



The Scottish Parliament
Pàrlamaid na h-Alba

Rural Affairs, Islands and Natural Environment Committee

Mairi Gougeon
Cabinet Secretary for
Rural Affairs and Islands

c/o Clerk to the Committee
The Scottish Parliament
Edinburgh
EH99 1SP

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By email only

1 November 2022

Dear Cabinet Secretary,

THE ORGANIC PRODUCTION (AMENDMENT) REGULATIONS (NO. 2) 2022

Thank you for your letter, dated 6 October, relating to the above UK SI.

As highlighted in the notification, the Committee previously considered the extension of the exceptions for pullet hens and gellan gum in February 2022. The Committee wishes to draw the Scottish Government's attention to its [letter to the Scottish Government, dated 16 March](#). In its letter, the Committee—

- Noted that the result of the extension is that the GB derogation for the introduction of non-organic pullet hens under 18 weeks into organic livestock units no longer aligns with the most recent position in EU law;
- Asked that the Scottish Government specify areas of divergence from the EU position in future notifications; and
- Asked that future notifications on this topic address whether further extensions of the derogations will have any impact on the equivalence assessment on organics between the UK and the EU, due to be completed by 31 December 2023, as set out in the Trade and Cooperation Agreement (article 3(3) of Annex 14 of the [TCA](#) – p.1150 of the pdf).

The notification does not address the issue of divergence, nor whether this may have any resulting impact on the equivalence assessment this year. Therefore, in advance of the Committee's consideration, it would be helpful if you could provide further information on the following points—

- Please explain whether the extensions to each of the three derogations diverge from the current EU position, or are likely to diverge from forthcoming EU legislation during the new derogation period to 31 December 2025. Please clarify the EU positions for each of these derogations.
- Please indicate whether any implications are expected from the extension of these derogations on the reassessment of equivalence between UK and EU organic regulations in 2023, and whether there has been communication on this point with the EU.
- The notification states that “Defra are planning a comprehensive review of the retained EU organic regulations with a view to developing a new, more fit for purpose system of GB organic regulations that will address the issues around the derogations”, and notes that this is expected to take “a good 18 months”. Please clarify how this timescale is compatible with the completion of the equivalence assessment which is due to be concluded in 2023. Please explain how this timescale will cohere with the proposed 31 December 2023 sunset clause in the UK Retained EU Law (Revocation and Reform) Bill.
- The Committee understands exceptions from organic production rules made under article 22(1) of Council Regulation (EC) 834/2007 in retained EU law must be kept to a minimum and, where appropriate, be limited in time. Please explain how this requirement is satisfied in respect of the three proposed derogations, particularly with reference to the chosen end date of 31 December 2025.

A response by close of play on Tuesday 8 November would be appreciated.

Yours sincerely,



Finlay Carson MSP

Convener

Rural Affairs, Islands and Natural Environment Committee