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Dear Finlay,

Thank you for the recent correspondence on behalf of the RAI Committee regarding the Scottish Government's alignment with EU law on organic production and labelling and plant and pest imports and certification. Please see a response on the two topics below.

In relation to legislative changes to organics products and labelling of organic laws as a result of Regulation (EU) 2018/848 and the adoption of other delegated EU acts in this area:

- **What is the Scottish Government's position regarding the potential for future alignment with the EU on issues of organics products and labelling of organic products?**
- **What is the Scottish Government assessment of the potential implications of these new regulations on the relevant provisions of the EU-UK trading and cooperation agreement?**
- **How might these implications influence a future decision by the Scottish Government on alignment?**

As the Committee will be aware, the development of policy on organics has been consistent to date between Defra and the devolved administrations. With consent of the Scottish and Welsh Ministers, Defra continue to lead as the competent authority for GB in the areas of organic production and related official controls. There are economic and practical benefits to that continuing and the current regulations permit a regime on a GB wide basis to address that scenario.

The Trade and Cooperation Agreement (TCA) provides that the EU and the UK recognise their organics laws and regulations as equivalent. In light of Regulation (EU) 2018/848 coming into force on 1 January 2022, that equivalence was to be reassessed by both parties by 31 December 2023.

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Both parties confirmed they would continue to accept each other's organic standards as equivalent, with each side taking the necessary steps to ensure that trade in organic products between GB and the EU can continue. The agreement for continued equivalence is now open ended, although this is still subject to the right of either party to object to any modification, revocation or replacement of the laws set out in the TCA should they no longer meet the requirements for equivalence.

As noted by the Committee, there have been a number of EU implementing and delegated acts adopted since implementation of EU Regulation 2018/848 on 1 January 2022. Given the agreement for continued equivalence, it has not been deemed necessary to amend the current GB regulations to ensure compliance or exact alignment with the EU regulations. Current points of divergence are technical in nature and do not present barriers to trade. Some of the implementing and delegated EU acts adopted since the end of the transition period have been extensions to existing derogations which have also been, or will be, extended in the GB regulations. For example, EU commission implementing regulation 2025/973 and The Organic Production (Amendment) Regulations 2025 UK SI (also known as the AFC/070 Regulations) – specifically in relation to non-organic high acyl gellan gum.

The current expectation is that, subject to the SPS Agreement negotiation process, the UK will regulate consistently with the EU in matters of organic production. It is therefore anticipated that any existing points of divergence from the EU will continue to be temporary. The Scottish Government are supportive of this position, in line with our commitment to maintain and advance the legislative standards we share with the EU.

In relation to legislative changes to EU trading rules regarding plant and pest imports and certification as a result Regulation (EU) 2024/3115:

- **What is the Scottish Government's assessment of the new regulation?**
- **What are the potential effects the new rules might have on trading arrangements with the EU?**

Regulation (EU) 2024/3115 expands and provides several powers within the EU Plant Health Regulation (2016/2031), one of the principal regulations of the plant health regime and which establishes lists of regulated pests and products in line with prescribed criteria based on phytosanitary principles. The changes made are largely procedural and to internal EU requirements and the Regulation does not change the EU's plant health policy. Rather, it aims to improve the application of the existing policy by providing wider flexibility on how it exerts plant health rules, with most of the changes expanding/providing powers rather than implementing changes to specific pests or host goods.

The Regulation does not make any legislative changes relating to GB and should not impact trade between GB-NI or GB-EU. It does not present a substantive alignment issue and any future EU regulations will be considered as and when they arise.



MAIRI GOUGEON

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