Dear Minister,

Thank you for your letter of 8 February providing the Committee with notification of the following statutory instrument:

- The Food (Amendment) (EU Exit) Regulations 2019

To inform the Committee’s consideration of this notification it would be helpful to have a response to the questions set out in Annex A.

Given the short timescales we are working to we request the response to our questions by Tuesday 26 February.

Yours sincerely

Lewis Macdonald
Convener, Health and Sport Committee
1. Given that the notification states “For the most part, the key consumer protection elements of this Regulation remain intact”, can the Scottish Government outline which elements do not remain intact?

2. How are the Scottish and UK Governments responding to stakeholder concerns that they will need a transition period for organisations to understand what the post-EU landscape looks like, and to be able to modify existing labels, and use up existing stock?

3. It is not possible to provide a view on whether the Scottish Government’s categorisation of this notification is appropriate without knowing whether in fact the SI will transfer powers to legislate. The notification and covering letter are inconsistent in relation to whether the proposed SI will transfer powers. The covering letter (third-last paragraph) says:

“this SI [makes] the necessary modifications to… transfer powers to allow future amendment to parts of the EU law where such modifications are currently permitted.”

However, the notification itself (under “Impact on devolved areas”) says:

“This SI does not provide for any transfer of powers or functions.”

Which is it? If powers are transferring, please identify which powers.

4. If the SI “does not provide for any transfer of powers or functions” how will such labelling requirements be enforced?