

DÁIL ÉIREANN

AN COMHCHOISTE UM THALMHAÍOCHT, BIA AGUS MUIR

JOINT COMMITTEE ON AGRICULTURE, FOOD AND THE MARINE

Dé Céadaoin, 28 Meán Fómhair 2022

Wednesday, 28 September 2022

Tháinig an Comhchoiste le chéile ag 5.30 p.m.

The Joint Committee met at 5.30 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Martin Browne,	Victor Boyhan,
Matt Carthy,	Lynn Boylan,
Michael Collins,	Paul Daly.
Michael Fitzmaurice,	
Michael Ring.	

Seanadóir / Senator Tim Lombard sa Chathaoir / in the Chair.

Business of Joint Committee

Vice Chairman: I am deputising for the Chairman, Deputy Cahill, who is unfortunately unable to make this meeting. I remind all witnesses, members and those in the Gallery to turn off their mobile phones. Members are required to ensure that for the duration of the meeting, their mobile phones are turned off or switched to airplane or flight mode, depending on the device.

Senator Victor Boyhan: Can we check in with the people joining us externally that they are tuned in and can hear us? There are other people here and the witnesses may not be fully understanding of that. It would help to ensure they are connected and linked into the meeting. I do not know if Deputy Michael Collins is in Cork.

Vice Chairman: Is Deputy Collins with us this afternoon?

Deputy Michael Collins: I am indeed.

General Scheme of the Veterinary Medicinal Products, Medicated Feed and Fertilisers Regulation Bill 2022: Discussion

Vice Chairman: The purpose of today's meeting is pre-legislative scrutiny of the general scheme of the Veterinary Medicinal Products, Medicated Feed and Fertilisers Regulation Bill 2022. We have two organisations before us, the Irish Co-operative Organisation Society, ICOS, and Teagasc.

Covid-19 is unfortunately still with us and all of those present in the committee room are asked to exercise personal responsibility in protecting themselves and others from the risk of contracting the disease.

Witnesses giving evidence from within the parliamentary precincts are protected by absolute privilege in respect of the evidence they give to the committee. This means that witnesses have full defence in any defamation action for anything said at a committee meeting. However, witnesses are expected not to abuse this privilege and may be directed to cease giving evidence on an issue at the Chair's direction. Witnesses should follow the direction of the Chair in this regard and are reminded of the long-standing parliamentary practice to the effect that, as is reasonable, no adverse commentary should be made against an identifiable third person or entity. Witnesses who are giving evidence from a location outside the parliamentary precincts are asked to note they may not benefit from the same level of immunity from legal proceedings as witnesses giving evidence from within the parliamentary precincts. Privilege against defamation does not apply to the publication by witnesses, outside the proceedings held by the committee, of any matter arising from the proceedings.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against any person outside the Houses or an official, either by name or in such a way as to make him or her identifiable. Parliamentary privilege is considered to apply to utterances of members participating online in this committee meeting when their participation is from within the parliamentary precincts. There can be no assurances in the context of participation online from outside the parliamentary precincts. Members should be mindful of this when they are contributing.

We will move to the pre-legislative scrutiny of the heads of the Bill before us. I ask the witnesses from ICOS to make their presentation.

Mr. Ray Doyle: Over the past decade, the dairy sector has invested over €1 billion in new processing capacity, routes to market and people and systems to ensure compliance and food safety. A comparable investment has taken place at farm level. The co-operative and multi-purpose nature of the Irish dairy industry has ensured that it has developed a significant degree of vertical integration with its farmer members, and it surrounds and supports them with the systems and expertise to deliver on safe and sustainable food production. Included in this support is a huge investment in milk quality, built on animal health and welfare, including the responsible usage of all veterinary medicines. This reflects on the strategic importance of the dairy co-operative sector as a key partner of the Government in delivering on shared objectives for the public good in animal health and welfare, food safety, climate change, water quality and other objectives. It is in this context that we raise some significant concerns regarding the implementation of the new EU veterinary medicines regulation and the fertiliser register.

ICOS previously addressed the committee in spring 2021 on the issue of veterinary medicines. Unfortunately, we find ourselves in a position where our key concerns remain unaddressed. We said previously that the new veterinary medicines regulation could potentially create a dramatic shift in the veterinary medicines supply chain in favour of private veterinary practitioners and to the detriment of co-operatives, pharmacists and independent licensed merchants, LMs. We warned that the new rules would narrow the distribution channel and reduce choice. In turn, this would increase the costs of medicines, as co-operatives and LMs would be disadvantaged in the marketplace. This will undermine the sustainability of the co-operative store network as a key pillar of its offering will be weakened and footfall will be diminished. We stressed the need to find an appropriate legal solution. Our main recommendation to the committee was to ensure the continuation of the existing LM network as a recognised route of supply, expertly administered by trained, responsible persons, to ensure maximum and fair competition and availability for farmers. We repeat these concerns here today.

We have had in the meantime the opportunity to examine the Department of Agriculture, Food and the Marine's proposal for a national veterinary prescribing system, NVPS, and the reaction of the veterinary profession through its representative body. Since the new legislation and the new prescribing regime for antibiotics came into effect on 28 January 2022, we have seen the sales of intramammary antibiotics totally collapse across all co-ops. Notwithstanding the shorter window for dispensing when it comes to antibiotics, this clearly indicates the negative impact on farmer choice of the introduction of a restrictive veterinary-only prescribing and de facto dispensing regime. This is the canary-in-the-coalmine warning for everybody concerned about the plans by the Department to proceed with the decision to up-regulate anti-parasitic veterinary medicines to prescription-only.

The advice from the Department is that the new electronic NVPS will provide adequate choice for farmers. This is based on the assumption that all veterinary practitioners will collaborate with the Department and fully adopt the new system of prescribing. This has simply not happened to date. There is no evidence to suggest that the Department has been able to get vets to test the system, let alone operate it when it is up and running. Co-ops have been left in limbo as a result, spending considerable resources on new IT upgrades for a system we do not even know will be operational. We support the introduction of the new NVPS but for it to deliver on its potential it needs to work in parallel with a fit-for-purpose prescribing regime.

The Department has failed to address the possibility of legislating to allow for the continu-

ation of the role of responsible persons as effective prescribers of antiparasitic medicines. We call on the committee and Members of the Oireachtas to ensure the Department pursues all avenues that will enable responsible persons employed by co-ops and LMs to continue to do what they have been effectively doing for many years. We understand it is legally possible to amend the 2007 legislation to retrospectively recognise and provide a legal basis for the ongoing role for responsible persons as prescribers of antiparasitic veterinary medicines. Crucially, this will provide for alignment between the prescribing and dispensing regime on both sides of the Border, protecting our all-island animal health approach and preventing the risk of the development of an unnecessary and damaging black market for veterinary medicines.

The economic impact of what we now see evolving as a highly dysfunctional prescribing regime will result in a substantial loss of jobs in co-ops and LMs in rural areas the length and breadth of the country, and a significant increase in cost at farm level, at a time when inflation is going through the roof at co-op and farm level. Co-ops and merchants have already been forced to invest significant funds in IT changes to sales software. It is ironic, as what we have seen from the lesson of intramammaries is that we may not get to use this new software. At the very least, the Department should be willing to assist with the financial burden associated with IT upgrades by providing an IT grant for the new NVPS and the fertiliser register, which we will mention later.

Notwithstanding the need to fundamentally review the direction of the Department on the position of responsible persons, and to seek clarity on the advice it says it has received from the Office of the Attorney General in this respect, other issues need to be resolved with respect to any future prescribing regime. First, in order to protect competition in the market, it is vital that the NVPS as it is being developed provides for the full availability of appropriate generic alternative medicines. Second, the Department needs to legislate, as it did with SI 786 in 2007 for mastitis control programmes, to allow for vets working as part of an approved co-op herd health programme to establish and maintain a client-patient practice relationship, CPPR.

I will hand over to my colleague, Mr. Carroll, who will speak on the fertiliser register.

Mr. John Carroll: ICOS has worked closely with the Department of Agriculture, Food and the Marine and other stakeholders to deliver on our commitments to improve water quality and reduce emissions of harmful greenhouse gases and ammonia. Our support is illustrated by the support of co-ops for a range of sustainability initiatives and programmes, such as the agricultural sustainability and support advisory programme, ASSAP, the signpost farm programme, joint Teagasc programmes and individual co-op programmes and incentives.

We recognise the development of the fertiliser register as a key measure in delivering on the above commitments as well as the commitments under Ag Climatise and Food Vision to reduce substantially the usage of chemical nitrogen and to make a significant switch to using protected urea, alongside improvements in soil fertility, clover and multispecies sward incorporation and precision use of slurry and low-emission spreading equipment. To this end, we and our members have participated in the Department's consultative working group on the fertiliser register over the past number of months. While there have been and continue to be technical concerns regarding software systems and other practical matters, the most substantive issue with the current proposal for a register is the acknowledgement by the Department that the register will only apply to purchases of fertiliser made within the State.

What the industry, the Department and stakeholders need is a seamless system, which will capture all the use of fertiliser within the State. The ongoing capacity for farmers to purchase

fertilisers from outside the State is an enormous black hole in the current plans for a register. It would be extraordinarily naive to assume, given examples from other products, such as silage plastic and smoky coal, that similar loopholes will not be taken advantage of in this scenario. We acknowledge the efforts of the Department to seek an all-island approach and we appreciate the sensitivities at play. However, the lack of any clear timelines for a solution is very worrying.

ICOS and our members as well as stakeholders in the fertiliser supply chain are working with the Department to support the development of a fit-for-purpose register. This process has not yet concluded, especially the full development of the IT system. As such, it may be premature to comment on some of the technical aspects. However, it is vital that the current IT systems in each co-op will work seamlessly with the Department's new register to ensure there is no unnecessary bureaucracy or inefficiency at co-op level when it comes to selling fertiliser. There needs to be a significant communications campaign to inform farmers of what will be needed to ensure compliance with the new register, including the recording of closing and opening stocks for each year. Farmers who are not proficient in IT skills will need support in this regard.

The development of a fit-for-purpose fertiliser register will be a key tool for the Department and industry to support farmers in making the right decisions in respect of our environmental commitments. The full sharing of information between the Department and co-ops will be important in the implementation of the types of co-op sustainability programmes required by the marketplace and the Department. ICOS supports the development of a register. However, the current anomaly with respect to Northern Ireland is of great concern and must be addressed.

Senator Paul Daly: I welcome the witnesses. As they quite rightly said, they have addressed this matter previously. We have been here before and have gone through in detail all the potential pitfalls of what was on the table. With that in mind, there is no need to go back over all that and rehash old ground.

I would like the representatives to elaborate a little more based on their experiences. They have had experience of the NVPS and how it is working since January. From reading their statement, they are saying in a couple of lines that the co-op market has collapsed somewhat. I ask them to elaborate a little more on how that is affecting their businesses in specific instances. Now that we have the draft Bill, which I assume they have read, what changes could be made within the proposed legislation to overcome that?

I would also like ICOS to elaborate a little more on the role of the responsible person, which it seemed to highlight as a potential solution to some, though possibly not all, of the problems its members are encountering under the present system. From my perspective, and I found this in all our deliberations on this issue, there is a serious misconception out there about the relationship between antimicrobial resistance and antiparasitic resistance. I get it and I see the importance of definitive control in respect of antimicrobial resistance because it can have effects on human health or whatever. However, many people do not even realise the situation when they hear "antiparasitic resistance". They correlate it with antimicrobial resistance and see it as being the same thing and a danger to humans, whereas antiparasitic resistance means the resistance of the parasite. From reading ICOS's statement and from our previous meetings on this, and as a farmer, I believe that if we are to control that and get to the kernel of the antiparasitic resistance, that is, the resistance of the parasite, it is not just a veterinary opinion that is needed. Rather, you need an overall picture of the farm, including the farming background, the land type and the farming habits. In my opinion, in many cases the responsible person within the co-operative, of whom the farmer will be a regular user and from whom he or she will pos-

sibly get fertiliser and all the other products, would have a better knowledge of that farmer's farm, his or her farming practices and the other products he or she uses, whether the fertilisers of whatever. The responsible person would probably be better positioned than the vet when it comes to antiparasitic resistance. I would like to hear Mr. Doyle's opinion on that.

I take on board the role technology is going to play in both aspects of ICOS's submission, namely, those relating to the fertiliser register and the new medicines regulation. How has the organisation been finding that technological interaction so far, since January? With regard to the fertiliser issue, I agree 100%. The major difficulty here relates to the fact the register is going to contain only the fertilisers purchased, but if someone can get 1 tonne or 2 tonnes across the Border or wherever, that is not going to be recorded. That, in itself, defeats the whole purpose of the exercise, which is to address our nutrient input, improve our water quality and so on. While that issue has been highlighted, what would Mr. Doyle suggest as a solution to that problem? What would he see as a good system of recording what is spread, which would be simple enough, you would imagine, as opposed to what is purchased?

Mr. Ray Doyle: I might take the antiparasitic questions and Mr. Carroll might take the fertiliser ones. On the intermammary sales, according to the feedback to date from the co-operatives that have been involved in the sales of intermammary products, which have been operating successful mastitis control programmes to enable them to sell them legally since 2007, they have seen them completely collapse. Some of the examples I was given by some of the major milk-producing co-operatives have indicated in excess of 90% less on a year-to-date basis running to 1 September has related to intermammary sales.

No doubt there has been some stockpiling or perhaps a reaction to farmers' behaviour and so on, but that still does not explain the serious collapse. If that is anything to go by, and all we can go by is the experience of what has happened in the past nine months, it will be a similar situation to the antiparasitic because they are a prescription-only medicine, POM, product that require a prescription from the veterinary prescriber. We are now seeing quite clearly that the vet writes the prescription for the intermammary products and dispenses them, and we are simply excluded from that market. That is a clear example of where we are.

Regarding figures and so on, as I said, it is in excess of 90%. One co-operative gave me an exact figure of 84%, while another co-operative had it at 92%. The rough average is a 90% reduction, essentially a collapse. It was a very important-----

Senator Paul Daly: I apologise for interrupting but I also meant to ask how the larger co-operatives that might have an in-house vet are finding it. Is that not a solution? Is there still a problem when there is an in-house vet, or why is that not working?

Mr. Ray Doyle: We still have a problem in those cases because the code of ethics from the Veterinary Council of Ireland is now precluding these vets from writing these prescriptions for the antibiotics. To return to one of the Senator's earlier questions, there is a clear differentiation between the use of antibiotics and antimicrobial resistance, AMR, on the one hand, and antiparasitic resistance, on the other.

While we can all rationalise a reduction in the use of antibiotics, and the co-operatives will be the first to say we have to greatly reduce the use of antibiotics in all food-producing animals because we all live in the same essential bacteria and we do not want resistance among humans, we cannot prescribe them. Perhaps it is going in the direction of travel it should be, whereby it is in the hands of the visiting vet and the animal is treated within a day or two. The use of

antibiotics usually means there is an animal welfare issue or, potentially, a life-or-death scenario for an animal, and we would agree with the tight prescribing window. Perhaps the fact we have lost that business is a blessing in disguise, although that is not the way I mean to communicate it, in that the use of antibiotics needs to be reduced greatly on that basis. The same cannot be said, however, about antiparasitic products. It is usually not a life-or-death scenario for the animal. Rather, it is usually a loss of production and it is never so serious a situation that the product must be administered rapidly. As well as that, antiparasitic resistance is not currently a human issue.

Nevertheless, as co-operatives, we are acutely aware of the loss of production we could face from our green grass-based production model by having widespread antiparasitic resistance, and our responsible persons - this too crosses over one of the Senator's questions - are best placed to ensure that resistance does not build up with these products. Currently, when a person comes in for a product without a prescription, our responsible persons advise farmers on the active ingredient, the withdrawal period and the rotation of the product to ensure resistance does not occur. Moreover, and this also goes back to another of the Senator's questions, they are acutely aware of the locality in which they are operating. Some areas, for example, will have quite wet ground and there could be a lot of fluke issues. There could be environmental issues that are unique to the area of which the responsible person will be acutely aware, which the private veterinary practitioner might not be aware of because he or she might call there infrequently.

There is a clear distinction between antibiotics and AMR, and antiparasitic resistance, APR. We know that the responsible person is probably best placed to advise farmers on the use of antiparasitic in particular, and that is in no way meant to demean the veterinary profession. It is a simple fact that the responsible persons have access to the data that enable them, as we described in our submission, to prescribe the correct product in the correct quantity at the correct time.

On the NVPS development to date and since January, that has been a slow process. A handful of key software development companies cross over a lot of co-operatives, particularly dairy ones. To date it has been challenged and somewhat hindered in its development in that there are many hurdles to get over that people might not have thought of, and development in that regard has been slow.

The greatest hurdle to the implementation of the NVPS will be the lack of engagement by the veterinary profession in trying to make this work. It simply cannot work in the way it is currently operating, whereby the veterinary profession is more or less ignoring the system and not interacting with trying to make it work, which may be another clear demonstration that the responsible persons, through the co-operatives and their various software systems, are best placed to make it work. They currently have the software in their development and they interact with the Department in trying to create a system that accurately reflects the usage and the monitoring of who has got it. This system will probably be the template used for the fertiliser database as well.

Senator Paul Daly: To return to the in-house vets issue, Mr. Doyle indicated the VCI guidelines or regulations are inhibiting that and not helping it work. Why is that the case?

Mr. Ray Doyle: The VCI's regulations provide that in order to prescribe a product for any farmer, the vet has to start with a client-patient practice relationship and that has to have been established. It can be established only by the vet physically calling out to the farmer, survey-

ing the facilities and the type of farm and production and perhaps having discussions with the farmer about his or her use of products to date. Legally, the vet cannot prescribe products until that has happened. The co-operative vets we have in house would need to call to these farmers in advance of writing the prescription, but that would simply not be possible for the number of shareholders and farmers in most of the co-operatives. That has completely hindered the process taking place to comply with the VCI regulations regarding that.

The old regulation that was in place in 2007 facilitated vets writing prescriptions, for antibiotics in particular, in a different fashion, whereby they were derogated from that. I do not want to be seen not to be supporting our duty in AMR, because we are. We are steadfastly behind the fact that we have to drive down antibiotic use but, again, we need to partition antibiotics from antiparasitic. The threshold and knowledge required, which is the phrase the Veterinary Council of Ireland, VCI, uses itself, is much lower for the prescribing of antiparasitics than for antibiotics. Our submission comes to the fore to encourage that we provide in legislation for the responsible person to be de facto prescribing antiparasitics. We do not want and we are not seeking to develop a model where people other than veterinarians prescribe antibiotics. We are fully behind veterinarians physically visiting farms and clinically assessing animals as the correct basis for antimicrobial prescriptions.

Vice Chairman: Is Senator Daly finished?

Senator Paul Daly: Will Mr. Carroll answer the question about fertiliser?

Mr. John Carroll: I thank the Senator. His question was about the North and the importation of fertiliser across the Border. We have consulted a lot with the Department about this scheme. We see the merits of it. Efficient use of fertiliser is foremost for everyone trading fertiliser. We want to make sure it is used as efficiently as possible, in line with all Teagasc recommendations and the green book. We feel that much has been done and the register will show that. We will find that almost all farmers will be compliant when the register gives the figures. I am confident about that. However, farmers who want to avoid the register can avoid it easily by trading fertiliser across the Border. Fertiliser is traded both ways across the Border. That is fully legal and compliant. Farmers are doing nothing wrong by doing that. That is happening today. Traders throughout the country who trade straw might bring down a load of fertiliser and bring a load of straw back to the North. That trade has been happening for years and is fully legitimate. However, I understand that trade will not be gathered in this register unless farmers want to include it themselves. It certainly will not be given by retailers in the North. There is no way that they are giving the figures and they are not being asked for the figures. That is the shortcoming that we see in the register.

We have got into dialogue with the Department about IT but we have no clear view of what is required, the timelines or what it will take for us to produce what the Department wants. That involves an investment and a time constraint because we will have to build computer systems that can cope with that. We do not have the necessary information. I understand that this will be based on herd numbers. We do not hold herd numbers for farmers except for milk suppliers. We will have to gather those so that we can give the Department the information it requires, because it requires the information by herd number.

Deputy Matt Carthy: The witnesses have been comprehensive in their responses and, therefore, I do not have much to follow up on. We engaged with the witnesses in advance of the meeting about preparing a report on the approach the committee believed the Government should take. Following that and the heads of the Bill that we have seen, what is their analysis of

the scope Government has to address concerns? This relates particularly to the NVPS. Where is the Government deficient in using that scope? Do the witnesses think the approach outlined in the report we produced was correct? Where do they think the Government or Department are falling on the heads of Bill? What amendment would be required to address that?

Mr. Ray Doyle: I thank the Deputy. We have interrogated the draft Bill. We noted what is in it. Regarding the scope of what the Government and the Department can do, the Minister has the power to retrospectively examine the 2007 legislation and empower the responsible person who was de facto prescribing. Those people were offering all the services that go into prescribing a product for a farmer, as I outlined earlier regarding active ingredients, the age of the animals, the symptoms, environmental conditions and so on, and what conditions might be required for the administration of the products. That can be done retrospectively and has been done by Governments many times over the past 50 or 60 years. Legislation has been retrospectively amended to make it compliant with EU regulations. The EU regulation came into being in 2019, but SI 786/2007 can be retrospectively amended to include the definition of persons approved for prescribing a limited group of veterinary medicines, that is to say, responsible persons were de facto prescribing antiparasitics. If that 2007 legislation was amended, it would empower us to comply with the EU regulation of 2019.

Deputy Matt Carthy: The Department disputes that. It told us that its position is that legislation cannot be retrospectively amended to do precisely as Mr. Doyle said. It has been a bone of contention throughout this. The Department will cite advice from the Attorney General. How do we square that circle with what the Department is telling us compared with Mr. Doyle's position? I presume his position is also based on legal advice. Does he have a view on how we can approach this?

Mr. Ray Doyle: That would be difficult without seeing what the Attorney General has provided to the Department. It is legally possible and has been done on numerous occasions by multiple Governments, almost since we joined the European Economic Community in 1973. There is nothing new in this approach and there is nothing underhand about it, because the responsible persons have been de facto prescribing. I am asking the Department to take a fresh look at an old question.

Deputy Matt Carthy: The reason this is even a question is because there was a failure on the part of the Department, in the first instance, to ensure that the original legislation and its implementation was fit for purpose and that it would resolve this. Mr. Doyle knows that there has been a fierce dispute between those two countering positions. What is the basis for the resistance? Some would argue that even if that power was undisputed, perhaps the Department would not be inclined to move on this anyway. Does he have a view on why there is resistance regarding antimicrobial or anti-parasitic remedies? As a committee, we sought evidence that the arrangement in respect of responsible persons was leading to an increased prevalence of either but could not find any. Does Mr. Doyle know whether any analysis has been carried out since January this year about whether there has been any improvement as a result of the new regime?

Mr. Ray Doyle: No, I am not aware of any analysis that has been done since then. The drastic change in sales was in intramammary products, which are antibiotics. Supposedly up to 1 December we have the derogation and it is currently business as usual. From the HPRA point of view we are effectively dispensing POM products. However, from our point of view we are dispensing products we have been dispensing since 2007 in the manner we always have been which is de facto prescribing them because of the advice etc. we are giving them.

I might summarise where it is-----

Deputy Matt Carthy: I ask Mr. Doyle to deal with the question I asked. Why is that resistance there? What is the rationale for the reluctance to follow the ICOS legal advice as opposed to other advice?

Mr. Ray Doyle: That is a question for the Department as to why it has not looked at that in this way. It is a fresh approach to the old question. It is almost like the American version of a survey - starting with the answer I want and giving the question afterwards to retrofit it. This may be the same thing. The answer is that we need the responsible persons to continue with the de facto prescribing they have been doing. The answer to that is as I have outlined. The only way this can happen is to retrospectively look at the 2007 regulation. The Deputy asked about the resistance to it. I do not know what that resistance is internally. I cannot answer on behalf of the Department what that might be. However, the lack of engagement by the veterinary profession on this may tell its own story.

Deputy Matt Carthy: The Department has indicated that mitigations have been put in place to resolve the issues. Mr Doyle spoke about a 90% reduction in sales of those products covered by the current regulations. If that were to be replicated in the new regulations which I believe are due to come into force on 1 January-----

Mr. Ray Doyle: It is 1 December.

Deputy Matt Carthy: Apologies, 1 December. What would that mean for the co-ops? Could the Department's approach of mitigations be strengthened to resolve the large drift away from co-ops to vets?

Mr. Ray Doyle: The commentary thus far from the Department is that the development of the NVPS would in theory lead to a level playing field for the licensed merchants, the co-ops and the vets.

Deputy Matt Carthy: Is that live at the moment?

Mr. Ray Doyle: No, it is not.

Deputy Matt Carthy: When is it likely to become live?

Mr. Ray Doyle: That is a very good question. Only the Department can answer that for the Deputy. In theory it should be live before 1 December because we cannot implement the regulation without it. Having it ready for 1 December seems to be a challenge.

I return to the mitigations on that. The direction of travel and how the NVPS is currently written will still not be a mitigating factor to prevent negative effects on our businesses. From the farmers' point of view, vets are required to engage in a client-patient relationship before they can write a prescription. Even the co-ops that want to hire vets will be running from behind to visit all these farms in advance of writing prescriptions if it comes in on 1 December and if the NVPS is successfully integrated with all our systems. There is a major challenge for the software companies to get it to integrate with our systems in a way that ensures a farmer can come up to the desk and find that it is integrated with the Department's system. I believe 1 December will be extremely optimistic. I do not think it will happen.

Deputy Matt Carthy: The standout question relates to the lack of competition if we do not put some better mitigation measures in place. Has ICOS been in contact with Competition and

Consumer Protection Commission, CCPC, on this issue?

Mr. Ray Doyle: No, we have not. From its point of view, it is not a competition issue just yet. By the time there is realisation that it is a competition issue, we could be out of business. That is our concern.

Deputy Matt Carthy: The witnesses' responses will be very useful in our further deliberations.

I have some questions on the fertiliser register. Is ICOS opposed to people from one jurisdiction buying fertiliser in another?

Mr. John Carroll: Not at all. We have fertiliser going both ways. All we are asking is to deal with the island of Ireland.

Deputy Matt Carthy: Essentially a single database.

Mr. John Carroll: We have minimal amounts of fertilisers moving across from the UK. On this legislation, that will not be captured either. We probably cannot capture everything, but the North is a gaping hole. Even if we cannot get one register for Ireland, if there was another register in the North, one could talk to the other. If there was some understanding there, we would be far happier. The vast majority of farmers want to do the right thing on this. I believe they will stay within the limits of nitrogen, phosphorus, potash and lime. The problem is that any of them who want to go outside this will find a way.

Deputy Matt Carthy: Is Mr. Carroll in a position to estimate what the margin of error would be if this does not happen?

Mr. John Carroll: I would not be in a position to do that. However, we have a lot of agricultural cross-Border traffic in the counties that surround the Border. That leaves it very open. Truck drivers coming down from the North will want to bring down a load of fertiliser and bring back up straw. That is their business and they have been doing it for years.

Deputy Matt Carthy: I agree that seeking an all-Ireland solution makes eminent sense. Notwithstanding the example Mr. Carroll gave, in my county a farmer's nearest merchant might be across the Border. I share his view that it is difficult to see how this will serve the purpose for which it is intended without having an all-Ireland dimension to it. Based on his interactions with the Department, does he believe there is a mechanism to resolve this? Does it require political agreement or-----

Mr. John Carroll: In all fairness, the Department fully understands where we are coming from, but it has not found a way to sort it yet. That is our problem.

Deputy Matt Carthy: What is the ICOS position? Does it believe that this aspect of the legislation should not be enacted without that solution?

Mr. John Carroll: I would ask what benefit it will give. We are going to considerable trouble and expense to put this system in place. I wonder if we are disadvantaging some farmers and advantaging others who can see the loopholes. Pushing people into loopholes is never a great place to be.

Mr. Ray Doyle: I just want to add to what the Deputy said. It is exactly the same with veterinary medicines. We are looking for parity on the island of Ireland. In the North, the

equivalent of the responsible person is the suitably qualified person who is de facto prescribing these products. That is the kernel of the submission on fertilisers and veterinary medicines; we need to align the island.

Deputy Matt Carthy: We are all united Irelanders tonight.

Vice Chairman: We always were. I call Deputy Martin Browne.

Deputy Martin Browne: I welcome our guests. Coming back to the legislation Deputy Carthy mentioned, have the witnesses seen the advice the Department got from the Attorney General?

Mr. Ray Doyle: No.

Deputy Martin Browne: Have they sought that advice from the Department?

Mr. Ray Doyle: We have and we have been told bluntly that any legal advice from the Attorney General is only for the internal use of the Department.

Deputy Martin Browne: The witnesses said in their opening statement that since the new legislation came in on 28 January, the sales of intramammary antibiotics have collapsed across the co-ops and that the Department has not lived up to its commitment to implement a new national electronic prescribing system. Since 28 January, can they outline and give us a follow-up on the potential job losses and the possible emergence of a black market due to the two different prescribing and dispensing regimes on the island?

Mr. Ray Doyle: Yes, we have outlined this to the Department on numerous occasions because this is the glaring hole in the whole proposition. You are going to get significant leakage of potential product being purchased in the North, albeit illegally - it does not matter as it would be impossible to police. Also, approximately €300 million of turnover of this antiparasitic business is spread across over 1,000 licensed merchants in small rural communities and, as I said earlier in my opening submission, in co-op branches. The impact of this from a job loss and a turnover point of view, and on the viability of co-ops, will be felt. We are seeing the post offices and the banks close. The co-ops may be replacing many of these from a social point of view, but they will be undermined when or if this legislation goes through because many stores will not be viable without the sales of antiparasitics.

Deputy Martin Browne: What kind of investment have co-ops made so far in the electronic prescribing system itself? What kind of feedback is ICOS getting from farmers, vets and the others on the level of engagement about effectively rolling out the whole system?

Mr. Ray Doyle: The level of engagement is quite lacking from the veterinary profession. The actual cost has not solidified yet because it is in its developmental stage but many co-ops are being indicated that they will be charged somewhere between €15,000 and €20,000, either per branch or per system, as a direct cost of the NVPS being brought in. Again, there is no definite cost to that because we are in limbo as regards the full integration of it and how it might work.

Deputy Martin Browne: Is there any indication from the Department or from someone else of when ICOS will come out of that limbo and get clearance on this?

Mr. Ray Doyle: Again, we are being told that 1 December is the deadline and it is all going to be finished by then.

Deputy Martin Browne: By 1 December.

Mr. Ray Doyle: Yes.

Deputy Martin Browne: I do not know if Mr. Doyle can even answer this but looking at the recommendations this committee has made, how much notice does ICOS think the Department has taken of them?

Mr. Ray Doyle: Sorry, could the Deputy repeat the question?

Deputy Martin Browne: Looking at the list of the recommendations made by this committee, how much notice does ICOS think the Department has taken of them?

Mr. Ray Doyle: I am not qualified to answer that or to say whether it has adopted little or any of them. That is a question for the Department.

Deputy Martin Browne: On the subject of the fertiliser, ICOS found out that there were some technical concerns regarding the software systems and other practical matters. One of the most pressing issues is that the register excludes purchase of fertiliser outside the State. ICOS has said that this would create massive loopholes and open up the likelihood of abuse. Will Mr. Doyle expand on that for the committee?

Mr. Ray Doyle: I will defer to my colleague Mr. Carroll on that. A practical example that is possible could be merchants in Northern Ireland actively offering product to Irish farmers in the South, collecting this product in Irish ports and potentially delivering it to these Irish farmers. I think the oversight of that would be quite limited. Mr. Carroll might add to that.

Mr. John Carroll: I agree with that fully. The product would have to come through merchants in Northern Ireland but they could purchase product in the North and bring it down or indeed, collect it from an Irish supplier. The Irish supplier will believe it is going north but the merchant can go up the road and unload. There are possibilities of major abuse here.

Deputy Martin Browne: That is all, a Chathaoirligh. I thank the witnesses.

Deputy Michael Fitzmaurice: First, I welcome the guests. Has any progress been made with the Department over the last few months?

Vice Chairman: Is that on the fertiliser issue?

Deputy Michael Fitzmaurice: On the medicines.

Mr. Ray Doyle: The summer period is challenging for lots of developments and progress has been quite slow. The development of the NVPS has been progressing but the lack of interaction from the veterinary profession to the NVPS is halting greatly the further development of that system. The co-op software providers have been interacting with the Department but there are many unanswered questions which again hinge around the veterinary profession interacting or how they might populate the NVPS.

Deputy Michael Fitzmaurice: Has any progress been made on the term “responsible person” that everyone refers to?

Mr. Ray Doyle: In what way?

Deputy Michael Fitzmaurice: Is there going to be any recognition? My understanding is

that there would be advice out there that would say that there are openings under the European regulation for the interpretation to be looked at in a way that would accommodate those people. Has there been any breakthrough on this?

Mr. Ray Doyle: Not to my knowledge. We are discussing what we discussed earlier, which is the retrospective amending of the 2007 legislation which currently empowers the responsible person to be a de facto prescriber. The Department was made aware of that in the past year or two. I am unsure of the timeline. The question to be put to the Department is now being refined, as I alluded to earlier. We can only hope that the Department looks more positively on the same question.

Deputy Michael Fitzmaurice: Did I hear, or was I hearing wrong, that there is some legal challenge being taken against the Department at the moment?

Mr. Ray Doyle: I am not aware of that.

Deputy Michael Fitzmaurice: Maybe not. It might be just talk. When Mr. Doyle says that the Department needs to look at this and decide, does he know if this decision is expected shortly? How long is a piece of string? When does it all have to be finalised one way or another?

Mr. Ray Doyle: The timeframe that we have or that we know of is----

Deputy Michael Fitzmaurice: I understood that the timeframe for some of this was last summer but it seemed to be getting kicked repeatedly down the road. I remember everyone who attended a committee meeting here at one time was going to have one system done by February or March and have everything up and running in a few months. By the summer, it was going to be “hey presto, we are away”. We are now heading into October, however, and Mr. Doyle is saying decisions have not been made one way or another.

Mr. Ray Doyle: The full version of what is going to be outlined or implemented on 1 December has not yet been given to us to road test, no. Going back to the timeline, it was supposed to be implemented on 29 January. This was when the EU regulation was there but the implementation has been deferred to 1 December, so here we are. We still have a lot of groundwork to do if it is to be implemented. I go back to our initial ask. There is a legislative method within which the Minister is empowered to amend the 2007 legislation to ensure the responsible person maintains their current responsible position in de facto prescribing and dispensing products. That is the big question to put to the Department.

Vice Chairman: I thank the gentlemen for their presentation. I will ask a few minor questions. Mr. Carroll mentioned fertiliser coming down from the North, which is a significant issue. Can he elaborate on the actual process? He mentioned that there could be stuff coming down to the South; for example, straw could be traded for a load of fertiliser going back. The potential route for the majority of fertiliser coming to Ireland is into the ports. It is quite possible now that it does not even have to go to the North to actually end up on an Irish farm.

Mr. John Carroll: Exactly.

Vice Chairman: You could have a scenario where you are dealing with a monetary issue with a supplier in the North and it could be coming through a port like Waterford or even Cork, and coming straight to your farmyard.

Mr. John Carroll: Yes. That is exactly right. We have six significant importers of fertiliser

in the South. I would say that they all export fertiliser to Northern Ireland. They all have business in Northern Ireland. Those Northern Ireland retailers can and do retail in the South. The product never needs to go across the Border at all. It can work through a Northern Ireland merchant and arrive on a farm in the South without ever crossing the Border.

Vice Chairman: So technically the fertiliser I get on my farm, which comes directly from the port, could be the exact same scenario but just ran through a Northern Ireland merchant, and it would never be picked up by the actual register itself.

Mr. John Carroll: Yes.

Vice Chairman: That is a very significant issue when we look at what we are trying to achieve here. I realise there is an all-island dimension and an issue with the Department, but we hope to have the Minister here towards the end of October and this is one of the issues that we will have to raise. A loophole like that would make it unworkable.

Mr. Carroll mentioned the actual register. We have all been waiting for the so-called terminology on how it is going to work. Perhaps Mr. Carroll will elaborate on the terminology he used which was “herd number”. I heard there was going to be a special identification number, which was not going to be a herd number, per farmer and that it had to be activated online. Has Mr. Carroll come across any of that information?

Mr. John Carroll: No. As I understand it, the herd number is going to be the basis of this. I have not heard any different. We call it the herd number and there may be some slight misinformation in this regard. A farmer who may be totally in grain has a number called a herd number or an official number like the herd number. Therefore, while we call it a herd number, a farmer that is not farming stock or cattle would have a number like the herd number. That may be where there is some slight difference in the technical name for the herd number. Perhaps Mr. Doyle would also like to comment on that. As I understand it, it is the herd number that will be used.

Mr. Ray Doyle: Yes, it is called a herd number but it really is almost akin to a PPS. It is just another name for that. Again, it will be for professional users of the product. There could be unintended consequences for people trying to just buy a few bags of fertiliser to sow a few potatoes. A database will not just be a simple thing. It will disrupt even smaller purchases of product.

Mr. John Carroll: On the other end, there is an aspect on which we are not clear from the Department. We have a lot of customers in Ireland that come in for the bag of 7-6-17 to sow potatoes or for the garden. They will not have official numbers. We have not cleared a way with the Department around what is the lowest level of fertiliser we can sell without a herd number, or what we are going to do with this. Like anything, the devil is in the detail. We have not yet got down to the working criteria.

Vice Chairman: This is like the criteria applied for Roundup in the past few years. There were special criteria for lower amounts of Roundup. Perhaps Roundup is not the right terminology but it was for that kind of product. Would the representatives be hoping that a certain parameter of that nature could be included in the legislation?

Mr. John Carroll: Yes, and it needs to be.

Vice Chairman: Will Mr. Doyle elaborate on the whole issue of what happened in January?

In January a scenario was brought in around farmers accessing antibiotics. Perhaps Mr. Doyle could cut to the chase but we are probably talking about mastitis tubes and dry-cow tubes and product of that nature that would have come through the co-operative movement. Some 90% of that trade would have left. Because 90% of that trade has left, does Mr. Doyle believe that the ability of co-operatives to stock that product has become a huge issue for the industry because of the lifespan of product and the lifespan of items like that, and even the cost of holding such a product that might not move? Does Mr. Carroll believe that by default the co-operatives are out of the market because the limited amount of product they can get through?

Mr. Ray Doyle: The Vice Chairman has summarised it. My answer would be to give back to the Vice Chairman exactly what he has just said. We are effectively out of the market. We are already seeing some co-op stores with expiry dates gone on some product they had in stock because they did not sell them. We are, effectively, out of the market.

Vice Chairman: Will Mr. Doyle elaborate on where the prescriptions for these proposed medicines are going at the moment? The system is not technically set up at the moment. We are looking at a scenario where I might turn up at a co-operative in Bandon, for example, to get my prescription. How does that process work now since the so-called “cloud” is not in place?

Mr. Ray Doyle: We are legally equipped to take paper prescriptions, but that is a further example of how this now simply cannot and does not work. We have not received paper prescriptions. For the roughly 10% of sales that we had, prescriptions had come in, but now the prescriptions are not coming in because they are already being filled. The vet writes the prescription and will say “By the way, I have the product here as well”. We are simply not seeing the prescription. The national veterinary prescription system, NVPS, was supposed to be the great white hope that it would level this, but as it is not fully developed and not road tested, and as the veterinary profession have not interacted with it, it is hard for it to actually do what it was supposed to do

Vice Chairman: And Mr. Doyle is hoping that this would be set up within a matter of weeks if there is no major change, and that it would be on 1 December?

Mr. Ray Doyle: Yes.

Vice Chairman: What is the possibility of that being reached? Is it limited?

Mr. Ray Doyle: We are told that the software supplier is interacting, from our behalf, with the Department. That will be very challenging.

Vice Chairman: I thank Mr. Doyle.

Senator Paul Daly: I have one more question. I had not wanted to hog the time at the beginning in case we ran out of time. If the committee has a bit of time I have one more question.

Vice Chairman: We will always find time for Senator Daly.

Senator Paul Daly: I thank the Vice Chairman. Going back again to the submission, I will quote directly from it: “... in order to protect competition in the market, it is vital that the NVPS as it is being developed provides for the full availability of appropriate generic alternative medicines.” Is Mr. Doyle saying that the NVPS is being set up not to include generic medicines? If I am reading this correctly I have two questions on the consequences of same. Mr. Doyle may not know exactly, but how many jobs are there in Ireland in companies that produce such

generic medicines? If generic medicines are not going to be accepted, will those companies and jobs be gone in the production of the product?

Going back to the discussion we had earlier about what antiparasitic resistance actually is, in the context of limiting the product on the market if one has a narrower window of choice will this in itself accelerate resistance as opposed to helping the farmer with a bit of diversity to try to avoid antiparasitic resistance?

Mr. Ray Doyle: Yes. The terminology they are using is “comparable products” the farmer could be offered. This was one of our early asks with the Department in the development of the NVPS. Even at our most recent meeting a number of weeks back, it still had not been addressed. I am told that they are now focused on it. We are greatly alarmed that this could be greatly abused. For example, if a veterinary practitioner was to prescribe a product that was only available through veterinary channels, we would be effectively out of the market because there would be no generic alternative. What I mean by this is, the prescription must have the active ingredient, the percentage of it, the administration mode, and maybe the withdrawal period. We are concerned that the potential for abuse would be great in that the percentage could be unique to veterinary channels and we would not have any available comparable product to offer, even though the active ingredient might be the same for. For example, there are a large number of generic type products available for certain ivermectin-based products. If, however, one created a product with a 3.16% weight-for-volume percentage, and it was only sold through veterinary channels given by the manufacturing company, nobody would have it. Licensed merchants would not have access to it. They would only have potentially a 5% product or 10% product, but that would not be comparable according to the NVPS. We have asked the Department clearly that this requirement for the percentage needs to be removed, and that it would just be the active ingredient as well as the other parameters that should be on it, to ensure that the lack of competition does not arise. I believe the Deputy had another question.

Senator Paul Daly: Basically then we are talking not only about licensed merchant and co-operative jobs, we are also talking potentially about a number of other jobs in animal pharmaceutical businesses in Ireland.

Mr. Ray Doyle: Yes. There are good indigenous Irish industries that produce a lot of those generic products. They will be greatly disadvantaged if the availability of comparable products is not addressed on the NVPS.

Deputy Michael Fitzmaurice: Mr. Doyle spoke about the fertiliser moving over and back across the Border. Does the haulier not run a risk? I presume that hauliers will have a dispatch docket with every load or whatever they are doing and the source will be on it. I presume they run a risk if they are lifting fertiliser here and saying it came from the North. Would Mr. Doyle not agree?

Mr. John Carroll: There is no legislation stopping them. There is free trade between the North and South. There is absolutely nothing to stop a Northern Ireland merchant selling in the South and *vice versa*. Up to now, sterling is a disadvantage alright but-----

Deputy Michael Fitzmaurice: It might be an advantage at the moment.

Mr. John Carroll: Yes. However, from a point of view that people trade in sterling and-----

Deputy Michael Fitzmaurice: In the line of medicines, if there is free trade, is Mr. Carroll also saying that people can get their medicines in the North no problem and shoot across the

Border?

Mr. Ray Doyle: Yes, they can. Again, the Department will defend that by pointing to the registration numbers and saying that a person will be in breach of his or her own medicines record by using products here that were licensed in another jurisdiction. However, it is different in essence and in practice. I just gave the example of ivermectin-based products for lung-worms. There will be no issue with a farmer potentially buying these products in the North. He or she may be in breach of some other quality assurance by not registering that he or she has used them. However, the practicalities and realities of it are that a person can actually just go across the Border, buy a product and administer it.

Deputy Michael Fitzmaurice: Most farmers are dealing with co-operatives and some are dealing with chemists and veterinarians. They will have built up a relationship with all of those people down through the years. These are people whom the farmers have dealt with over a number of years and who nearly know what they need each time. They have experience with it. Each is basically a suitably qualified person. Am I right in saying there is basically advice at the moment to say to the Department that this can work, but the Department does not seem to want to take it?

Mr. Ray Doyle: I suppose I am repeating myself but the answer is “Yes”. The advice is there, or the possibility is there, to amend that 2007 regulation to actually recognise, as the Deputy just outlined, that the responsible person was de facto offering prescriptions and prescribing advice to farmers. That advice is there for the Department.

Deputy Michael Fitzmaurice: Is there a worry among co-ops and, indeed, different pharmacists and so on? Is it a problem, or is there a fear, as this is being put together that vets in the Department and elsewhere will basically have a monopoly? We were all assured at the beginning of this process because we brought up at every debate that we felt it was not a good scenario. It puts a farmer in a fairly awkward situation. He or she might be looking for a prescription from someone and might want to go down the road. We were assured that they could get it at their herd test or general programme of dosing for the year or whatever. To be quite frank about it, however, it is not working out that way in anything we have heard so far. Are we just making a cosy cartel contrary to all EU law or what the EU is supposed to be about - if it is about anything - in that we would be given a free market to make sure there would be competition?

Mr. Ray Doyle: I could not agree with the Deputy more. The regulation itself actually uses the term. There has to be increased availability to farmers of antiparasitic products. We believe this will be completely counter to that - it will narrow the channels so much that there will not be increased availability. The Deputy just outlined the realities that we feel have already happened with intramammaries. Pressure will be put, intended or otherwise, to purchase off the channel that has been prescribed. The thrust of the argument we have is that this thing will be counter to the regulation itself, never mind competition. Competition will be decreased as a result but availability, which is in the regulation itself, will be decreased too.

Deputy Michael Fitzmaurice: Mr. Carroll said there does not seem to be any clear guidance at the moment with regard to fertiliser. Let us say a person does not get a single farm payment or does not have a herd number. He or she might have a horse or an ass or whatever and might just be farming as a hobby and only be getting a few bags of fertiliser. It is not clear at the moment, from what Mr. Carroll is saying, how such people will be affected. People like this do not seem to be in the system, or they will not be in the system. It will probably just be the farmers who are registered with the Department of Agriculture, Food and the Marine. Would

that be fair to say?

Mr. John Carroll: That is very fair to say. There is no clear guidance there.

Deputy Michael Fitzmaurice: If the Department is hellbent on knowing the amount of fertiliser that is bought in Ireland, it will not be in a position to know that realistically. It will have a fair idea about maybe 90% of it but there could be another 10% it might not know about when, by the way, it is trying to save the world.

Mr. John Carroll: The import statistics are there to tell us what we are using overall in Ireland. Therefore, we do have a good figure-----

Deputy Michael Fitzmaurice: The import statistics are there, but Mr. Carroll mentioned a while ago that fertiliser goes up and down across the Border so it is sort of hard to nail it down.

Mr. John Carroll: It is very hard. Within the import statistics, the sellers and importers here give a figure that is for Irish use only, as they believe. Indeed, the Northern Ireland producers give a figure for what they believe comes across the Border but the Deputy is dead right; it is only an estimate.

Deputy Michael Fitzmaurice: This is a bit different from what Mr. Carroll is talking about. Does he have concerns about fertiliser next year?

Mr. John Carroll: Yes.

Senator Paul Daly: I will come in briefly on that point just to be clear. I will use golf courses as an example. Correct management of a golf course involves an enormous amount of fertiliser at specific times. What Mr. Carroll is saying to us, as it stands at the minute, is that a golf club will not be in a position to buy fertiliser in the system. Will it not have a number?

Vice Chairman: To add to Senator Daly's point, anyone who is trying to maintain a grass-based hurling or football pitch uses an exceptional amount of fertiliser two times in the year.

Deputy Michael Fitzmaurice: I will add more to it - no more than Monaghan or Cavan, we in Galway know a good bit about it.

Another issue arises where construction of roads or cross-country pipelines is going on. I have done this myself. When a contractor is doing a reinstating job on a wayleave, he or she will make sure grass will grow. That is the bottom line. He or she is not going to go back a second time to do it. The contractor will make sure everything is done right. All of those contractors do not have herd numbers but they will need fertiliser. This seems to be starting off on a bit of bad footing.

Vice Chairman: I will leave the last word to Mr. Doyle.

Mr. Ray Doyle: Again, that is a question for the Department because it will have to issue these professional users with the equivalent of a herd number. That is what they are. They are professional users and they happen to use fertiliser. That is an issue for the new database.

Vice Chairman: Okay. For the record, we have asked the Minister to appear before us. We hope he will do so before the end of next month. I believe a date has been suggested. We have also asked representatives of the veterinary establishment to appear before us. We are waiting for correspondence to come back. They will have the ability to respond to what was discussed

this evening.

I thank our witnesses very much indeed for their contributions. I propose that we suspend while we bring in the next group of witnesses.

Sitting suspended at 6.49 p.m. and resumed at 6.57 p.m.

Vice Chairman: I welcome representatives from Teagasc here this afternoon, who will give us an update on their position regarding this matter.

For courtesy, I will read the note on privilege. Witnesses giving evidence within the parliamentary precincts are protected by absolute privilege in respect of the evidence given to the committee. This means that witnesses have full defence against any defamation action taken against them from what they say in the committee meeting. However, witnesses are expected not to abuse that privilege, and when directed to cease giving evidence on an issue by the Chair, they should do so. Witnesses should follow the direction of the Chair and are reminded of the long-standing parliamentary practice that they should name any identifiable third party here today. Witnesses who are giving evidence from a location outside the parliamentary precincts are asked to note they may not benefit from the same level of immunity from legal proceedings as witnesses giving evidence from within the parliamentary precincts, and they should take their own legal advice regarding this matter. Privilege against defamation does not apply to the publication by witnesses, outside the proceedings held by the committee, of any matter arising from the proceedings.

We will now move ahead. How would representatives from Teagasc like to deal with their opening statement?

Dr. Pat Dillon: I would like to put it into the record rather than go through it.

Vice Chairman: I thank Mr. Dillon. That will definitely help the proceedings. That will help to move things forward.

Dr. Pat Dillon: I apologise that our director is not with us this evening as he is otherwise tied up. He sends his apologies.

Vice Chairman: That is absolutely no problem.

Deputy Matt Carthy: I appreciate that Teagasc has allowed us to take the statement as read. I do not know whether the representatives had been paying to the previous session. We ended on the need for essentially an all-island approach to both the NVPS and the fertiliser register. ICOS was here before us and it indicated that neither will work effectively if there are two distinct systems and operations in place and that there needs to be a collaboration. Does Teagasc have a view on that?

Dr. Pat Dillon: We made a submission a number of years ago on this subject. It was one of the issues that we brought up. I believe it was number five. With Northern Ireland not being part of the EU and with the potentially different regulations applying, there would be increased cross-Border trade in antimicrobials, anthelmintics and vaccines, and we saw that that may be an issue.

Deputy Matt Carthy: I suppose the crux of the concerns we have relates to responsible persons and whether those who were previously designated as responsible persons within licensed merchants under the 2007 legislation should be able to continue to dispense these prod-

ucts. Does Teagasc have a position on that?

Dr. Pat Dillon: Is that in relation to antibiotics?

Deputy Matt Carthy: Yes, and antiparasitics.

Dr. Pat Dillon: Perhaps Dr. Keane can speak to the issue of antiparasitics.

Dr. Orla Keane: As Dr. Dillon pointed out, Teagasc did raise a number of issues in respect of antiparasitics in our submission to the Health Products Regulatory Authority, HPRA, task force. However, the issue seemed to be whether we met the requirements of the legislation for the antiparasitics to be exempt from veterinary prescription. There are possibly a few issues to discuss here. The first is that of meeting the requirements. The view of the task force was we did not meet the requirements to be exempt from prescription. I suppose there is a separate issue there as to who could issue a prescription, whether it must be from a veterinary practitioner or whether a responsible person within a licensed merchant could issue that prescription. There are legal considerations there that are probably beyond our remit. We are focused on the fact these drugs are very important for our grass-based production system. We need to look at using them sustainably. Our focus is ensuring, through whatever is the best mechanism, that these products are used sustainably in the future so that they continue to work. There are no new products on the horizon, so we need to ensure they work.

Deputy Matt Carthy: I will come back to the legal issues. Dr. Keane mentioned a task force of which Teagasc was a part. What was that task force?

Dr. Orla Keane: It was the HPRA task force. There are conditions listed in the 2019/6 regulation that have been carried forward from previous regulations. A veterinary medicine has to meet these criteria to be exempt from prescription. This task force reviewed whether the medicines met those criteria. The conclusion of the task force was they did not. One of the issues was around antiparasitic resistance. One of the conditions the medicines need to meet to be exempt from prescription is that there is no risk of development of antimicrobial resistance or antiparasitic resistance even where the product is used incorrectly. There were some other criteria they were deemed not to meet, but that was certainly one of them, and----

Deputy Matt Carthy: Was this a legal analysis the committee undertook?

Dr. Orla Keane: No, it was a regulatory analysis.

Deputy Matt Carthy: Okay. I presume there has to be a legal basis for that analysis.

Dr. Orla Keane: I would refer that question to the HPRA as the regulator. We reviewed it from a technical perspective, focusing on whether we met the different criteria under the regulation. Antiparasitic resistance has been reported. It was felt we did not meet that criteria. However, that may be a separate issue to the question of who can issue the prescription.

Deputy Matt Carthy: Before moving on to that issue, Dr. Keane mentioned there have been recorded cases of antiparasitic resistance. Is there any recorded analysis that would link that to the responsible persons model within the licensed merchant sector?

Dr. Orla Keane: No, not to my knowledge. Research has shown that when there is increased education and engagement with farmers, it improves the situation and leads to more responsible and better use. In some of the environments in which it has been done, it has been from a veterinary perspective. However, studies have been done in the UK, where they have the

suitably qualified person, SQP, and the veterinary prescribing system. As long as the farmers are getting good advice, which was, to the best of my knowledge, really limited-----

Deputy Matt Carthy: This is important from our perspective, because we have been talking about the fact there will be North-South divergence. I do not want to put words in Dr. Keane's mouth, but the model that is applied in the North can work so far as all the other things in relation to public information and scrutiny are actually robust enough. Would that be a fair comment?

Dr. Orla Keane: Yes. I am just referring to my notes on a UK study that was done. To the best of my knowledge, the study from the UK, where they compared the SQP and the veterinary found that similar results were obtained as long as the farmers were getting good advice on the use of the products.

Deputy Matt Carthy: Essentially, therefore, it goes back to the question of whether the responsible persons were actually prescribing as well as dispensing, which is where the derogation and the legal dispute comes in. The view from within the sector is that they absolutely were.

Dr. Orla Keane: Yes.

Deputy Matt Carthy: The Department is stating categorically they were not. That is why the derogation could not be applied. I do not know if anyone here would be brave enough to indicate whether Teagasc has a view on whether they were or were not.

Dr. Pat Dillon: I think the antiparasitics are different from the antibiotics because of the issue of being applied at farm level. I understand we see them being operated differently. Dr. Keane can speak to that.

Dr. Orla Keane: Yes. There are certainly different considerations with the antibiotics. However, the issue here, as I understand it, is that according to the licensed merchants, they were prescribing when the regulation came into force in 2019, whereas the Department is saying that was not prescription. That is a question I am not best placed to answer.

Deputy Matt Carthy: We are just trying to figure out where we can get an independent answer at all. That is our challenge.

Dr. Orla Keane: I am not sure if somebody else can answer. I know legal advice has been issued on the matter.

Deputy Matt Carthy: I wish to ask a final question. Perhaps others will go into it in more detail. It is a genuine concern I have in respect of animal welfare as a result of this being introduced. If a farmer does not have a long-standing prescription and encounters an issue, to resolve that issue he or she will have to go through a two-phase process. He or she will have to contact the vet and either purchase the product directly from the vet or get a prescription and go elsewhere. We have heard that if the new regime comes into force, there will be limited competition and therefore prices might increase beyond what some farmers might decide is worth it, as it were. Is that a concern Teagasc shares?

Dr. Pat Dillon: One issue would be the availability of veterinary practitioners within the area to do it. That would be one consideration. Perhaps in areas where farming is not very commercial, there might be an issue with whether there is a local vet who can prescribe antiparasit-

ics in particular. That might be a worry.

Dr. Orla Keane: That kind of model has issues associated with it. A prescription will be valid for a year. Under the current targeted advisory service on animal health, TASA, scheme, the idea is that there is a plan for the year and a prescription for the year, rather than getting a new prescription each time a product is required.

Deputy Matt Carthy: Does that not defeat the purpose in the sense that a vet has to prescribe, but he or she can issue a prescription that is valid for a full 12 months? Whatever value might have been placed on the fact that a vet would need to be on site and make a determination is undermined. By the way, I support the position that vets should be able to give a 12-month prescription. However, I just do not understand how the two arguments could hold up. On the one hand, they are saying we need to do this to deal with antiparasitic resistance, while, on the other, saying that we could actually deliver.

Dr. Orla Keane: The proposal, or what was envisaged under the targeted advisory service on animal health, TASA, scheme in operation at the moment is that a parasite control plan for the year would be planned out as part of a wider herd health plan. Parasite control would obviously form a part of that and there may be specific considerations within that. There will be limits to how targeted it can be if it is done once per year.

Deputy Matt Carthy: I will touch briefly on the fertiliser register. Again, this is probably more pointed in terms of a North-South divergence. We will have a system whereby everybody in this State has to register fertiliser purchases but the merchants north of the Border, to use that term, will not be aligned to that system. There can be benign reasons for people making purchases in the North or wherever the case may be. Does Teagasc have a view on whether this is a pointless exercise, as has been suggested to the committee previously, if we do not have that North-South alignment?

Mr. Pat Murphy: I do not think it is. There are a couple of issues. Obviously, it would be preferable to have an aligned system and there is some discussion north of the Border of bringing something in. However, the likelihood of it being aligned timewise is very low. The provision is there, and the Deputy made the point that there is quite a bit of cross-Border trade in fertiliser, based on price or whatever. That is normal business. In the current proposals, the merchants here in the South will register the product so there will be no effective onus on the farmer to register it. In the initial set-up and the short-term operation, the onus will be on the farmer who imports to enter that into his or her own system. That is fine and I doubt it will be a terribly onerous task. I think it can work quite well. I do not see it as being a major problem with the system. However, as the Deputy points out, if there was an aligned system North and South, it would be easier to operate from a farmers' perspective than having different regulations and operation.

Senator Paul Daly: I welcome the representatives from Teagasc. I will first start with the veterinary medicines side focusing specifically on antiparasitic resistance, that is, where the parasite has resistance to the drug. In its opening statement, Teagasc states that these pathogens are estimated to cost €240 million annually. Is that figure based on a loss from resistant pathogens or pathogens in general in the herd?

Dr. Orla Keane: That figure is based on estimated lost production due to the parasites and also money spent on drugs to treat these parasites. The majority of the cost is due to the loss of production and it is envisaged that the figure relating to that loss of production would only

increase in the face of resistance if we cannot control the parasites. That figure will expand and could expand quite substantially.

Senator Paul Daly: Is that an estimated loss without resistance?

Dr. Orla Keane: That is an estimated loss based on current data. While there is some resistance out there-----

Senator Paul Daly: It does not factor in resistance.

Dr. Orla Keane: No.

Senator Paul Daly: In layman's and farmer's terms, there is not enough dosing and not enough antiparasitic medicines being administered at the moment based on those figures.

Dr. Orla Keane: As I said, some of the costs are medicinal costs, so those are down to the medicines. On others, these parasites can have an impact on production and growth. However some exposure to parasites is needed to allow the animals to develop their own immunity. It is not possible to eliminate a lot of these parasites and if there is not some exposure, they will not develop immunity and will continue to present a problem, even in older animals that should have immunity. There will always be some trade-off between controlling the parasites sufficiently and allowing some exposure for immunity to develop.

Senator Paul Daly: I wanted clarification that it was across the board. In the opinion of the witnesses, as people who are leading and working with farmers, if we are about make the system much more stringent by requiring farmers to go and get a prescription, notwithstanding the good husbandry of the Irish farmer, could Teagasc envisage a situation developing in which farmers who would dose now may do so less often or not at all if they have all the hassle of having to go and get a prescription? Could the figure increase as a result of the regulation we are seeking to introduce?

Dr. Orla Keane: Yes, that is a risk that we foresaw in the Teagasc submission to the HPRAs task force. Increased costs may result in a reluctance to treat. That certainly is a risk. While we can debate how to do it, we need to tackle the problem of antiparasitic resistance and try to slow its spread. With no drugs foreseen to come online in the short term, if the parasites develop resistance to all the drugs we have, that will present a problem. There is therefore a balance to be struck there.

Senator Paul Daly: On that point, while we are having this debate about vets, responsible persons, merchants and co-ops, etc., the veterinary medicine manufacturers also have a major role to play here. If there are no new products, notwithstanding who is prescribing or dispensing, if a parasite has a resistance to it, we need stronger, new or different products. The products on the market are the solution to this problem at the end of the day.

Dr. Orla Keane: They are part of the solution, yes. New products, vaccine development, improved diagnostics, other technologies and grassland management can also be considered as part of the solution.

Senator Paul Daly: Has Teagasc done much research work on antiparasitic resistance? How long does it take to identify it if someone is dosing or treating a herd with a product? Does it happen gradually or would administering the product have no result in the second year? How long would take to detect, with the naked or untrained eye or even by professionals, that

there is a problem and there has been resistance?

Dr. Orla Keane: Different situations can apply to different parasites and different drugs. For the stomach worms, for example, which is where resistance is probably most widespread, resistance arose internationally within less than a decade of every new drug coming on the market. In Ireland, the first report of resistance was in 1992 and the first report of ivermectin resistance was probably in approximately 2015. These products had been around for quite some time at that point, but one of the issues is that once resistance arises, it can spread quite quickly. This is where an effective biosecurity protocol is essential. When there are no effective drugs it is very difficult to implement a good biosecurity protocol.

Senator Paul Daly: My next question is more for my own information. If a pathogen develops resistance, does that apply to the entire species? Can pathogens in one herd be resistant to a particular product, while pathogens in the next herd are not, because of the way that herd has been treated or managed?

Dr. Orla Keane: Yes.

Senator Paul Daly: Yes to which?

Dr. Orla Keane: Pathogens in one herd may be resistant, while in another herd, they may be susceptible.

Senator Paul Daly: It is through the management of a herd that resistance can develop. It is not a case of a pathogen in nature developing an overall resistance to these products in an effort to preserve itself.

Dr. Orla Keane: It can arise in two ways on a particular farm. It can arise naturally on a farm through use of the product or it can be brought in by animals carrying resistant pathogens and parasites.

Senator Paul Daly: Teagasc's submission states, "the design of the fertiliser register should focus on moving as quickly as possible to a real-time system." This is for Teagasc's own advisers, who will be working with farmers. What issues do the witnesses foresee?

Mr. Pat Murphy: In the initial application of the system, there will potentially be a six-week time-lag after fertiliser is bought. I will give an example. If I go out on 1 March to buy some fertiliser, the merchant may only be making a monthly return and the return for March will have to be in by the middle of April. For farmers trying to stay within the limits, this will be a much bigger issue in future because the Department of Agriculture, Food and the Marine now has complete visibility of everything that is being bought. Rather than it being on an inspection basis, as it currently is, the Department will have full visibility of the amount of fertiliser products purchased. It will be difficult for farmers to keep an eye on the amount they are going to purchase compared with what they are allowed to purchase if the data are six months out of date. It will be difficult if farmers are trying to get the last of their fertiliser in August and they cannot see how much of their remaining allowance they can purchase. There is movement to help farmers to stay compliant and not inadvertently be non-compliant by virtue of not having enough information. The same issue applies to advisers supporting farmers. It is a matter of making sure that we do not have a significant number of farmers inadvertently going slightly over the limit.

Senator Paul Daly: If there is a real-time set-up, will there still be an issue with farmers

having to keep an eye on where they are? Will the Teagasc adviser have the technology? Will every farmer be able to keep an eye on where they are going?

Mr. Pat Murphy: Every farmer has the potential for access. Quite a number of farmers do not interact with the agri-food system but the data are there for them. Most farmers using substantial amounts of fertiliser are interacting with the agri-food system. Many of those farmers would use it and many advisers would have the capacity to use it on behalf of those farmers. We are trying to use the fact that we are collecting these data, which we do for good reasons, to make sure that the farmer benefits as well as the regulator. The other benefit of advisers seeing real-time data is that it can help the adviser and farmer to work out the best strategies for future use of fertiliser if we are trying to improve nutrient management and productivity at farm level and to improve environmental outcomes. The more information we have about what is being used, the better.

Senator Paul Daly: Teagasc has put that into its system. Are there indications that it will not be a real-time system?

Mr. Pat Murphy: It will not initially be a real-time system. I think that is accepted. It is understandable that it will not be real time, because the IT systems that have to be put in place by merchants over the next months to comply are quite complex. There will be a period, which may be indefinite, where there is not a real-time system. Over time, one would like to see movement towards it. It may happen voluntarily as merchants develop their systems to supply real-time data to the Department of Agriculture, Food and the Marine. They will have the option to do so daily if they want to. Most of the larger suppliers may do so voluntarily. We have to try to make sure as broadly as possible. The other side would be that merchants must be given time to align their systems to allow that to happen.

Senator Paul Daly: How is the correlation made between what is purchased and what is actually spread? For example, what would happen if I wanted to buy 20 tonnes of nitrogen in September but I had a good year and there was a chance of fertiliser prices going up again, so I decided to buy 60 tonnes because I had a few bob? We can use the day of delivery rather than the day of purchase for the example. When I purchase 60 tonnes in September, it goes onto the system, but I will not spread 40 tonnes until the following March, which is a new calendar year for schemes. How will anybody know when I spread it?

Mr. Pat Murphy: There is an inventory at the end of the year to determine that. There is an inventory at the start of the year, on 1 January, so anything on the farm is counted at that point, then there are purchases during the year, and then a closing inventory is declared by the farmer. In essence, the farmer will have two jobs to do next year. He will have to register initially and declare an opening stock of fertiliser on the farm. From then onwards, he will have to declare a closing stock of fertiliser on 14 September each year. That totally controls what the Senator is talking about with regard to any amount left over from one year to the next.

Deputy Michael Fitzmaurice: I welcome the witnesses. I will address fertiliser first. Mr. Murphy said that farmers who might have fertiliser this year will have to do an inventory at the beginning of next year. Take me through this. If I am a person who imports fertiliser or different products into the country and if I supply 1,200 different merchants around Ireland, do those merchants have to do something when it comes in as well as when they move it on? Does the co-op have to do something when it goes to the farmer? Going by what Mr. Murphy is saying, farmers will still have to do paperwork where they have to state what they had at the beginning and what they have at the end. Is this system online? If one looks at the age profile of farmers

around Ireland, they may never have had the opportunity to work on computers. With no disrespect to Teagasc, will it cost them when they go into Teagasc or to a planner? Will they have to pay someone because they have half a tonne or three bags left? Is this what it is shaping up to be?

Mr. Pat Murphy: The Deputy is describing exactly the system.

Deputy Michael Fitzmaurice: Is the system recording all the movement from one to the other?

Mr. Pat Murphy: Yes. The economic operators will have to record what comes in and goes out, from importers and wholesalers to retailers. At the farmer level, for clarity, on the point of dispatch it is recorded again. That is exactly as the Deputy describes it. We have a concern about a few of the issues he has outlined. A substantial number of farmers will come to their advisers to get this task done. I cannot imagine that we would be charging them specifically for that because it is part of the contract we would have with them. We will deal with that.

Deputy Michael Fitzmaurice: Private planners probably will.

Mr. Pat Murphy: They will, more than likely. Farmers will be going to the person giving them assistance with their basic income support for sustainability, BISS, formerly basic payment system, BPS. It is reasonably unlikely that there will be a significant charge because it will be a relatively speedy process. However, in our case it will mean engagement for an adviser. If I am an adviser with 200 clients with half of them capable of doing it themselves, for the other half, 100 tasks need to be done this year. We would like the Department of Agriculture, Food and Marine, possibly in conjunction with Teagasc, to have a very strong information and support campaign to help farmers and make them aware of what is coming up. That extends to some other changes with nitrates this year. The two should potentially be done together.

If they are having any difficulty logging on or doing what they need to do there should be a good helpline support to assist them. Without that, we will end up with more advisers' time taken up with an administrative task which is not onerous for those who know what to do, but for those who do not know what to do it is onerous and problematic.

Overall, at one level this has a capacity to introduce extra tasks. At another level it has the capacity to take tasks away from farmers. For instance, derogation farmers from 2024 onwards will no longer have to do the work in preparing fertiliser records. Farmers who are getting an inspection will not need to do that. A significant task will be taken out of the system for a moderate number of farmers with a small task put in in its place for a larger number of farmers.

Deputy Michael Fitzmaurice: Does Mr. Murphy have concerns that, as was outlined earlier, fertiliser will cross the Border and basically go under the radar because of different regulations in different areas?

Mr. Pat Murphy: It is possible. At the moment there is an existing requirement and the proposal contains substantial fines for people bringing in fertiliser without registering it. Transfer from one farmer to another can be an offence with a potential fine. Some element of that might happen. As Deputy Carthy alluded to, the system would be better if they were aligned on both sides of the Border so that the data would transfer automatically if I purchase in the North. I think we are a long way from that. I do not know if it will ever happen. I think the North has proposals to go down that line. I do not know if that will get aligned. I doubt if it will be a major problem.

Deputy Michael Fitzmaurice: Is it a herd number or a different special number that is given?

Mr. Pat Murphy: It is proposed to be on the basis of herd number. That is my understanding.

Deputy Michael Fitzmaurice: As we discussed earlier, a myriad of people sow a few spuds or have a garden without cattle or a herd number. Some people have land but are not involved with the Department of Agriculture, Food and Marine. Cross-country pipelines are being done providing fertiliser for companies. What is the theory to solve all those?

Mr. Pat Murphy: We are part of the information process with the Department of Agriculture, Food and Marine. There are alternative numbers. If, for instance, I do not have any animals, I have a crop number, which can be used equivalently. My expectation is that that would be put in place. A bit of domestic or garden fertiliser does not come under this. My expectation is that if somebody else has a requirement for fertiliser for other use-----

Deputy Michael Fitzmaurice: What is the definition of domestic fertiliser?

Mr. Pat Murphy: I do not know, to be honest. If I am buying a little bit of fertiliser from a hardware store for my potatoes in the garden, I do not think there is a requirement for me to have that-----

Deputy Michael Fitzmaurice: Is there a certain tonnage or anything?

Mr. Pat Murphy: There possibly is. I am just not aware.

Deputy Michael Fitzmaurice: Regarding the animal medicines, is Teagasc concerned that this is basically going to one group, vets? As the witnesses will be aware, in parts of Ireland vets are scarcer than co-ops or veterinary stores. Has Teagasc highlighted any fear to the Department about that?

Dr. Pat Dillon: We highlighted in a previous submission that that could be an issue especially with the antiparasites, probably less with the antimicrobials. Dr. Keane may wish to comment. We discussed it already, but it is one of the fears.

Dr. Orla Keane: In our submission we outlined our fear that that was a possibility. In remoter parts of the country there may be an issue with less veterinary coverage. We pointed out that animal health and welfare may be negatively affected as some rural areas have no local practising veterinary practitioner and so may have very limited or restricted access to professionals to prescribe antimicrobials.

Deputy Michael Fitzmaurice: Dr. Keane spoke about a task force. Who sat on that? I presume Teagasc was represented.

Dr. Orla Keane: There were representatives from Teagasc, UCD, the Department of Agriculture, Food and Marine and the HPRA. There were a number of members.

Deputy Michael Fitzmaurice: Were there farmers?

Dr. Orla Keane: There was no farmer member to the best of my knowledge.

Deputy Michael Fitzmaurice: You would imagine-----

Dr. Orla Keane: There was a stakeholder consultation process. Part of the review the task force did involved a stakeholder consultation and a number of farmers-----

Deputy Michael Fitzmaurice: Was that basically a submission thing?

Dr. Orla Keane: Yes.

Deputy Michael Fitzmaurice: No representative of a farmer organisation could sit on it.

Based on the discussion between Dr. Keane and Deputy Carthy, there is no evidence to say one is better than the other at administering it. No research has been done on that. Am I correct saying that?

Dr. Orla Keane: Yes. There is pretty limited research in the area, mostly from countries outside Ireland. The research that is there would probably indicate that improved advice and greater engagement with professionals with expertise in this area will improve things.

Deputy Michael Fitzmaurice: Dr. Keane would advise better education. I presume she would not be opposed to the person who was always administering it even if they had to do another course to help them in education it would be helpful for-----

Dr. Orla Keane: Our view is that it is really about finding the best way possible to ensure that these products are available to farmers when they need them at a reasonable cost and at the same time mitigating the risk of resistance so that the products continue to work into the future.

Deputy Michael Fitzmaurice: How big is the resistance problem?

Dr. Orla Keane: That very much depends on the parasite species. Within the stomach and gut worms, it is quite widespread now. Some farms have resistance to all of the three active items. Many farms have ivermectin resistance. In fluke, it is limited to the triclabendazoles and in some other species, such as nematodirus, there have been no reported cases of resistance. There have been a few in lice. The level of resistance depends on the parasite species and the drug involved.

Dr. Pat Dillon: It would be fair to say it is a big issue in gut worm.

Dr. Orla Keane: It is a big issue in the stomach and gut worms. It is a significant issue because resistance is widespread.

Deputy Michael Fitzmaurice: Resistance is an issue in gut worm.

Dr. Orla Keane: Yes.

Deputy Martin Browne: I only have a couple of quick questions because most of the questions I was going to ask have been asked already. I will return to an issue Senator Paul Daly asked about, that is, new products that are on the horizon. Our guests' opening statement states that it is crucial for us to maintain the efficacy of the products that are there. It also states that Teagasc is involved in research in that regard. Are many new products coming down the line? When do our guests hope they will become available?

Dr. Orla Keane: To the best of my knowledge, there are no new products on the horizon. Two new products for sheep became available in 2009 and 2010. They are only licensed for use on stomach and gut worm in sheep and not cattle. There have been no new products for quite a number of years and to the best of my knowledge, there are no new products due. Perhaps the

drug companies might know if there are products in the early stages of development but I am not aware of any that will be available in the short term.

Deputy Martin Browne: Our guests' opening statement states they are involved in research on this matter. Is that research into new products or am I mistaken?

Dr. Orla Keane: Our research is not on the development of new products. We have not been involved in the development of new anthelmintics.

Deputy Martin Browne: Okay. The representatives of the Irish Co-operative Organisation Society, ICOS, earlier said that sales of intramammary antibiotics have collapsed across co-operatives. What is our guests' response to that? Is there, in their view, an immediate decline in the use of these medicines that may indicate possible welfare concerns?

Dr. Pat Dillon: Will the Deputy repeat the question? I did not catch it.

Deputy Martin Browne: The representatives of ICOS earlier said that the sales of intramammary antibiotics have collapsed across co-operatives. What is our guests' response to that? Is there, in their view, an immediate level of decline in the use of those medicines that may indicate possible animal welfare concerns?

Dr. Orla Keane: My understanding of the matter raised by ICOS is that since the new regulations have come into force, there has been a collapse in the sales of intramammary products from the merchants. The sales of intramammary products have collapsed significantly. However, it may be the case that those products are being sourced from veterinarians as opposed to merchants.

Dr. Pat Dillon: There has been a decline in antibiotic use on dairy cows, especially to address mastitis and other things, in recent times. There has been a similar reduction in the pig industry.

Dr. Edgar Garcia Manzanilla: The same problem with anti-parasite treatment does not apply to antibiotics to the same extent. The collapse of one has no bearing on the other. I am a part of the iNAP committee and this conversation never happened. There is no concern in that regard. There are members of the Irish Farmers Association, IFA, and ICOS on that iNAP committee. It is not an issue.

In the main user, which is pigs, the veterinarians are managing that. In the intramammary, it is very difficult because the data we have at the moment is not really there. The sales are global so the official data suggest certain antibiotics are sold in certain amounts to all species. From a scientific point of view, looking at the data, I cannot answer the question because there is no evidence. If there is internal evidence of something, perhaps it is being discussed on that basis but there are no official data on sales of particular-----

Deputy Martin Browne: In our guests' view, there is no immediate concern to animal welfare.

Dr. Pat Dillon: There is not.

Dr. Edgar Garcia Manzanilla: No.

Deputy Martin Browne: Okay. The question of legislation has arisen. If there were a legal basis for the ongoing role of the responsible person as a prescriber of antiparasitic medicine,

subject to the appropriate regulations, would our guests have any problems with that? What would be their response to that?

Dr. Orla Keane: If I understand the question, the Deputy is asking if we have any problems with the responsible person's prescribing. Is that the question?

Deputy Martin Browne: There seems to be a difference between the Department and ICOS on the regulations and legislation. If there was a legal basis for the ongoing role of the responsible person as a prescriber of antiparasitic medicine, subject to all appropriate regulations, would our guests have any problems with that? What would be their response to that?

Dr. Pat Dillon: We would have no problem with that.

Vice Chairman: I compliment our guests on the quality of their presentation today. It was not formally read out but it will be in the committee's records. It is an informative piece of information. I will ask a few questions about where our guests believe Teagasc can play a role. As our guests said in their presentation, there is going to be a significant workload on advisors. Many farmers depend on advisors to do an awful lot of work, particularly in respect of online stuff. Do our guests believe there should be a more practical solution for to register for this? Perhaps it could be done as part of the single farm payment. A combined approach could be put together, rather than putting Teagasc's already stretched advisors through another line of work.

Mr. Pat Murphy: There is a timing issue involved. The fertiliser season opens in January so there is a requirement to have initial registration and the beginning of this process in January. I understand why it is being brought in separately because if we waited until March, April or May to do it, at a point in time when farmers are doing their basic payment scheme application, the year is effectively over and it would be nonsense for a year. While there is a potentially significant workload next year, in particular-----

Vice Chairman: Are our guests worried?

Mr. Pat Murphy: We are worried about the workload.

Vice Chairman: I will be honest. I have spoken to advisors who work for Teagasc and they are significantly worried about the potential workload involved. They see this as a workload the size of that involved around the single farm payment going through the system. Somebody has to be beside a farmer if he or she is going to agree to terms and conditions. Those advisors are significantly concerned.

Mr. Pat Murphy: From the descriptions we have got from the Department of Agriculture, Food and the Marine, my expectation is that for most farmers it will be a relatively simple job of accepting they are a part of the register and being part of the register is the only basis on which one can continue in the medium term to buy fertiliser. There is fairly broad acceptance of that.

The issue about inventories, where there are inventories on a farm, are going to mean a more significant level of work for advisors. In 2024, advisors will start to be saved work because returns will not have to be made. At the moment, we have to work to make returns on every derogation farm and on any farm that has an inspection. There will be a saving there which may balance matters. In 2023, we will have both. We have the complication of a new register which needs to be explained. We need to get all farmers to interact with the system, either on their own basis or through an advisor. Absolutely we will-----

Vice Chairman: Is Mr. Murphy concerned with the timeline, let alone the system, and Teagasc's ability to be able to inform farmers of what needs to happen? We are now almost in October. Is Mr. Murphy concerned about Teagasc's ability to get the information out there and get the cohort of farmers involved to come and do this on time?

Mr. Pat Murphy: The reality is that we will not be able to do very much before 1 January, and I do not think there will be any such requirement. However, there is a need for publicity because this is just one change coming in as part of the nitrates action programme and a significant number of changes are coming down the line next year. There is a very significant requirement for a strategy to communicate with farmers to make sure of two things. There needs to be an information process in the Department of Agriculture, Food and the Marine to alert farmers to the changes that are coming and there needs to be sufficient support. Some of that will come from us, but the Department also needs to take some of that on, particularly with regard to increasing the interaction of farmers with the *agfood.ie* system. We are of the view that 50% of farmers or fewer are interacting with that system.

Vice Chairman: Some of us are on the *agfood.ie* system and some of us are not. The cohort who are were probably tied into it through an app they bought for registering animals and so forth. There is a plethora of such apps out there. Has there been any interaction with the developers of those apps the farming community is using every day? Will this technology be tied into that? Is there any conversation with these companies at the moment?

Mr. Pat Murphy: As far as I am aware, more of the conversation to date has been with the merchants. In fairness, there has been extensive conversation with the merchants about preparedness and with those who provide the software to those merchants. I cannot say for certain whether the likes of Herdwatch have been engaged in that conversation. I can check on that and revert to the committee if that would be helpful. I suspect that conversation has happened but I cannot be sure.

Vice Chairman: That would be important.

Mr. Pat Murphy: Yes, it absolutely would.

Vice Chairman: With regard to progress on the new proposals on registering veterinary products, Teagasc has a role in informing farmers of new farming practices in respect of grassland management. Much has been said today about the product itself, but grassland management could be part of the solution and help farmers build up resistance. Will the witnesses elaborate on the work that has been done in that regard, perhaps through discussion groups or other Teagasc platforms, and in getting out the word about how we need to deal with this issue?

Dr. Pat Dillon: It is very important. Dr. Keane may be in a better position to answer this question, but management has to have a place in this. The drug is not going to solve our problems.

Dr. Orla Keane: There has been extensive work done in recent years to get this message out to farmers. It was featured at the Teagasc beef conference in 2018 and at the Teagasc sheep conference in 2020. It is also featured at our open days. We have come together with other industry stakeholders in the sheep sector to put together four key actions that farmers can take to slow the development of resistance. Workshops have been held around the country on the issue, although that is especially on the sheep side. There have been extensive social media campaigns and videos have been made. There is now a landing page on the Teagasc website on

which there are little animations and short videos explaining different things that can be done. The resources that have been put into extending knowledge transfer on this topic have been quite significant.

Dr. Pat Dillon: There have also been some new approaches to control that are dissimilar to what was done historically.

Dr. Orla Keane: We have been researching and looking at some practices in respect of targeted selective treatments, and certain aspects of management have also been a focus of our research programme. Again, that is being transferred out to our advisers and onward to farmers. I have spoken at a number of farmer meetings and discussion group meetings. We can put together a list of what has been done on this topic. It has certainly been a feature over recent years.

Vice Chairman: I thank the witnesses for their attendance.

Sitting suspended at 7.54 p.m and resumed at 8.03 p.m.

Vice Chairman: We are back in public session. The next meeting of the committee will take place on Friday, 30 September at 2.30 p.m. to review the committee's draft report on the issues and impact of dog welfare in Ireland. The next public meeting of the committee will be held on Wednesday, 5 October at 5.30 p.m. The first session of the committee will be the pre-legislative scrutiny of the Veterinary Medicinal Products Medicated Feed and Fertilisers Regulation Bill 2022. The second session will be a presentation on the EU Natura restoration targets. Since there is no further business the meeting is adjourned.

The joint committee adjourned at 8.04 p.m. until 5.30 p.m on Wednesday, 5 October 2022.