



RETAINED EU LAW (REVOCATION AND REFORM) BILL

1. NFU Scotland is pleased to provide a written submission to the Constitution, Europe, External Affairs and Culture Committee on the Retained EU Law (Revocation and Reform) Bill.
2. We are concerned that this Bill adds to business uncertainty at a time when our sector is facing exponential increases in input costs. Given the importance of Scottish agriculture to rural communities, any negative impacts on our sector must be considered.
3. There is a large number of necessary regulations and policy that may be affected. Those relating to agriculture and food production are important covering standards on food safety, animal health and welfare and the environment. NFU Scotland is therefore seeking clarity on potential implications and assurance that the Bill's unintended consequences will not be detrimental to Scotland's farming and crofting interests or the supply chains and consumers they serve.

Timescale

4. Before the 31 December 2023, UK Government departments and devolved administrations will have to determine which retained EU laws need to be preserved and incorporated into domestic law. Any laws that are not preserved will fall after this date.
5. The sunset date for all direct and derived retained EU law carries a high risk that vital law, on which the smooth functioning of policy mechanisms rely, could be missed.
6. The timescale set out within the Bill is not realistic given the importance of ensuring all required legislation is preserved. Given the current workload of Scottish Government officials, which includes a new Agricultural Bill for the sector, there is concern that there is not sufficient time to ensure all required legislation can be considered in time.
7. The Bill includes an extension mechanism (for up to 23 June 2026) for specified pieces of retained EU law, which would give departments additional time where necessary to assess whether some retained EU law should be preserved.
8. NFU Scotland calls for this extension to be enabled for all legislation relating to agriculture, food production and agri-food supply chains. We understand that this power sits with UK Government Ministers only and is not within the power of the Scottish Government or Parliament.

Missed laws

- There is currently a large volume of retained EU law in force in the UK (approximately 1,500 pieces of legislation in total), covering a very wide range of areas. The Department for Environment, Food and Rural Affairs (DEFRA) has been reported as having the largest amount of retained EU law within its remit, with nearly 600 pieces of legislation, much of which will impact UK farmers. Additionally, non-DEFRA regulation will impact farm businesses alongside businesses in other sectors of the UK economy, including areas such as employment law, company law, taxation and data protection. There must be considerable doubt that this process can be undertaken with due care and attention, while properly involving stakeholders, in such a small timeframe.
- Given the wide scope of the Bill we believe there is an unacceptably high risk that vital law, on which the smooth functioning of food production and the economy depends, simply drops off the UK statute book.

Lack of detail

- The premise of the Bill is that legislation will be removed unless it is preserved. It is therefore not possible to have a complete understanding as to what will go and what will be saved. This uncertainty and inability to determine possible impacts is not helpful for agri-food business at this time of immense economic uncertainty.
- Ideally, we would like to see a schedule with a comprehensive list of legislation. We do not believe that the UK Government dashboard is sufficient or comprehensive that covers all, including devolved, matters.

Internal Market Act

- If measures are retained in Scotland and not in other parts of the UK, the Internal Market Act would result in goods being sold across the UK despite differing regulations. This could result in competitive disadvantages for businesses that could significantly impact business feasibility going forward. NFU Scotland is supportive of common frameworks and encourages their use to retain some form of commonality across the UK to avoid such issues.

Assurance

- There are concerns that the Bill puts environmental and animal health standards at risk. NFU Scotland therefore seek assurances that high agricultural standards will be maintained and that information is provided as to what safeguards will be introduced so as to provide continuity and certainty for the Scottish agricultural sector.

- We understand that primary legislation is not covered by this Bill however we seek concrete assurance that Agriculture (EU Retained Law and Data) (Scotland) Act 2020, which was introduced to provide the legal basis to rollover CAP schemes), will not be affected by this Bill.
- NFU Scotland is also concerned that, given the short timescales involved, that parliamentary scrutiny and engagement with stakeholders will be diminished. This approach increases the risk of unintended consequences and adverse impacts on businesses and minimises accountability for important policy decisions.
- NFU Scotland therefore is seeking a commitment from both Governments and Parliaments that stakeholder engagement will be a priority to ensure that unintended consequences can be avoided where possible.

Conclusion

- Agriculture is the lynchpin of rural Scotland, directly employing 65,000 people in agricultural production whilst also indirectly supporting Scotland's booming food and drink industry which employs 360,000 people. It is essential that government measures support primary producers so that we can maintain a competitive and resilient food supply chain.
- NFU Scotland therefore encourages this Committee and the Scottish Parliament to ensure that an extension to the 31 December 2023 sunset date is granted and that the agri-food sector is given the required detail and assurances to confirm that our farming and crofting sector will not be detrimentally impacted by this legislation.