27th July 2015

Dear Rob,

I am writing to update you on the forthcoming amendment of The Organic Products Regulations 2009 (as amended) that was required following a Food and Veterinary Office (FVO) Audit held in May 2013. This audit evaluated the control systems for the production and labelling of organic production in place across the UK. The audit looked, in particular, at the implementation of the EU Regulations\(^1\) at all stages of production, preparation, distribution labelling and advertising.

The outcome of the FVO Audit highlighted that, although UK legislation provides for the administration and enforcement of the relevant EU Regulations, there were a number of shortcomings in some areas. These shortcomings related to the control systems in place and some of the legal powers granted to Control Bodies. Consequently, the FVO recommended changes to a number of powers delegated to Control Bodies to bring the UK fully in-line with the EU Regulations.

Since the Department for Environment, Food and Rural Affairs (DEFRA) is the Competent Authority for the Member State, and as such approves and checks compliance of Control Bodies, and given the nature of the changes required, I have indicated that I am content for Defra to take forward the necessary changes to the legislation under section 57(1) of the

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Scotland Act 1988. Section 57(1) enables UK Ministers to use their powers to implement EU obligations (under section 2(2) of the European Communities Act 1972) in respect of Scotland. This change in the regulatory regime is expected to commence on the 1st October 2015. Just to make you aware, from a stakeholders perspective they will see minimal – if any - changes in the legislative framework within which they operate.

My officials will continue to liaise with stakeholders in Scotland and officials in the relevant UK Government Department as these plans are progressed.

I hope you find this update useful.

RICHARD LOCHHEAD