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19 March 2019

THE ORGANIC PRODUCTION AND CONTROL (AMENDMENT) (EU EXIT) REGULATIONS 2019

EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

The Scottish Parliament recommended on 11 February 2019 that the Organic Products (Amendment) (EU Exit) Regulations 2019 (“the regulations”) should include Scottish devolved matters, as set out in the notification to the Parliament.

The Organic Products (Amendment) (EU Exit) Regulations 2019 were re-named the Organic Production and Control (Amendment) (EU Exit) Regulations 2019 shortly before the regulations were laid. The regulations were laid in the UK Parliament on 13 February 2019. I can now confirm that the regulations as laid vary in some respects from the original proposal but the variation is not significant.

Some provisions previously anticipated to be included in the regulations in relation to organic import controls have been moved to the Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019. Provisions previously anticipated to be included in the regulations in relation to organic logos have been removed and will be included in as yet un-named regulations which are expected to be laid under the urgency procedure and come into force immediately after EU exit. The provisions are more relevant to the SIs in which they now do, or will, sit. The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 are subject to disagreement between the Scottish Government and the UK Government on the basis of devolved competence. The Parliament was advised of this on 25 February but the SI was laid on 13 February.

Additionally, a number of references in the regulations to “appropriate authority” for the purposes of organic production and labelling of organic products in the regulations as laid

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have been changed to “relevant authority”. This change has been made to avoid any inconsistencies with definitions included in the regulations and in other EU exit SIs on the subject of organics. This change of terminology has no impact on the actual effect of the transfers of non-legislative functions and the technical amendments. Accordingly, the effect of the transfers of functions is consistent with the information provided in the Scottish Government notification of 24 January on the regulations. The notification advised that “functions in the organics EU legislation afforded to Member States are transferred to the relevant Ministers or administration in the UK (the Scottish Ministers in relation to Scotland) who are defined as the “appropriate authority””. This statement is still correct except the defined term has been changed to “relevant authority”. The Scottish Government is content with the change as it ensures consistency and clarity in both the regulations and in the wider package of EU exit organics SIs.

The variations from the original proposal are not so significant as to need any further process.

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



FERGUS EWING