



# HOUSE OF LORDS

Common Frameworks Scrutiny Committee

House of Lords

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15 March 2022

The Rt Hon George Eustice MP  
Secretary of State for Environment, Food and Rural Affairs  
Department for Environment Food & Rural Affairs  
Seacole Building  
2 Marsham St  
London  
SW1P 4DF

Dear George,

Thank you for the Fertilisers Provisional Framework that was published on 3 February and considered by the Committee on 15 March. We appreciate this framework being privately shared with our secretariat before its publication so we could prepare for scrutiny in a timely fashion. Whilst I want to confirm the Committee's intention to produce recommendations for this framework, there are several areas where we would first appreciate more information.

First, we were concerned that the framework does not provide enough information on its interaction with the Protocol on Ireland/Northern Ireland. On page 10, we read that "The following paragraphs of Annex 2 of the Northern Ireland Protocol are relevant to this framework", but the paragraphs are not then listed. Could you clarify which paragraphs of the Protocol are relevant to the framework? We would also like to highlight the importance of communication with the Republic of Ireland on fertilisers, especially as NI will be diverging on fertilisers in July<sub>2</sub> and because the island of Ireland is considered one epidemiological unit from a public and animal health standpoint.

We were confused by the framework's description of the decision-making process, particularly the role of senior officials. We read in paragraph 10.6 that "There is no specific senior official group that exists for fertilisers with regard to decision making. Policy officials also consider that there is no need for a specific senior official group only for fertiliser related decisions." However, a different arrangement appears in the diagram labelled 'Decision making Flow Diagram', which shows 'Senior Officials' are consulted if there is a disagreement at official level. Then, to add further confusion, page 15 states that "If there is agreement [by officials] that ... divergence is acceptable, then this is referred to senior officials for their agreement." This implies that senior officials are expected to approve divergence even when officials agree it is acceptable. Could you clarify what role senior officials play in the decision-making process?

We were also confused by the framework's description of the dispute resolution process. According to the text outline of the dispute resolution process on page 15, and the diagram on page 20, the first stage of the process is said to be the 'Fertiliser Liaison Group'. However, no information about this group is given in the framework, and elsewhere it is implied the UKFRC are really the first stage of the process. Could you clarify who the Fertiliser Liaison Group are?

Additionally, while the text outline of the dispute resolution process on page 15 and the diagram on page 20 state the Fertiliser Liaison Group are 'level one' in the dispute resolution process, this is not reflected in the 'Levels explained' text on page 20. This text outlines that a dispute is discussed wither by the 'four governments Directors group' or the 'fertiliser Frameworks management group'. Could you clarify how the dispute resolution process operates?

In our [previous correspondence](#) with you on this framework, you told us that a second round of stakeholder engagement would take place before the provisional framework was published. Could you update us on which stakeholders were consulted in this round of engagement, and if any feedback given caused you to make changes to the framework? Particularly, were farmers consulted?

We had a number of other concerns which we do not feel we require further clarity on but want to highlight to you. We feel it is essential that the devolved administrations participate in UK-EU meetings where there is an agenda item concerning devolved competence. As such, the framework should be updated to say that the UK Government "will" facilitate the attendance of the devolved administrations at a similar level to that of UK Government representatives, not that it "should". We are also concerned that not enough information is given in the framework on the monitoring of divergence and direction of policy. We will make full recommendations on these issues in a separate letter.

In order to facilitate the swift scrutiny of this framework, we ask that you respond within 5 working days.

Yours sincerely,

Baroness Andrews  
Chair of the Common Frameworks Scrutiny Committee