

NOTIFICATION TO THE SCOTTISH PARLIAMENT

Name of the SI

The Pesticides (Revocation) (EU Exit) Regulations 2022

Is the notification Type 1 or Type 2

Type 1

A brief overview of the SI (including reserved position)

The Pesticides (Revocation) (EU Exit) Regulations 2022 (“the 2022 Regulations”) make a number of amendments to repeal redundant direct EU legislation which forms the plant protection product (PPP) and maximum residue level (MRL) regulatory regimes, so that they can continue to operate effectively following the end of the implementation period. The amendments concern EU legislation which came into force towards the end of the implementation period (and so was not addressed by earlier EU Exit SIs) and which is now given effect in Great Britain through the national statutory registers and so are no longer required.

Pesticides are a devolved matter however, where appropriate, policies and procedures are developed and implemented on a joint UK basis for reasons of practicality, efficient use of resources and ease of collaboration. This intention is for this approach to continue. The 2022 Regulations respect the current devolution settlement.

The 2022 Regulations are expected to be laid on 18 January 2022.

The Scottish Parliament has already been notified of, and consented to, a series of previous EU Exit statutory instruments (SIs) relating to the regulation of pesticides. Notifications on the previous pesticides EU Exit SIs can be viewed via the following links:

- www.parliament.scot/S5_Delegated_Powers/20180111SINotificationREC2.pdf
- www.parliament.scot/S5_Delegated_Powers/20190207REC1.pdf
- www.parliament.scot/S5_Rural/Meeting%20Papers/RECC_20190619_Public_Papers.pdf (please see page 37)
- www.parliament.scot/S5_Delegated_Powers/20200930SINotificationREC2.pdf
- https://archive2021.parliament.scot/S5_Delegated_Powers/General%20Documents/PESTICIDES_AMENDMENTS.pdf

Details of the provisions that Scottish Ministers are being asked to consent to

The main corrections required to the regulatory regime for pesticides as a result of EU Exit have already been put in place through a series of earlier EU Exit SIs, primarily the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019, the Pesticides and Fertilisers (Miscellaneous Amendments) (EU

Exit) Regulations 2019, the Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019 the Pesticides (Amendment) (EU Exit) Regulations 2019 and the Pesticides (Amendment) (EU Exit) Regulations 2020 (SI No 2020/1376).

These earlier EU Exit SIs established a regulatory regime for pesticides in GB. The approach taken in these SIs was to establish new statutory registers to give effect to decisions on approval of active substances and on setting of pesticide MRLs. This ensured that all extant EU decisions were retained in GB after the end of the implementation period. The EU implementing regulations which had previously given effect to those decisions were therefore redundant and so were repealed.

The 2022 Regulations are now required in order to follow this established approach in relation to further EU implementing regulations which came into force in the latter part of the implementation period, hence too late to have been addressed in the earlier EU Exit SIs. Their effect has already been retained through the new statutory registers so the implementing regulations themselves are now spent and are no longer required. It is now necessary to remove them so that they do not remain on the statute book.

Summary of the proposals

The changes made by this instrument will remove redundant provisions (specifically repealing EU implementing regulations which had previously given effect to active substance and MRL decisions, which are now given effect through statutory registers) so that plant protection products, and MRLs for pesticides in food and feed, continue to be effectively managed.

The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019, the Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019 and the Pesticides (Amendment) (EU Exit) Regulations 2019 have already been considered by the Scottish Government and as noted in the notification for those SIs they reflect the position of the Scottish Ministers as able to exercise functions under retained EU law in relation to Scotland.

Does the SI relate to a common framework or other scheme?

Yes, regulations relating to pesticides fall within the scope of the Chemicals and Pesticides Common Framework.

Summary of stakeholder engagement/consultation

The Regulations are being made to avoid deficiencies as a result of EU Exit. As such no formal public consultation has been undertaken.

A note of other impact assessments, (if available)

An impact assessment has not been carried out in relation to these regulations as they are aimed primarily at preserving the effect of the current regulatory regimes.

Summary of reasons for Scottish Ministers' proposing to consent to UK Ministers legislation

The Regulations are necessary to ensure that PPP and MRLs for pesticides in food and feed regimes continue to be effectively managed and that standards are maintained. They will remove redundant provisions to ensure a properly functioning regulatory regimes following the transition period.

Scottish Ministers consider that consenting to the Regulations is the most effective and transparent way to make these changes as it has been agreed that PPP and MRL regimes will operate consistently across GB where possible and appropriate..

Intended laying date (if known) of instruments likely to arise

The instrument is expected to be laid on 18 January 2022.

If the Scottish Parliament does not have 28 days to scrutinise Scottish Minister's proposal to consent, why not?

The Scottish Parliament has 28 days to scrutinise.

Information about any time dependency associated with the proposal

The Regulations correct deficiencies as a result of EU Exit and must be made within two years of IP completion day.

Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?

The Scottish Government is working with the UK Government and other devolved administrations to put in place sound governance arrangements to ensure transparency and accountability for decision making. This work will be designed within the context of the principles, agreed by the UK Government, the Scottish Government and the Welsh Government on 16 October 2017, to apply to common frameworks.

Any significant financial implications?

These Regulations are not considered to have any financial implications for stakeholders in Scotland.