Edward Mountain MSP
Convener of the Rural Economy and Connectivity Committee
c/o Clerk to the Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

29 May 2019

Dear Edward,

POLICY AREAS: COMMON AGRICULTURAL POLICY ("CAP") (Including the COMMON MARKET ORGANISATION ("CMO"))
EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT
The Common Agricultural Policy and Market Measures (Miscellaneous Amendments) (EU Exit) Regulations 2019

The Scottish Parliament Rural Economy and Connectivity Committee at its meeting on 3 April 2019 recommended that the Common Agricultural Policy (Direct Payments to Farmers) (Amendment) (EU Exit) (No. 2) Regulations 2019 now known as the Common Agricultural Policy and Market Measures (Miscellaneous Amendments) (EU Exit) Regulations 2019 should include Scottish devolved matters, as set out in the notification to the Parliament.

The notification indicated that the proposed SI would be laid under the affirmative emergency procedure on 27 March 2019, however the SI was laid in draft under this same procedure in the UK Parliament on 5 April 2019. Debates to approve the draft SI took place in the UK Parliament in the House of Commons on the 7th May and the House of Lords on the 8th May.

I can now confirm the SI varies in some respects from the original proposal but that the variations which only comprise some minor technical additions are not so significant as to need any further process.

The SI as laid makes amendments to three additional EU Exit SIs in addition to the two EU Exit SIs outlined in the original Notification. These additions are as follows:

- Regulation 3 of the SI makes some corrections to the Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019. These are only minor and technical in nature and correct errors in drafting.
- Regulation 4 of the SI makes some corrections to the Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU
Exit) Regulations 2019. These are only minor and technical in nature just to correct mistakes.

- Regulation 6 of the SI makes some correction to the Market Measures (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2019. This contains two amendments, one which extends to England only and the other is to correct a drafting error in relation to milk products.

These corrections all respect the devolution settlement and will help ensure Scottish Ministers can exercise applicable functions under retained EU law in the event of a no deal exit from the EU.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

FERGUS EWING