Dear Cabinet Secretary and Minister,

The Health and Safety (Amendment) (EU Exit) Regulations 2018/ The Genetically Modified Organisms and Control of Major Accident Hazards

Thank you for your letter, dated 1 November 2018, attaching the consent notification for the above SI.

The Committee would appreciate some further information in relation to the following points. It would be helpful if a response could be provided before close of play on Tuesday 13 November in order for us to consider the consent notification at our meeting on Tuesday 20 November.

With regard to the proposed amendments to the Control of Major Accident Hazards Regulations 2015—

1. The proposed regulations retain the competent authority obligation to provide other countries with information about major accident hazards with possible trans-boundary consequences. The notification states that the UK will remain under international obligations to share certain information. What obligations will there be on remaining EU Member States under a “no deal” scenario to share information with the UK regarding major accidents with potential transboundary effects, and how will this differ from current requirements?

2. The proposed regulations replace a requirement to share information with the European Commission, with a power to share information with ‘international organisations’. Can the Scottish Government provide any further information regarding which organisations it anticipates information would be shared with under these Regulations. Is it anticipated that the European Commission would be one of those organisations?
With regard to proposed amendments to the Genetically Modified Organisms (Contained Use) Regulations 2014—

3. The notification states that the UK will still retain an international obligation to notify affected States as signatory to the Cartagena Protocol on Biosafety. How closely does the Cartagena Protocol reflect these existing EU law obligations? Will the quality of information shared, or speed of information supply, both to and from the UK, if we return to the “default” position of relying on the Cartagena Protocol?

With regard to both of the above Regulations—

4. The proposed Regulations are concerned with the sharing and flow of information of potential transboundary significance between countries and organisations. Are there any non-legislative, supportive functions provided at EU level e.g. provision of registries that currently support Member States in meeting their obligations under the existing Regulations that the UK will no longer have access to in the case of “no deal”? If so, how will those functions be replicated or developed?

Please contact the clerk to the Committee if your officials have any questions.

Yours sincerely,

Gillian Martin MSP
Convener
Environment, Climate Change and Land Reform Committee