



# Department for Environment Food & Rural Affairs

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The Lord Jay of Ewelme GCMG  
Chair of the Protocol on  
Ireland/Northern Ireland Sub-  
Committee  
House of Lords  
LONDON  
SW1A 0PW

28 December 2022

Dear Lord Jay

## **NORTHERN IRELAND PROTOCOL BILL: SANITARY/PHYTOSANITARY FACILITIES IN NORTHERN IRELAND**

I am writing to you to update you on the Government's intention as regards the implementation of sanitary/phytosanitary (SPS) facilities in Northern Ireland following Committee stage of the Northern Ireland Protocol Bill.

As you are aware, the Government is working intensively to put in place revised arrangements for the operation of the Northern Ireland Protocol which address the social, political and economic difficulties that the Protocol has caused in the past two years. The Government's preference remains a negotiated solution, but we are proceeding with the Northern Ireland Protocol Bill (the 'Bill') as the situation in Northern Ireland needs to be resolved in any event.

This involves preparing to be able to deliver the red and green lane arrangements set out in the Bill in a smooth and timely way. As set out in *Northern Ireland Protocol: the UK's solution* in July 2022, while the green lane will provide unique arrangements for internal UK trade under a new trusted trader scheme, red lane arrangements would mean that goods going to the EU would be subject to full EU checks and controls and full customs procedures. Moreover, it is written into the Bill's text itself that we will not set aside the application of EU law in relation to checks and controls for EU destined goods.

The Government's plans for implementation of the red lane were rightly questioned by many Peers during the Bill's Second Reading and at Committee Stage. The Government's position has always been that the arrangements in place for the red lane will require the enhancement of existing SPS facilities at points of entry in Northern Ireland. The necessary construction has not taken place to date owing to wider concerns about the Protocol's implementation. However, acting to deliver these facilities is pivotal to securing a viable and sustainable way forward on the Protocol in relation to EU-destined goods.

Delivery of these facilities is a devolved responsibility. However, in the absence of a Northern Ireland Executive and Assembly, it will now fall to the UK Government to take that work forward. In line with that responsibility, Defra will introduce the necessary statutory instrument and relevant guidance to underpin this early in 2023. This will be done with full recognition of the ongoing responsibility of the Northern Ireland Department for Agriculture, Environment and Rural Affairs (DAERA) in this area, including maintaining the appropriate staffing levels for those SPS facilities and other administrative matters.

In the event that the Northern Ireland Executive is restored, our intention would be to engage on the scope for returning responsibilities back to the Executive where there was agreement to this. In the meantime, the Government remains determined to implement as necessary the approach in the Northern Ireland Protocol Bill; support the restoration of the Northern Ireland Executive; and protect biosecurity across the UK.

I am happy to speak to the Committee about this work as it progresses.

I am copying this letter to the Chair of the European Affairs Committee (The Earl of Kinnoull) and the Chair of the Constitution Committee (Baroness Drake), the Chair of the House of Commons European Scrutiny Committee (Sir William Cash MP) and the Chair of the House of Commons Environment, Food and Rural Affairs Committee (Sir Robert Goodwill MP), to the Secretary of State for Environment, Food and Rural Affairs, Secretary of State for Northern Ireland and the Foreign Secretary, to the Cabinet Secretary, the Head of the Northern Ireland Civil Service, and the Permanent Secretary of the Northern Ireland Department of Agriculture, Environment and Rural Affairs, and will place a copy in the Library of the House.

Yours sincerely



**THE RT HON LORD BENYON**