

European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

26 March 2020

Victoria Prentis MP
Parliamentary Under Secretary of State
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Commission Delegated Regulation of 13 January 2020 amending Annex II to Regulation (EU) 2018/848 as regards certain detailed production rules for organic products (Council document 5227/20) (41039)

We considered your Department's Explanatory Memorandum on the above document at our meeting of 26 March 2020.

While we acknowledge that the document itself is of minor importance, we consider it to be politically important as it highlights a policy area of potential immediate divergence between Great Britain on the one hand and the EU and Northern Ireland on the other with effect from 1 January 2021. The powers sought in the Agriculture Bill as well as material in the negotiation mandate suggest that you are aware of this, that the Government wishes to minimise divergence and that the Government wishes to facilitate future trade in organic products.

We are interested in the detail of your plans. The Government's negotiation paper indicated that the UK was seeking an arrangement broadly similar to that enjoyed by Chile. We note, however, that the arrangement with Chile is limited in scope and is no longer available in any case under the new EU policy framework. Any equivalent regime would need to be closer to the EU rules than is currently permitted. What elements of the new EU rules does the Government consider it could not apply whilst successfully "meeting the same objectives and principles by applying rules which ensure the same level of assurance of conformity as those of the Union"?

Under the Withdrawal Agreement, Northern Ireland will be obliged to apply EU rules on organic production and labelling. The Northern Ireland Assembly Research and Information Service¹ posed two questions to which we would welcome your response:

- in what circumstances, if any, would Northern Ireland ministers be able to use their powers to amend EU retained law in this area?
- whether any assessment has been undertaken of the risk of regulatory divergence between GB and Northern Ireland in relation to organic standards and any likely impacts this could have on local (NI) producers and processors?

We look forward to your response by 10 April 2020.

We are copying this letter to the Earl of Kinnoull, Chair of the EU Select Committee in the House of Lords and Christopher Johnson, Clerk of the Lords EU Select Committee; your Departmental EU Scrutiny team; and Les Saunders and Donald Harris in the Cabinet Office.

CHAIR

¹ [“UK Agriculture Bill 2019–20”](#), Northern Ireland Assembly Research and Information Service, Paper 06/20, 19 February 2020.