

- **Framework ownership**

- Framework name: Organic Production Common Framework
- Responsible portfolio Minister: Mairi Gougeon, Cabinet Secretary for Rural Affairs and Islands
- Framework lead policy team: Tracy McCollin
- Committees that the framework is being actively shared with:
  - Rural Affairs, Islands and Natural Environment Committee
  - Net Zero, Energy and Transport Committee (for awareness)
  - Constitution, Europe, External Affairs and Culture Committee (for wider Frameworks programme interests)

- **Points for the Parliamentary committees to note**

- **Procedural**

- Date of ministerial sign-off of the provisional framework: The published version of the provisional framework was agreed by UK portfolio Ministers in January 2021.

- **Content**

- The policy area under consideration is Agriculture – Organic Production. This includes: the principles and overarching standards for organic production and certification; official controls, labelling and trade of organic produce; and organic aquaculture.

- Issues to flag:

The UK has taken the decision not to adopt new EU Regulation 2018/848 which comes into force on 1 January 2022. The UK has the ability to trade with the EU under an organics equivalence agreement, contained in the UK EU Trade and Co-operation Agreement, which subsists until 31 December 2023. The Scottish Government's preferred position is to align with the EU. Alignment is under consideration.

There is existing disagreement between Parties on whether certain matters are devolved or reserved in this area. This document does not seek to make any statements regarding matters of constitution or law in this area or set any binding precedents in those areas.

It is agreed by all Parties that the existence of this disagreement does not impact the ability of the framework to operate. The Parties have historically worked closely together on this area and expect to continue to do so.

- Relevant legislation:

#### EU law and retained EU law

The elements of EU law and retained EU law in this area that intersect with devolved competence are:

- **(EC) 834/2007** – lays down the legal framework for organic products. It contains the basic objectives and general principles for organic farming and rules on production, labelling, controls and trade with non-EU countries.
- **(EC) 889/2008** – lays down more specific rules governing organic production, labelling and control. These rules extend to plant, seaweed and livestock production, feed, aquaculture animal production and the collection, packaging, transport and storage of organic products. Controls include specific requirements and the responsibilities of operators including annual inspections, documentation, accounts and access to facilities.
- **(EC) 1235/2008** – lays down detailed rules governing the importation of organic products by implementing article 32 and 33 of **(EC) 834/2007**. Specific provisions deal with the drawing up of a list of recognized control bodies and authorities, documentary evidence required and certificates of inspection.
- **EU 2017/625 The Official Controls Regulation** - addresses official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

#### Domestic Law

The elements of domestic law in this area that intersect with devolved competence are:

- The Organic Products Regulations 2009 (and subsequent amendments) is the relevant domestic legislation that provides for the administration and enforcement of (EC) 834/2007, (EC) 889/2008 and (EC) 1235/2008.
- The Organic Products (Amendment) (EU Exit) Regulations 2019
- The Organic Production and Control (Amendment) (EU Exit) Regulations 2019
- The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019
- The Agriculture (Legislative Functions) (EU Exit) (No 2) Regulations 2019.
- The Organic Products (Production and Control) (Amendment) (EU Exit) Regulations 2020
- The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2020
- The Agriculture Act 2020

- The Organic Products Regulations (Northern Ireland) 2020 is the relevant domestic legislation that provides for the administration and enforcement of (EC) 834/2007, (EC) 889/2008 and (EC) 12/35/2008 for Northern Ireland.
- The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019, which provide for implementation and enforcement of EU 2017/625, including as regards organic production and the labelling of organic products.
- The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020
- The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020
- The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020
- The Organic Production (Organic Indications) (Amendment) (EU Exit) Regulations 2019
- Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021

- Significant differences between the provisional framework and phase 3 summary:

None

- Stakeholder engagement:

Stakeholders have been made aware of the regulatory landscape after the transition period. In particular the fact that Northern Ireland will remain on EU standards and establish a separate competent authority.

Regular meetings have been held with the UK Organic Control Group (UKOCG) and representatives of the four governments. At these meetings the general content and purpose of the framework has been discussed. Stakeholder engagement conducted in late 2020 by Defra also discussed the framework in order to prepare businesses and other stakeholders for the end of the transition period.

There has been no specific consultation on the detailed contents of the Framework, as it does not represent a change for external stakeholders.

In the future existing UK wide mechanisms of stakeholder engagement, such as the regular meetings with UKOCG will continue. The four governments will also be responsible for engaging with their own stakeholders. For any major changes to regulation there will be specific consultation with stakeholders.

