

## UK MINISTERS ACTING IN DEVOLVED AREAS

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

*Laid in the UK Parliament: 13 October 2020*

#### Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Draft affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	NA
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	NA
Date sifting period ends in UK Parliament	NA
Written statement under SO 30C:	Paper 91
SICM under SO 30A (because amends primary legislation)	Not required

#### Scrutiny procedure

Outcome of sifting	NA
Procedure	Draft affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	27/10/20

#### Background

These Regulations are proposed to be made by the UK Government pursuant to sections 8(1) and 8C of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

#### Summary

These Regulations ensure that organic rules are updated in preparation for 31 December 2020, which is the end of the EU Exit Transition Period, by amending deficiencies within retained EU legislation. The Regulations also make necessary amendments to ensure that the Regulations adequately reflect the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement (“the Protocol”).

The Regulations will amend retained EU law relating to organic production and existing domestic secondary legislation which itself amends retained EU Organics legislation. The amendments will ensure alignment with the Protocol and make further operability amendments.

The existing domestic secondary legislation which itself amends retained EU legislation was drafted for the UK on the basis that the UK would leave with EU without an agreement. As the UK withdrew from the EU on 31 January 2020, with an agreement in

place, the legislation needs to be updated to reflect this and the provisions of the European Union (Withdrawal) Act 2018, in particular, the Protocol.

**Statement by Welsh Government**

The Welsh Government's statement dated 16 October 2020 does not identify which legislative powers of the Senedd or executive powers of the Welsh Ministers are affected by this instrument. Legal advisers recommend that clarification is sought on which devolved powers are affected.

**Intergovernmental Agreement on the European Union (Withdrawal) Bill**

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.