

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Seventh Delegated Legislation Committee

DRAFT ORGANIC PRODUCTS (PRODUCTION AND  
CONTROL) (AMENDMENT) (EU EXIT)  
REGULATIONS 2020

DRAFT GENETICALLY MODIFIED ORGANISMS  
(AMENDMENT) (EU EXIT) REGULATIONS 2020

*Wednesday 11 November 2020*

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**The Committee consisted of the following Members:**

*Chair:* PETER DOWD

Begum, Apsana ( <i>Poplar and Limehouse</i> ) (Lab)	† O'Brien, Neil ( <i>Harborough</i> ) (Con)
† Bradley, Ben ( <i>Mansfield</i> ) (Con)	† Prentis, Victoria ( <i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i> )
† Britcliffe, Sara ( <i>Hyndburn</i> ) (Con)	† Smith, Jeff ( <i>Manchester, Withington</i> ) (Lab)
Cummins, Judith ( <i>Bradford South</i> ) (Lab)	Smith, Nick ( <i>Blaenau Gwent</i> ) (Lab)
Johnson, Dame Diana ( <i>Kingston upon Hull North</i> ) (Lab)	Thompson, Owen ( <i>Midlothian</i> ) (SNP)
† Johnson, Gareth ( <i>Dartford</i> ) (Con)	† Williams, Craig ( <i>Montgomeryshire</i> ) (Con)
† Kruger, Danny ( <i>Devizes</i> ) (Con)	† Zeichner, Daniel ( <i>Cambridge</i> ) (Lab)
† Mak, Alan ( <i>Havant</i> ) (Con)	
† Mann, Scott ( <i>North Cornwall</i> ) (Con)	Elektra Garvie-Adams, <i>Committee Clerk</i>
† Morris, James ( <i>Lord Commissioner of Her Majesty's Treasury</i> )	† <b>attended the Committee</b>

## Seventh Delegated Legislation Committee

Wednesday 11 November 2020

[PETER DOWD *in the Chair*]

### Draft Organic Products (Production and Control) (Amendment) (EU Exit) Regulations 2020

2.30 pm

**The Chair:** Before we begin, I remind the Committee of the social distancing regulations. Spaces available to Members are clearly marked, and unmarked spaces must not be occupied. The usual convention of Government and Opposition sides is waived on this occasion, so Members may sit anywhere. Finally, *Hansard* colleagues would be grateful if Members sent any speaking notes to the usual email address.

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis):** I beg to move,

That the Committee has considered the draft Organic Products (Production and Control) (Amendment) (EU Exit) Regulations 2020.

**The Chair:** With this it will be convenient to discuss the draft Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2020.

**Victoria Prentis:** It is a pleasure to serve under your chairmanship, Mr Dowd.

I stress that the instruments before the Committee will make no changes to policy on either organic products or genetic modified organisms, which I will refer to as GMOs. The amendments are required primarily as a result of the Northern Ireland protocol and to ensure that existing legislation continues to operate as intended. As established in the protocol, European Union legislation will continue to apply to Northern Ireland after the end of this year. The existing EU exit legislation therefore needs very minor technical amendments to reflect the fact that retained EU law, whether on organics or GMOs, will be substantively applicable in Great Britain only. The changes do no more than is necessary to meet our legal obligations under the Northern Ireland protocol and will ensure that our legislation works smoothly.

The instrument on organic products will make minor amendments to our organics legislation, ensuring that it is operable at the end of this year by, for example, changing references from “UK” to “GB”. The instrument will also amend retained EU legislation to allow organic producers to continue to have a derogation to use 5% of non-organic protein feed for organic pork and poultry to the end of 2022. The EU has made the same decision to extend that derogation.

No new policy is introduced by the instrument, and our standards of organic production remain the same. The Government are strongly supportive of organic standards, many of which were developed in the UK.

There is good news on organics: over the course of this year, purchasing of organics has risen by over 9%, probably as a result of people’s buying habits during the pandemic.

Under the protocol, EU law on organics will continue to have effect in Northern Ireland, so the retained EU law need apply only in GB. That means that the Northern Irish organics market will remain the same. We are working really closely with Northern Irish colleagues to prepare for the end of this year, including by setting up a Northern Ireland competent authority on organics. We remain committed to ensuring that trade between GB and NI will continue, and we will recognise the EU as having an equivalent organic regime to the UK until 2022, which should provide certainty on imports for the immediate future. We hope that the EU will reciprocate on that very shortly.

Failure to adopt the instrument would put 6,000 largely small UK organic operators at risk. The instrument relates to devolved matters and the devolved Administrations have consented.

The instrument on genetically modified organisms has the primary purpose of making technical amendments to existing EU exit legislation, which are required as a consequence of the Northern Ireland protocol. Again, there will be no changes to policy. Detailed EU legislation provides a robust framework for the approval of GMOs, in order to protect both the environment and human health. Our existing exit legislation is intended to maintain that regime at the end of the transition period.

The original statutory instrument was drafted on the basis that the arrangements would be needed throughout the UK. Now, of course, we do not need to apply them to Northern Ireland. The amendments we have made are to change references to the UK or institutions in the UK to references to GB or institutions in GB. We must also revoke amendments to Northern Irish legislation, which are no longer required because of the protocol.

In addition to the provisions already described, the instrument makes a further amendment to retained direct EU legislation relating to the traceability and labelling of GMOs. That additional amendment revokes the legislation-making power currently conferred on the Commission, as that will have no practical effect after the end of the transition period.

Failure to adopt the instrument would mean that the retained EU law would, by continuing to refer to the UK, not work smoothly in the GB space. It is also potentially confusing for Northern Ireland, as it would suggest that retained EU law applies there, when it will not.

GMO policy is devolved and will remain so. The devolved Administrations have been closely involved in the production of the instrument and gave consent. I commend the regulations to the Committee.

2.36 pm

**Daniel Zeichner (Cambridge) (Lab):** It is a pleasure to see you in the Chair, Mr Dowd, and it is a pleasure to continue the conversation with the Minister. I note a sense of humour has been introduced to this place. Whoever thought we would link organic products with genetically modified organisms? If I brought those two groups together in my constituency, it would be a fiery exchange.

One of the benefits of the current process is that the discussions we have in this place are often mirrored in discussions elsewhere. This instrument was discussed at some length yesterday in the other place—longer than it will be here today, I suspect. The organic products SI also refers, of course, to a similarly named SI that was discussed back in March last year, in that extraordinary pre-no deal panic period. Many of the arguments are therefore very well rehearsed.

Looking back at that debate, it was quite fascinating. Some of the characters involved as Back Benchers now occupy very senior positions in the Department, including the Secretary of State and the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Taunton Deane (Rebecca Pow), who I think managed to name check almost every organic producer in her constituency in her excellent speech on that occasion.

We can all be proud of the organic sector, with its 6,000 producers, at least. It is very important to customers and producers, and its potential was discussed at some length in debates on the Agriculture Bill. The European Union has recently made a major commitment to organics up to 2030, which could have significant consequences for our own producers.

While the SI is limited in policy terms, the threats—or challenges, depending on how we want to see it—are grave and should not be underestimated. Looking back at earlier debates, the same key themes keep emerging. Today's SI deals with one extra complication, which is the Northern Ireland protocol.

I was very struck by two points in those previous debates. The first was the wise words of my predecessor, Dr David Drew, who drew attention to just how complicated some of the negotiations are, not just with the European Union. He mentioned the long time it had taken to get equivalence agreements with the United States, for instance. I gently suggest that there could be some work here for the Trade and Agriculture Commission to get its teeth into fairly early on, to make sure that we can make good progress on such things.

I was also struck by comments at a recent meeting of the all-party parliamentary group on dairy from Richard Hampton, chief executive of Omsco, which I think is the second largest organic co-op in the country, responsible for two thirds of our organic milk. He was very worried that our £280 million export market into Europe faces some jeopardy at the moment not only because the EU has yet to recognise our organic standard, but because shipments will require export health certificates and higher costs. That is a series of very pressing issues, which I hope the Minister will update us on.

**Scott Mann** (North Cornwall) (Con): As chair of the dairy group, I appreciate the hon. Member's membership. We had a very wide-ranging discussion around Operation Brock and some of the challenges in the dairy sector. Does he agree that expanding some of the very tight restraints within Operation Brock to incorporate organics, dairy and cheese would definitely be a help to much of the sector?

**Daniel Zeichner:** I am grateful for the work that the hon. Gentleman does convening that group, which I have found fascinating on recent occasions when I have been able to join. I very much agree that there are important opportunities as well as challenges at the moment.

One issue that came up in yesterday's debate in the other place, as well as in previous discussions, involves the IT systems that may or may not be in place. I wonder whether the Minister can help us on TRACES—the Trade Control and Expert System—which is used to monitor and track some of the organic produce coming in. In the debate in March last year, the now Secretary of State talked about a new IT system that would be ready in good time for our departure from the European Union. The then Minister, the hon. Member for Macclesfield (David Rutley), clarified that it was the TRACES New Technology import system that was being replaced

“with a manual system for an interim period for organics”.—[*Official Report*, 18 March 2019; Vol. 656, c. 896.]

At the time, an autumn 2020 implementation was hoped for. I ask the Minister for an update on whether that has happened. It seems relevant, because new challenges are introduced by this SI on GB-NI movement. Yesterday, the Minister in the other place was able to say only that we

“continue to discuss access to the EU's Trade Control and Expert System New Technology—TRACES NT—for imports into Northern Ireland”.—[*Official Report, House of Lords*, 10 November 2020; Vol. 807, c. 992.]

That question is certainly worth pursuing.

I echo the question raised by Baroness Hayman of Ullock yesterday on the existing derogation for porcine and poultry feed into 2021 and 2022, which the Minister raised in her opening comments. Yesterday, the question was: what will happen after that period? How will that be resolved? Will it be rolled forward? Will there be a review? Will there be a consultation? I do not think that the answer yesterday was particularly clear.

My main contribution this afternoon will be to draw attention to a very important letter that was sent from a range of organisations in September to the Prime Minister and the Chancellor of the Duchy of Lancaster. The group included the organic control bodies, the National Farmers Union, the Soil Association, the Food and Drink Federation and many more. They raised a series of concerns about the issues touched on by today's SI and more widely.

I will quote only the part that is relevant today. They said:

“We are writing to you as representatives of the UK organics sector with a deep concern about the future of trade in organic products between the UK and the EU...Unless equivalence is secured as part of the UK-EU negotiations, British organic food producers will not be legally allowed to sell their products in the EU or in Northern Ireland, due to its status as part of the EU's regulatory regime.

Global sales of organic products are rapidly approaching £100 billion and the UK is the world's 9th biggest organic market worth £2.6 billion in 2019. Consistently strong growth in global consumer demand represents a significant opportunity for UK producers.”

That is very much as the Minister laid out. They went on to say:

“The EU market alone has seen a doubling of per capita spending on organic food in the last decade with the new EU draft policy Farm to Fork highlighting the growth and opportunities across the organics market. With the right deal in place, there remains very strong growth potential for organic trade between the UK and EU after the transition period ends... UK Organic Control Bodies have applied for recognition under the EU Regulation (EC) 1235/2008. In the event of these applications being successful but without an equivalency agreement in place, then any product

[Daniel Zeichner]

destined for the EU, or potentially destined for the EU, would need to comply with Regulation (EU) 2018/848 and its delegating and implementing acts. It is estimated that around 80 per cent of UK organic operators would need to be certified to both the UK regulation and the EU regulation.

From a certification perspective, the control bodies will face new lengthy processes, having to certify to two regulations (the UK organic regulation and the EU regulation), issue nonconformances relating to each and issue two separate certificates. This will lead to significantly more administration as there will need to be accreditation to both the EU regulation and UK regulation, adding cost and regulatory burden to UK business.

Unless equivalence is secured as part of the negotiations, it would bring significant practical and financial problems... Manufacturers in Northern Ireland are likely to lose access to some essential sources of organic ingredients or products produced in Great Britain in favour of products from EU member states which will be able to be imported without additional administration, or certification requirements.

When exporting not only would British producers have to create new packaging with any reference to 'organic' removed, potentially increasing food and packaging waste, they will also lose their premium status and will quickly become unviable in terms of recouping the cost of production."

I could go on—there is plenty more—but that quotation shows that there is a real issue. I ask the Minister to explain what our organic producers are to do in the face of such chronic uncertainty.

Yesterday, the Minister in the Lords expressed "hope" that the EU will reciprocate our recognition. He confirmed that six UK control bodies have individually applied for recognition by the EU. But here we are, six weeks before the key date, and we have got ourselves into this extraordinary position. He also confirmed that these applications are independent of the Government's negotiations and not covered by any potential deal—what a mess.

I turn briefly to the GMO statutory instrument. We appreciate that during the passage of the Agriculture Bill, there was a debate in the other place about technological developments in gene editing. We very much welcome the Government's assurances that no change will be suggested without a full and proper review. These are complicated issues that merit wide and full public discussion and debate. However, for the purposes of this SI, the issue is only about ensuring that the legislation works within Great Britain; each Administration will continue to make their own decisions.

I again echo a question posed by Baroness Hayman yesterday:

"if the UK were to grant a GMO authorisation to a product that did not enjoy similar accreditation at the EU level,"

what would be the impact on movement within the UK—that is, between GB and NI?—[*Official Report, House of Lords*, 10 November 2020; Vol. 807, c. 990.] She also asked whether the UK will maintain equivalence to the EU on GMOs, particularly in the context of the UK-US negotiations, and what potential impact that would have on our ability to export agricultural products to the EU.

I appreciate that these are major questions, and I wish the Minister well in attempting to answer them, but I do think they show the very difficult situation we are now in.

2.47 pm

**Victoria Prentis:** I will attempt to answer some of the hon. Gentleman's questions, but I must say that he has gone far wider than the scope of the SIs. As committed as we are to both the organic sector and to technological advances in agriculture, I do not think this is the proper forum for answering very broad, sectoral questions about our direction on either. Having said that, as he asked the questions, I will briefly touch on some of them.

We are working with stakeholders across the devolved Administrations to scope out the user needs for an electronic replacement for TRACES NT. From 1 January, while we develop the new import system, we will be using a manual system that mirrors the one recently replaced by the electronic TRACES NT system. We are continuing to communicate and issue guidance on the manual system to organic operators in the UK, and to those in third countries.

On the labelling issue, which is a wide question, I can tell the hon. Gentleman that the vote on the control bodies recognition is likely to take place at the meeting at the end of November. We wish them well with that, but we also hope that trade between the EU and UK will continue in the long term. That is why, as I said earlier, we have decided to recognise the EU's organic standards as equivalent until the end of 2021, while we make the long-term agreements with the EU, in order to allow producers in Great Britain the continued supply of organic products and ingredients that they currently enjoy.

The derogation about feed continues to the end of 2022, so we will let the hon. Gentleman know in due course what plans we have for the end of that period. I will not tie myself to anything at this point—we have many more pressing matters to decide on before then.

We intend to consult on GMOs, and we should start that consultation towards the end of this year. I anticipate that it will take 12 weeks and that it will be a very full review, and I look forward to engaging with the evidence that emerges.

If we make substantive changes to our policy on gene editing—there is some appetite in Government for doing that, as the Prime Minister himself has said—that would require legislative change. There would be a great deal of time to go over the matters raised by the hon. Gentleman in the course of passing that legislation.

I hope members of the Committee fully understand the need for the two sets of regulations, and the need to maintain operability and consistency of our legislation at the end of the transition period. The regulations help make the retained EU organic and GMO regimes operable, and ensure that the strict regulations that are currently in place will be maintained at the end of the transition period.

I therefore commend the two instruments to the Committee.

*Question put and agreed to.*

**DRAFT GENETICALLY MODIFIED ORGANISMS (AMENDMENT) (EU EXIT) REGULATIONS 2020**

*Resolved,*

That the Committee has considered the draft Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2020.—  
(*Victoria Prentis.*)

2.52 pm

*Committee rose.*



