



The Scottish Parliament
Pàrlamaid na h-Alba

Minister for Rural Affairs and the
Natural Environment

By e-mail only

**Rural Economy and Connectivity
Committee**

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Dear Mhairi,

UK SI NOTIFICATION: THE PLANT BREEDERS' RIGHTS (AMENDMENT) (EU EXIT) REGULATIONS 2020

At its meeting on 24 June, the Rural Economy and Connectivity Committee considered the above UK SI notification which outlines the Scottish Government's intent to consent to UK Ministers making regulations on its behalf.

The Committee can confirm that it is content for consent to be given to the Plant Breeders' Rights (Amendment) (EU Exit) Regulations 2020.

The Committee also wishes to raise several issues.

The Committee was disappointed that the Scottish Parliament was not given the normal 28 day period to consider the notification.

It notes the explanation given in the notification that this is in order that the instrument can be laid before the UK Parliament goes into recess, However, it wishes to ask the Scottish Government why this was necessary, when it appears that the instrument does not need to be in place until 31 December 2020?

The Committee also asks the Scottish Government to note that any reduction in the 28 day period for parliamentary scrutiny limits the ability to properly consider such proposals.

For example, if the Committee had more time to consider the proposal it may have wished to ask the Scottish Government for more information on what exactly is the change that the proposed SI would make to the position of Community Plant Variety Rights (CPVR) applications that have not been resolved by the end of the transition period. It may have also have asked for more information on the specific changes that the proposed SI would make to the duration of CPVRs and the exhaustion of intellectual property rights.

The Committee asks the Scottish Government to note that where future urgent notifications require to be brought forward, and (as in this case) the timescale does not allow the Committee fully explore the policy intention, a fuller and more detailed notification would assist the process. In particular, the Committee considers it necessary that such notifications give more detail than that provided in this particular notification as to exactly as to the purpose and effect of the proposed instrument.

The Committee would also point out that having further information about what was exactly proposed by this SI, would have made it easier for the Committee to form a view on whether making this provision by UK instrument is justified.

The Committee would be grateful for a reply for the points raised in this letter by **Friday 31 July**.

Kind regards



Edward Mountain
Convener