. The consequence would be further ill health in the UK, increasing pressure on the NHS, and environmental harm in other nations.

Yet the sector feels that it has been ignored or used as a pawn in trade deals with Australia and New Zealand which will remove tariffs and quotas on imports of beef and lamb after the initial phase-in period.

While some in the sector believe the Government has learned lessons from these agreements the fact remains that should these deals be implemented as agreed the sector would suffer significant harm. Instead high standards should be wired into all our trade agreements.

Our goal should be that British farmers and growers remain the number one supplier of choice to the UK market. British people ought to be able to enjoy more sustainable, quality, affordable British food at a range of different prices that suit all incomes.

Farmers and growers want to do this in a manner that is sympathetic to the environment on which their food production relies, and in a way which helps to combat climate change rather than contributing to it. The NFU has set a target of 2040 for the sector to be carbon neutral, ten years ahead of the Government's plan.

To achieve these aims the sector needs the support of government. It needs post Brexit enabling trade to flow in both directions, and ensuring the labour supply meets the needs of the sector. It needs trade agreements with other nations to support the UK sector's interests instead of sacrificing them for the sake of political ends or the benefit of other sectors.

This report outlines challenges faced by the sector since Brexit, including the impact of the Brexit agreements and post Brexit FTAs. It proposes achievable changes to our arrangements with the EU and recommends how broader UK trade policy could be used to support rather than harm UK agriculture.

This sector lies at the heart of our food security and our ability to combat climate change and restore biodiversity. Its needs should be supported by the UK Government and the British public.

We hope that policy makers will make use of the recommendations set out in this report to the benefit of the sector and the British people.

Mike Buckley

Director, Independent Commission on **UK-EU Relations**



MAKING BREXIT WORK FOR THE AGRICULTURAL SECTOR









THE IMPORTANCE OF THE AGRICULTURE SECTOR TO THE UK ECONOMY

- The agriculture sector is a vital part of the UK economy.
- In 2021 agriculture contributed over £12 billion to the UK economy. Agriculture provides half of the food we eat, employs almost half a million people and is a key part of the wider food and drink sector.¹
- In 2021 farmers and land managers took care of 71% of UK land, producing crops and livestock for food, safeguarding our natural environment and ensuring the highest standards of animal and plant health.²
- The sector is a significant driver of trade in multiple industries, with food and drink exports reaching £25 billion.³
- When the broader agri-food sector is taken into account (including the manufacture, distribution and preparation of food in catering establishments) the workforce

exceeds 3.5 million people - around 13% of the UK total workforce.

- The sector is key to the livelihoods and identities of regions outside of our cities and is integral to the lives and traditions of communities and families.
- It is geographically spread across the UK nations and regions; its ability to thrive is essential if meaningful levelling up is to be achieved.
- Agriculture has increasingly strong geopolitical linkages with climate change threatening food supplies and shortages stoking protectionist sentiment.
- The UK needs to ensure its own security of food supply and prioritise sustainable land management and environmental protections. These goals are impossible to achieve without a thriving agriculture sector.
- assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1106562/AUK_Evidence_Pack_2021_ Sept22.pdf
- 2. assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1106562/AUK_Evidence_Pack_2021_
- 3. gov.uk/government/statistics/total-income-from-farming-in-the-uk/total-income-from-farming-of-the-united-kingdom-2021-provisional-

THE IMPACT OF THE UK'S DEPARTURE FROM THE EU AND COMMON AGRICULTURAL POLICY

- Leaving the EU and Common Agricultural Policy have been challenging for the sector, creating additional costs and administrative burdens, limiting the supply of labour and increasing complexity when importing or exporting.
- These burdens have affected the whole sector but have been particularly hard to overcome for small and medium enterprises.
- It is essential that the UK Government grasps the scale of the risks facing the sector and develops a long term and coherent strategy to support agriculture and work closely with the EU as likeminded partners on standards, skills and economic priorities.

THIRD COUNTRY FTAS

- Some planned Third Country engagements on agriculture are likely to be problematic and damaging for the sector.
- The UK-Australia FTA for example has been heavily criticised by the agricultural industry as likely to disadvantage UK farmers and risk a decline in standards.
- Other realised or planned FTAs may also pose problems for the sector and could, if they compromise food standards, animal safety or environmental standards, become political flashpoints.

CHALLENGES FACING THE SECTOR UNDER THE TCA AND PROTOCOL

- Additional administrative burdens, costs and trade barriers, particularly SPS - veterinary checks.
- Fisheries face barriers and costs including SPS checks, quotas and changed access to waters.
- Changes to animal welfare have posed problems for the sector.
- The lack of import controls on agricultural products, plants and livestock brings the risk of plant and animal diseases.
- New subsidy and funding schemes supposed to replace lost EU support have proved

- inadequate and inefficient, endangering the viability of many sector businesses and threatening the livelihoods of owners and employees.
- The Northern Ireland Protocol (NIP) and restrictions on Great Britain - Northern Ireland trade have brought significant disruption to the sector on both sides of the Irish Sea. While it is hoped that the Windsor Framework minimises costs and friction the border in the Irish Sea will remain, while checks are at best reduced rather than removed.

RECOMMENDATIONS

- Conclude an SPS veterinary agreement with the EU. If negotiated along similar lines to the EU-New Zealand agreement this would not prohibit the UK forging FTAs with non-EU nations. An agreement would remove almost all SPS checks and associated trade friction and costs, which would be transformative for the sector.
- Move responsibility of agricultural negotiations to Defra and establish a single trade window to reduce barriers, costs and create a stronger voice for agriculture in trade.
- Provide up to date information to the sector. A divergence / UK policy tracker updated in real time would assist the agriculture sector to develop agile and effective responses to trade and policy developments.
- Reduce labour shortages. The Government must work with industry both to tackle the immediate labour shortage facing the sector and to develop a long term labour strategy that combines the development and deployment of new technology with an appropriate overseas worker scheme and attractive education and vocational training packages to entice British based workers, thereby reducing the sector's dependence on overseas labour.
- Build on the Windsor Framework through effective implementation and long term strategising to repair damage from the Protocol, create a permanent solution to the challenges facing Northern Ireland and improve the broader political relationship.

CONCLUSION



- Brexit is not working for agriculture.
- Costs and administration have increased, trade is down and there are concerns that newly negotiated FTAs, the EU Retained Law Bill and domestic policy issues such as subsidies will create further challenges for the sector which many businesses may not survive. Left unresolved these will have a macro economic impact and harm livelihoods and the Government's ability to level up across regions and nations.
- While the terms of this review are yet to be established we believe that with the right political will it could provide opportunity for meaningful changes and additions to the TCA which would benefit UK business, industry, consumers and the wider economy.
- In coming years the Government must undo Brexit-related harm to the sector, prioritise

- its viability, growth and its ability to provide for the UK's food needs, and work with the sector to mitigate climate change and invest in biodiversity and natural resource protection. These goals are impossible to reach without a vibrant agriculture sector.
- Further, the Government should work in close collaboration with the EU to push for the highest possible agriculture, land and livestock management across the globe for the benefit of the natural world and to help to limit climate change.
- While some action can be taken in the short term the 2026 review of the TCA will provide an opportunity to highlight the challenges facing agriculture and the need for solutions. The UK should be ambitious in its preparation for and conduct of the review.



2 INTRODUCTION

The agriculture sector is of significant value to the UK. It contributes over £12 billion to the economy each year and is a large scale and geographically broad based employer.

The sector has been a consistent success story both in terms of domestic provision and export value. Its value to the UK will only increase as climate change takes hold given our need to provide a growing proportion of our food security.

Due to its proximity and historic ties the EU has been and remains the most significant market for UK food and other agricultural exports. Food and drink exports to the EU have reached £13.7 billion annually, accounting for over half the sector's exports.

The EU is also a significant source of food and agricultural products for the UK; around a third of the food consumed in the UK comes from the EU.

The EU-UK Trade and Cooperation Agreement (TCA) was welcomed by the sector given it provides a 0% tariff arrangement for products that meet Rules of Origin requirements. Despite this Brexit has brought a range of challenges to the sector.

Exports, research and innovation, food security and Sanitary and Phytosanitary (SPS) arrangements have all become more time consuming, costly and complex. Supply chains have been disrupted, in part due to rules of origin requirements which have excluded some products from the 0% tariff rate. SMEs in particular are struggling to handle new costly and bureaucratic processes.

New prohibitions mean that the UK cannot export certain products to the EU. Viable alternative markets are unavailable for many of these products. Border friction has grown hugely with business, livestock and food losses the result.

The sector in Northern Ireland has faced unique challenges. Increased trade friction between Northern Ireland and the rest of the UK led to some supermarkets in Northern Ireland sourcing products domestically, in Ireland or elsewhere outside the UK. The Windsor Framework is a welcome development but does not resolve all trade issues or Northern Ireland politics. Further amendments will be needed as time goes on.

With the UK now operating an independent trade policy third country FTAs create challenges for the sector. The UK-Australia FTA in particular will have a negative impact on UK farmers. Sector leaders have concerns about parts of the New Zealand FTA, CPTPP entry and potential trade deals with India and the US. None of these deals provide significant export value for the agriculture sector.



Outside of trade policy the UK is adapting to new legal arrangements with the EU Retained Law Bill raising concerns around the UK's approach to animal welfare, among other issues. Sector leaders are concerned that high standards could be compromised, endangering the natural environment, employees and livestock. Just as importantly the lack of clarity over future regulation restricts inward investment, inhibiting the survival or growth of sector businesses.

The TCA has similarly been damaging to fisheries, with a negative impact on the aggregate trade balance in fish and aquaculture products of the UK.

Departure from the Common Agricultural Policy, combined with the inadequacy of UK Government replacement schemes, has damaged the livelihoods and prosperity of farmers.

Research and innovation, green initiative and AgriTech actors face obstacles in forming collaborations with academic and commercial institutions overseas due to new barriers to partnership, uncertainty over future regulation, and lack of investment and Government support funds. This inhibits the sector's ability to prepare for and adjust to climate change.

This paper outlines how to date implementation of the TCA and wider impacts resulting from our departure from the EU and adoption of third country FTAs have led to disruption and damage limitation in the agricultural sector, challenging commercial, policy and academic stakeholders.

We outline these challenges and propose recommendations which if implemented would improve agriculture provisions of the TCA to the benefit of the sector, its employees and the UK economy.

In difficult economic and geopolitical circumstances, and given the need to prepare for a future in which climate change worsens, it is essential that the UK Government works to reverse harm to this key sector.

THE UK AGRICULTURAL SECTOR



0.51% of GDP IN 2021

SOUTH EAST AND LONDON IMPERATIVE

£12.5 BILLION 2021 GVA OF AGRICULTURE SECTOR

LEVELLING UP BEYOND

467,000

EMPLOYEES IN

AGRICULTURE SECTOR

The UK Agricultural Sector⁴

Economic value:

- In 2021 the gross value added (GVA) of the agriculture sector in the UK amounted to approximately £12.5 billion (0.51% of GDP).⁵
- Total livestock output in 2021 was £1.62 billion.

Number of jobs

• Number of employees in agriculture in the UK in 2022: 467,000 (1% of its workforce)

Geographic spread

Agricultural activity is concentrated in the East for crops and the West for livestock. There is a significant agriculture sector in Wales, Scotland and Northern Ireland as well as throughout England. In an era where levelling up is a priority its contribution to regions beyond London and the South East should be recognised and valued.

Non-economic value

- Food safety and security
- · Cultural significance
- Job supply
- Valuable for biodiversity, climate change resilience and security

SIGNIFICANT NON-ECONOMIC VALUE

- Department for Environment Food and Rural Affairs, Total income from farming in the UK in 2021, Updated 12 May 2022, https://www.gov. uk/government/statistics/total-income-from-farming-in-england/total-income-from-farming-in-england-provisional-estimate-for-2021-
- assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1106562/AUK_Evidence_Pack_2021_



WHAT HAS CHANGED FOR AGRICULTURE SINCE BREXIT?

THE TCA

The damage done to agriculture from Brexit began well before the TCA was agreed due to post-2016 uncertainty and forecast trade friction.

For example the number of seasonal workers coming to work on British farms had by 2017 fallen 17%, which left some farms "critically short of people to harvest fruit and vegetables" according to the NFU.⁶ Labour shortages have persisted under the TCA.⁷

Many of the regulations underpinning environmental activity in England and Wales were enacted under the European Communities Act of 1972 and are caught within the scope of retained EU law.

The Retained EU Law Bill, currently going through Parliament, could result in many of these laws being removed or replaced, lengthening uncertainty experienced by the sector and making it hard for farmers to plan or gain inward investment.

Whilst the TCA avoided a "no deal" Brexit and avoided tariffs on many goods it has led to numerous obstacles for agriculture which have increased costs and complicated trade. Left unreformed the TCA will continue to damage the sector and leave the UK internationally uncompetitive and unprepared for geopolitical challenges.

The TCA does not provide mutual recognition of conformity assessment or equivalence of SPS regulations, both of which the EU has agreed with other third countries. Its refusal to do so with the UK almost takes the EU and UK back to WTO terms.

Farmers have lost unfettered access to their largest and nearest export market, face a reduction in farm subsidies as the result of the loss of the common agricultural policy (CAP), and have been disadvantaged by trade deals giving disproportionate access to rival farmers from Australia and New Zealand.8 Some in the sector are concerned that UK accession to CPTPP could make matters worse.

Costs for the sector have increased, including export and import costs. For example a cross industry veterinary and environmental health group, the Sanitary and Phytosanitary Certification Working Group, estimated that the new requirement for export health certificates, signed off by a vet, alone added £60m to the cost of food exports to Europe in 2021.9

The result says the Agriculture and Horticulture Development Board (AHDB) is "trade friction, additional physical checks, advance notification of loads, export health certificates, labelling requirements and extra time spent crossing borders [which] all add cost in agricultural supply chains that are designed to be 'just in time' with little room for slippage and where margins are already squeezed." ¹⁰







ADMINISTRATION, COSTS AND TRADE BARRIERS

The increased paperwork and preparation required for food and agricultural exports to the EU present significant challenges for the sector, particularly small businesses. Delays at the border are particularly problematic for perishable food and agricultural produce, leading to increased costs and in many instances wasted produce.

Trade in food and agricultural products will suffer if policy divergences lead to tariffs and increased checks at the border. The House of Lords EU

Select Committee said that "both [the UK and EU] should assess potential trade barriers that may arise as they develop approaches to regulating and supporting food and agricultural production."¹¹

The increase in administration has led to companies and producers facing additional costs and barriers, with this and a wider deterioration in the EU-UK relationship impacting collaboration between institutions, research and innovation. This in turn raises concern about the future of UK AgriTech, sustainable farming and sector research, development and innovation.

SPS CHECKS

The TCA agreed zero tariffs and quotas for trade in goods but introduced new customs procedures, documentation and additional checks on goods moving between the UK and EU.

Most notably the TCA introduced Sanitary and Phytosanitary (SPS) checks for agri-food products that pose potential bio-security threats, including everything from live animals to fresh meat and plant products.

Goods subject to SPS rules have to follow the following process:

- Produce a heath certificate for each consignment
- Send pre-import notification to authorities
- Goods must enter via a designated location with a Border Control Post (BCP)
- 6. foodmanufacture.co.uk/Article/2017/06/23/Food-and-drink-seasonal-workers-at-critically-low-level
- 7. theguardian.com/environment/2022/aug/15/pounds-60m-in-uk-crops-left-to-rot-lack-of-workers-nfu-farming
- 8. theguardian.com/politics/2022/dec/29/uk-farmers-impact-brexit-trade-deal-losing-common-agricultural-policy
- 9. theguardian.com/politics/2022/dec/29/uk-farmers-impact-brexit-trade-deal-losing-common-agricultural-policy
- 10. ahdb.org.uk/trade-and-policy
- 11. committees.parliament.uk/publications/7793/documents/81070/default/

SPS CHECKS (continued)

 Checks and veterinary inspections are carried out at the BCP.¹²
 has become unworkable due to the need to report which vehicle specific consignments

The TCA created three kinds of SPS check:13

- Electronic documentary checks confirm the consignment of goods has the right commercial documentation and certification.
- Identity checks on the commercial seal applied to the consignment.
- Some consignments of SPS-related goods will be selected for a physical check when they arrive at a Point of Entry. The physical check is necessary to ensure that goods entering are safe and meet legal requirements.¹⁴

Vets have to be recruited for the business to certify the goods and provide Export Health Certificates before the goods are exported. The limited availability of registered vets to conduct physical checks can slow down the process and increase costs.

The previously used groupage model for freight

has become unworkable due to the need to report which vehicle specific consignments are travelling in, and the need to separate consignments. Delays from physical checks slow down supply chains reducing the shelf life of perishable products.

Trade data shows a significant impact on UK food and drink exports to the EU. By February 2021 they were down 40% compared to 2020 levels, with the worst hit sectors milk and cream (-96.4%) and chicken (-79.5%), products that would require the highest levels of SPS checks. Key EU Member State markets have also saw huge decreases, with the Republic of Ireland down 70% (£217m).¹⁵

Contacts in Ireland say that they quickly began sourcing agricultural products elsewhere in the EU once the shape of the TCA was apparent to avoid delays and empty shelves after the transition period.

Many in the sector have called on the Government to pursue an SPS – veterinary agreement to remove the need for these costly, time consuming checks and costs.

DIVERGENCE AND THE RETAINED EU LAW BILL

The UK is determining its post Brexit regulatory approach to livestock, transportation of live animals, animal testing and welfare standards. Changes may result following the passage of the Retained EU Law Bill or direct legislation.

The UK renewed commitments on agricultural standards in the Windsor Framework amendment to the Northern Ireland Protocol. Were the UK to diverge from EU standards further trade barriers and costs for the sector would in all likelihood be put in place by the EU and could potentially cause problems for the operation of the Protocol.

David Bowles, Head of Public Affairs at the RSPCA, drew attention to the difficulties in replacing EU

standards, noting that "80% of the UK's animal welfare legislation comes from the EU".16

He argued that the lack of reciprocity and convergence in the TCA's animal welfare provisions is a potentially dangerous and needless omission, especially as by comparison the environment chapter includes provisions that both parties have to raise standards mutually. Lack of agreement on animal testing, chemicals and livestock welfare standards are just some of the areas which are seen as posing potential challenges to the sector.

LABOUR SHORTAGES



The sector has been suffering from acute labour shortages due to the loss of freedom of movement. The House of Commons Environment, Food and Rural Affairs Committee estimated that in August 2021 the number of vacancies was 500,000 out of 4.1 million roles in the sector.¹⁷

The Committee found clear evidence that labour shortages have badly affected the food and farming industry, threatening food security, the welfare of animals and the mental health of those working in the sector.

Businesses have been badly hit, with the pig sector being particularly affected. The food

sector is the UK's largest manufacturing sector but faces permanent shrinkage if a failure to address its acute labour shortages leads to wage rises, price increases, reduced competitiveness and, ultimately, food production being exported abroad and increased imports.

The Committee found that labour shortages across the sector were causing crops to go unharvested and left to rot in fields, healthy pigs to be culled, and disruption to the food supply chain's just-in-time delivery model.¹⁸

While a Defra review into labour shortages in the food supply chain has been established it is yet to report.¹⁹

- 6. farminguk.com/news/dozens-of-animal-welfare-laws-at-risk-from-carried-over-eu-laws-bill_61885.html
- 17. committees.parliament.uk/publications/9580/documents/162177/default/
- 18. committees.parliament.uk/publications/9580/documents/162177/default/
- 19. gov.uk/government/news/defra-updates-on-independent-review-into-labour-shortages-in-the-food-supply-chain



^{12.} cbi.org.uk/media/6914/cbi-uk-eu-veterinary-agreement-paper-2021.pdf

^{13.} cbi.org.uk/media/6914/cbi-uk-eu-veterinary-agreement-paper-2021.pdf

^{14.} cbi.org.uk/media/6914/cbi-uk-eu-veterinary-agreement-paper-2021.pdf

^{15.} cbi.org.uk/media/6914/cbi-uk-eu-veterinary-agreement-paper-2021.pdf

FISHERIES

Under the TCA the UK is now an independent coastal state and the EU Common Fisheries Policy does not apply. The UK is responsible for management of fisheries in the UK's exclusive economic zone of 200 miles.

The Fisheries Act of 2020 ended automatic rights for EU vessels to fish in British waters and created the power to set quotas, legal commitments to sustainability and new measures for devolved governments.

UK and EU vessels now require a licence to fish in each other's waters and have to exchange a list of vessels to be licensed. Compared to 2019, the TCA reduced fishing opportunities for the EU by 66,400 tonnes in 2021 and will reduce them by 110,900 tonnes in 2025.

The UK Government asserts that UK fishers will have access to 25% more quota in around five years. However safeguarding measures in the TCA will be a serious barrier to any unilateral reform of access to UK fishing waters.

For the EU the main impact is not on wild fisheries but on the fish processing sector, due to the increased trade costs such as non-tariff measures and a lack of mutual recognition.

Despite Government commitments the new arrangements are expected to impact the UK more than the EU, with the National Federation of Fishermen's Organisations estimating that by 2026 the TCA will have cost the UK fishing industry £300 million instead of providing overall benefit.²⁰



Since leaving the EU the UK has embarked on an ambitious FTA programme which aims to have 80% of trade covered by FTAs.

This has impacted the agriculture sector. Whilst many FTAs are presented as boosting the economy through wider market access and decreased costs the challenges of increased competition, diverging standards and trade offs have left the agriculture sector vulnerable.

Agriculture was initially seen as a "worthwhile" trade-off in negotiations, with the UK Government prioritising consumer choice above protecting the industry. Sector leaders believe trade deals were concluded to fit a political schedule rather than because they were robustly negotiated.

Former Trade Minister George Eustice for example said UK negotiators were put "on the back foot" by demands that the terms of the Australia FTA were agreed before a meeting of the G7 in Cornwall in June 2021. To meet this deadline civil servants at the former Department for International Trade (DIT) allowed Australian negotiators to "shape the terms" of the agreement.²¹

Early indication is that more attention is being paid to agriculture under Rishi Sunak's policy than his predecessors'. Nonetheless damage was done under the Boris Johnson and Liz Truss administrations.

The UK-Australia FTA in particular has been criticised as posing a threat to UK food safety and quality and for undercutting British producers who abide by higher animal welfare standards. Australia secured a seven-fold increase in tariff-free access to the UK market for its beef and lamb exports, to be phased in after ten years. The deal is expected to create a 3.44% shift in employment away from the UK semi-processed foods sector over 15 years and lead to a 0.46% drop in the value of the sector to the economy.²²

The Australia and New Zealand FTAs have raised concerns that the UK market could be flooded with cheaper meat from the other side of the world, particularly if their producers lost access to the Chinese market.

A study by the Agriculture and Horticulture Development Board (AHDB) concluded that New Zealand exports to the UK would rise by "about

 $20. \quad yorkshirepost.co.uk/news/people/fishing-industry-on-course-to-lose-ps300m-post-brexit-fishermens-trade-body-claims-3403106$

21. news.sky.com/story/george-eustice-brands-australia-free-trade-deal-a-failure-in-brutal-swipe-at-liz-truss-12747723

22. politico.eu/article/liz-truss-uk-food-sector-australia-new-zealand-trade-deal/



13,000 tonnes (31%) if China imposed a 25% tariff on New Zealand lamb imports and 29,000 tonnes (69%) if there was an outright ban."²³

The National Farmers' Union has criticised UK accession to CPTPP, arguing that "the Government should make sure that future candidates to join the bloc do so on terms that do not put further pressure on UK producers."²⁴ They have received no such commitment from the Government.

Potential future trade deals could cause further harm. The AHDB expressed concerns over a

hypothetical UK-US FTA, noting that "the size and scale of US agricultural production mean that scope for UK producers to compete at a commodity level is limited."²⁵

The UK's FTA programme has underdelivered and has not compensated for the damage done by Brexit. A closer relationship with the EU is in the best interest of the sector, accompanied by a more strategic FTA programme that prioritises quality over quantity and does not view our own agriculture sector as unworthy of protection in negotiations.

FOOD SAFETY AND ANIMAL WELFARE

The British Veterinary Association (BVA) has issued warnings about the risks of dangerous animal and plant diseases reaching the UK. The loss of data arising from being excluded from the EU's rapid alert system creates risks which many in the sector see as unsustainable.

This view was echoed by National Farmers' Union President Minette Batters who accused the UK Government of a "dereliction of duty" in failing to ensure adequate controls around the safety of food products.²⁶

"We are seeing little to no checks on imports that are coming in from the EU," she said. "We

have the massive risk of African swine fever in Europe, and to not be investing in our defences for keeping our biosecurity and animal and plant health safe, I think is just a dereliction of duty."

After the horsemeat scandal, in which products such as burgers and lasagne purporting to contain 100% beef were found to show traces of horsemeat, stricter controls were put in place on many food systems.

But Batters said those controls were being eroded, with "so little checks" on imports, and pointed to recent findings that many lorries entering the UK contained fraudulent meat. "If there was a food scare from Europe, it would be very difficult to trace it right now," she said.²⁷

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- 24. politico.eu/article/uk-farmers-food-makers-cptpp-rishi-sunak-uk/
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CHALLENGES CREATED BY LEAVING THE COMMON AGRICULTURAL POLICY

Departure from the Common Agricultural Policy has created significant challenges for the agriculture sector.

Launched in 1962 the CAP was envisaged as an income support scheme after research showed the average farmers' income was 40% lower than non-agricultural incomes.

The National Farmers' Union (NFU) and the Farmers' Union of Wales (FUW) are concerned that many farmers, particularly those operating small and medium size farms, who have been dependent on the CAP may be unable to continue operating under replacement systems.

Government research shows the CAP subsidy was the difference between profit and loss for 42% of UK farms.²⁸ MPs on the Welsh affairs committee expressed concern in 2022 "that around a fifth of Welsh farms had a business income of less than zero" and were able to function only due to CAP support.

Agriculture is a devolved competency. As such Scotland, Wales and Northern Ireland can design their own replacements for the CAP. Nonetheless they remain dependent on Westminster funding, which both the Scotland and Wales governments argue has been cut significantly from what would have been the case had the UK remained in the EU, despite Government commitments to the contrary. This inhibits their ability to compensate farmers for the loss of CAP funding.

In England the phasing out of the CAP is well under way, to be replaced by a new environmental land management scheme (ELMs) which is intended encourage better practices in farming and environmental protection with financial incentives for moves such as reduction in fertiliser use or the maintenance of moorlands.²⁹

Defra figures show phasing out the CAP is affecting farm incomes even though the replacement scheme is not yet finalised or in place. The progressive phasing out of the CAP is

leaving farmers worse off - at least 20% down in 2022, falling to 50% of the previous EU subsidy in 2024. By 2028 in England the CAP system of subsidising farmers per acre will have been eliminated.³⁰

The new approach is designed to reward farmers for protecting nature and improving the environment, however farmers have expressed concern that the administration and resource needed to participate in the scheme reduce its attractiveness, while payments are vastly reduced from those issued under CAP.

"Farmers in England are now receiving less support, quite significantly less, so that will impact incomes," says Nick von Westenholz, the director of trade and business strategy at the NFU. "Most farmers still don't know what it is that they'll be signing up to in future years, or what they'll have to do to meet the requirements of any new scheme."³¹

Minette Batters, President of the National Farmers' Union described the new scheme as "partial" with a "worrying lack of transparency on how the budget is being spent". 32

The new system risks making many farming businesses unviable while failing in its attempt to create an incentive for farmers to protect or restore the natural environment. It needs to be improved to ensure sufficient income for businesses and farmers while enabling them to take appropriate measures on net zero, land health and biodiversity.

The Government needs to set out its long term plans now, including available funding, to give farmers time to prepare and adjust.



^{29.} theguardian.com/politics/2022/dec/29/uk-farmers-impact-brexit-trade-deal-losing-common-agricultural-policy



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 $^{31. \}quad the guardian.com/politics/2022/dec/29/uk-farmers-impact-brexit-trade-deal-losing-common-agricultural-policy and the supplies of the common of the co$

^{32.} nfuonline.com/updates-and-information/nfu23-read-minette-batters-conference-speech-in-full/

5 THE NORTHERN IRELAND PROTOCOL





COSTS AND FRICTION CREATED BY THE PROTOCOL

The Protocol created a customs border in the Irish Sea in recognition that Great Britain had been removed from the single market and customs union, while Northern Ireland remained in the latter and the single market for goods.

This has created political tension in Northern Ireland and has raised costs and trade friction for the agriculture sector and many other industries and manufacturers.

Some costs and challenges have been resolved due to changes announced in the Windsor Framework, however checks, certification and the customs border itself remain, preventing a return to the pre-Brexit status quo.33

Goods flowing from Great Britain to Northern Ireland under the Protocol require customs documents and are subject to border checks, with traders required to pre-notify each of their consignments 24 hours before movement. Some of these checks have been reduced under the new Windsor Framework, but not removed.

Under the original Protocol Northern Ireland stakeholders expressed frustration at being unable to use products from Great Britain. In many cases they were unable to switch to Republic of Ireland inputs as they are not licensed concern that any Great Britain divergence could in the UK. Farmers in Great Britain and Northern Ireland experienced issues moving second hand machinery between Great Britain and Northern Ireland because all machines must be free of soil

and other potential contaminants for entry into Northern Ireland.

The vegetable sector has been impacted as producers are required to give seven days' notice of intention to export in order to facilitate the required inspections from the Great Britain authorities to issue a Phytosanitary Certificate, making it impossible to meet short notice requests from buyers.

The prohibition of Great Britain seed potato imports into the EU and Northern Ireland represented a lost market for those growers. The Ulster Farmers Union (UFU) complained that inspection and certification processes were limiting the varieties of seeds available from Great

EU legal provisions that continue to apply in NI include regulations on chemicals, pesticides and biocides, waste, energy efficiency, GMOs, animal welfare and plant health. Farmers have expressed increase costs or further raise trade barriers when exporting to or importing from Northern Ireland or the EU.

THE WINDSOR FRAMEWORK

The Framework has been welcomed by the sector. It addresses some of the issues raised by producers and unions in Northern Ireland and Great Britain.34

The Framework creates new and simplified rules and procedures for the entry into Northern Ireland from Great Britain of certain agri-food retail goods when sent for final consumption in Northern Ireland. These include use of a general single certificate for mixed loads of agri-food goods, reduced identity checks and allowance of previously banned foods including chilled meats.35

The ban on seed potatoes being imported to Northern Ireland from Great Britain has been lifted. Seeds and plants for planting in soil will have access to the green lane, as well as machinery being imported from Great Britain to Northern Ireland, using special certification.³⁶

Access to the single market has been maintained for Northern Ireland agriculture products. The UK has agreed to align with EU SPS rules for foods exported from Great Britain to Northern Ireland which were sourced from a non-EU country. Animal medicines used in Northern Ireland can now be approved by a UK regulator. New UK VAT rules will apply in Northern Ireland. Its special status on fisheries subsidies is protected.

THE FRAMEWORK CREATES NEW AND SIMPLIFIED RULES AND PROCEDURES FOR THE ENTRY INTO NORTHERN **IRELAND FROM GREAT BRITAIN.**

These changes are expected to smooth trade flows and reduce administrative burdens, with 1,700 pages of EU law said to be scrapped. The UK has belatedly begun building permanent SPS inspection facilities in Northern Ireland, something it committed to do in 2020.

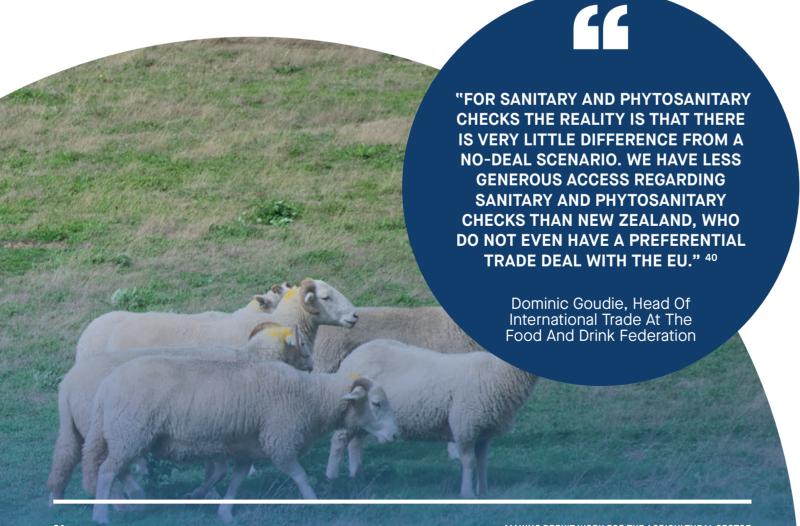
RECOMMENDATIONS

It is imperative for the UK Government to pursue reforms to the UK-EU relationship for the betterment of the agriculture sector. Effective reform will shore up the UK's food security, boost productivity and prosperity in the sector and harmonise aspects of the UK-EU political relationship.

There is broad agreement among stakeholders both on the main issues presented by the TCA and workable solutions which would be possible given the UK's status as a third country.

The welcome announcement of the Windsor Framework in February 2023 has created a more collaborative political environment, making changes to the TCA more achievable and laying the groundwork for more ambitious, long term reforms in future.

The following recommendations have broad support in the sector, and are recommended negotiating goals for the UK Government.



SPS AND VETERINARY AGREEMENTS



To cut costs and simplify procedures the UK and the EU should pursue an SPS veterinary agreement.

James Russell, President of the BVA has described the TCA's SPS Chapter as "very thin", arguing it "essentially restates" what already exists at the World Organisation for Animal Health and World Trade Organization (WTO) level. The result is increased trade friction and costs for the agri-food sector.

The EU has in place veterinary agreements with New Zealand and Switzerland which go far beyond the TCA.

The EU-New Zealand Veterinary Agreement

- Removes the vast majority of physical checks (only 2% for animal products for human consumption) at the border but keeps 100% of documentary checks.
- Achieves this through regulatory equivalence mechanism with table where relevant legislation from the two countries is compared and assessed against the above criteria and a positive or negative equivalency judgement is agreed.
- Does not impact future trade agreements due to equivalence-based model.
- Designed for long distance trade on limited products, mainly lamb.

The EU-Swiss Veterinary Agreement

- Removes nearly all physical SPS checks on live animals, animal products and other food-related products (while maintaining 1% physical checks), but keeps 100% of documentary checks.
- Achieves this through a dynamic regulatory mechanism, creating a Common Veterinary Area.
- Closer equivalence mechanism limits the freedom on agriculture in future trade agreements due to regulatory relationship.

Table 1: Pre-existing veterinary agreements between the EU and trade partners³⁷

The EU-New Zealand deal for example allows recognition of each other's standards on a product by product basis while not demanding further alignment. As a result only 1% of New Zealand's goods are subject to SPS checks, compared to 30% for the UK.

An SPS - veterinary agreement between the UK and the EU could remove most SPS requirements for goods moving between the EU and Great Britain, and between Great Britain and Northern Ireland.38

Such an agreement need not inhibit the UK's ability to include agriculture in future FTAs with other countries. A new agreement would require a regulatory mechanism to allow the UK and EU to mutually recognise each other's standards as sufficient.

The Swiss-EU model creates a close and dynamic regulatory relationship with the EU which, were the UK to use it, would limit the inclusion of agriculture in future trade agreements. However a mechanism similar to the EU-New Zealand agreement would not. A similar mechanism could be designed and would not limit the UK's regulatory independence or ability to strike FTAs.39

Such an agreement between the UK and EU could enable renewed UK participation in the European Centre for Disease Control and Prevention, allowing shared access to data which would not only ease trade flows but also be an asset to public health and food standards.

The agreement could include commitments on animal welfare, where the TCA is weak.

- 37. cbi.org.uk/media/6914/cbi-uk-eu-veterinary-agreement-paper-2021.pdf
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ADMINISTRATION, TRADE BARRIERS AND DEFRA

More can be done to remove administrative burdens on companies trading between the UK and the EU and to remove non-tariff barriers to trade.

In order to avoid future market access barriers and add a strong voice for agriculture all responsibility for FTA negotiations on agriculture and food should be transferred from the Department for Business and Trade to Defra or a joint Whitehall unit set

up which would give Defra more responsibility for negotiations. This would enable Defra to get a better deal for UK agriculture, working in collaboration with the sector.

As the UK negotiates trade deals with CPTPP, India, the US and others this approach would ensure that lessons are learned from previous negotiations and that agriculture is protected and valued as a key part of UK security and prosperity.

PROVIDE UP TO DATE INFORMATION TO THE SECTOR

The Civil Service should go further in updating stakeholders and addressing problems. "An effective information flow is needed," said one of our focus group participants.

Citing Queen's University Belfast's Protocol Monitor, which provides up to date information on the Protocol, focus group participants called for a Civil Service run "divergence tracker" to keep stakeholders informed.

Frustration was expressed in that certification processes are not vet fully electronic or streamlined. The UK Government should prioritise the establishment of a single trade window and

clarify its Border Operating Model so traders can submit documentation without obstacles and reduce delays.

Originally planned for implementation in mid-2022 this has now been delayed until the end of 2023, with limited details around the Target Operating Model available.

There is a risk that the 2025 Borders Strategy will deliver "too little, too late", according to one participant, damaging business confidence and the overall performance of the sector. A tracker would assist the agriculture sector to develop agile and effective responses to trade and policy developments.

REDUCE LABOUR SHORTAGES

The House of Commons Environment, Food and Rural Affairs Committee recommends that: 41

- The Government must learn lessons from the way it introduced the temporary shortterm visa schemes of autumn 2021 as their late announcement limited the sector's ability to take advantage of the visas being made available.
- The Government needs to make a step change in how it engages with industry, taking seriously their concerns and acting promptly on them—this should help prevent future interventions being "too little, too late".
- The Government must review aspects of the Skilled Worker Visa scheme that act as barriers. including the English language requirement and the

complexity and costs involved in a visa application.

- The Government needs to build on its welcome expansion of the Seasonal Workers Pilot scheme to the ornamentals sector and increase the number of visas available by 10,000, make the scheme permanent and commit to announcing visa numbers in future on a rolling five year basis.
- The Government must work with industry both to tackle the immediate labour shortage facing the sector and to develop a long term labour strategy that combines the development and deployment of new technology with attractive education and vocational training packages to entice British based workers, thereby reducing the sector's dependence on overseas labour.42



NORTHERN IRELAND

While much was achieved in the Windsor Framework issues for the sector remain.

It is not yet clear what will happen beyond the veterinary medicines grace period at the end of 2025. An arrangement for human medicines is yet to be implemented.

Disappointingly livestock movements from Northern Ireland to Great Britain were not resolved. Although the EU amended its 'delegated regulation' allowing for cattle and sheep to move outside the EU regulatory zone and return for up to 15 days in practice the requirements for it to work have not been implemented.⁴³

The "red lane" will include grain for animal consumption and plant protection products which means that checks, paperwork and costs are unchanged or increased from the original Protocol. Some species of trees are still not cleared for export from Great Britain to Northern Ireland.44

The Government will need to continue to listen to the sector in Great Britain and Northern Ireland and to work with the EU to resolve remaining difficulties and trade friction, reduce costs and enhance opportunities.

The Ulster Farmers' Union (UFU), British seafood, dairy and meat exporters among others have called on the Government to seek an SPS veterinary agreement between the UK and EU. As detailed above this would eliminate many remaining challenges.45

While there are obstacles to creating such an agreement given new UK FTAs and UK membership of the CPTPP the Government should negotiate the fullest SPS – veterinary agreement possible to ease agrifood trade between Great Britain and Northern Ireland, and more broadly between the whole UK and EU, which remains our largest trading partner.46

- 41. committees.parliament.uk/publications/9580/documents/162177/default/
- 42. committees.parliament.uk/publications/9580/documents/162177/default/
- 43. farminglife.com/business/what-does-windsor-framework-mean-for-agriculture-4050236
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THE FUTURE OF UK AGRICULTURE

HARM REDUCTION

Brexit is not working for agriculture. Costs and administration have increased, trade is down and there are concerns that newly negotiated FTAs, the EU Retained Law Bill and domestic policy issues such as subsidies will create further

challenges for the sector which many businesses may not survive. Left unresolved these will have a macro economic impact and harm livelihoods and the Government's ability to level up across regions and nations.

THE GLOBAL CONTEXT: CLIMATE CHANGE, UKRAINE AND FOOD SECURITY

The UK's need for a productive agricultural sector goes beyond the need to provide employment and create profit. Given the increasing link between the agricultural sector and food security, climate change and wider geopolitics it is essential that the TCA is developed in a way that creates mutually strong UK and EU industries that can adapt to coming challenges.

Climate change means that over time large swathes of farmland across the world will become redundant. Affected countries may be increasingly unwilling to export if they are unable to feed their own populations.

In the short term the Russian invasion of Ukraine has led to less secure supply chains and food insecurity, again highlighting the need for closer collaboration between traders and producers, particularly with the UK suffering vegetable shortages.

Food security is a national security issue for which a positive UK-EU relationship is vital. The need for a strong and resilient agriculture sector has never been more apparent.

GLOBAL INFLUENCE

Closer partnership with the EU on agriculture would create opportunities for enhanced global influence on standards, regulations, climate

change, resource and biodiversity protection, as well as providing greater opportunities for UK producers to sell produce and make a profit.

- 47. Icil.cam.ac.uk/blog/scrutinising-uks-post-brexit-free-trade-agreements-prof-lorand-bartels-mbe
- 48. nigta.co.uk/news



"THE CHALLENGES OUTLINED ARE NOT INSURMOUNTABLE AND CAN BE RESOLVED IF THERE IS POLITICAL WILL TO DO SO AND PROPER CONSULTATION WITH BUSINESSES WHO ARE DEALING WITH THE ISSUES DIRECTLY. UNCERTAINTY IS NOT GOOD FOR BUSINESS AND ISSUES NEED TO BE RESOLVED. DURABLE AND FUTURE PROOF SOLUTIONS ARE NEEDED." 48

Gill Gallagher, Chief Executive, Northern Ireland Grain Trade Association



TRADE POLICY

Beyond the TCA, the challenges laid out in this report should be addressed in UK trade policy. With the UK joining CPTPP there are new risks and challenges, with Trade and Agriculture Commission chairman Lorand Bartels warning agricultural practices in some existing member countries are "of more concern" than those in Australia.⁴⁷

It has been projected that if South Korea and Thailand join CPTPP there will be a 4.97 percent decrease in the value of the semi-processed food sector to the UK economy due to tradeoffs that result in increased competition with economies that have considerably higher concentrations of agricultural production. This cannot go unchallenged given the already difficult position the sector is in.

ONGOING SECTOR SUPPORT

For UK agriculture leaving the EU goes beyond the TCA and is a long term legacy issue rather than a standalone process that only impacts the present government. Ensuring a viable and responsible sector requires long term and agile reform that will be effective in an unpredictable global economy.

The goodwill generated by the Windsor Framework has the potential to lay the foundation for more ambitious and far reaching reforms. In this climate the UK should be ambitious, taking advantage of the opportunity to push for further

agreement with the EU which would benefit the sector and provide long term certainty, enabling businesses to plan for the future and to attract inward investment.

Failure to do so would cause a further decline in the sector, damage the UK's international standing and leave the UK vulnerable, not least in food security. The proposals laid out in this paper outline the significant potential in using an improved UK-EU relationship for the betterment of the wider sector.



LINKS TO KEY DOCUMENTS

Links to key documents

- Study requested by the PECH Committee of the European Parliament, 'Workshop on impacts of the EU-UK Trade and Cooperation Agreement on fisheries and aquaculture in the EU', 2022: https://www.europarl.europa. eu/RegData/etudes/STUD/2022/690907/ IPOL_STU(2022)690907_EN.pdf
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- OECD working paper, 'Trade impacts of the Trade and Cooperation Agreement between the European Union and the United Kingdom', 2021: https://one.oecd.org/document/ECO/ WKP(2021)49/en/pdf
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- DEFRA, 'Consultation on the draft Joint Fisheries Statement', 2022: https://consult.Defra.gov.uk/sustainability-devolution-and-legislation-team/jfs/supporting_documents/Consultation%20draft%20of%20the%20Joint%20 Fisheries%20Statement.pdf

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MAKING BREXIT WORK FOR THE AGRICULTURAL SECTOR



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