Dear Lewis

Impact of Brexit on Food Standards and Labelling

Thank you for your letter of 13th March 2019, wherein the Committee asked for an update on what consideration and steps are being taken to ensure that post Brexit the protection of food standards, labelling and products which have a Geographical Indication in Scotland will be ensured.

The retained EU law in this area covers important public health provisions such as safety, durability and date marking of foods, requirements for consumer information on food allergens and the provision of nutritional information for consumers.

With respect to the elements of food standards and labelling concerning food information to consumers within my portfolio remit, as outlined in previous correspondence, the current EU standards will be retained at the point of Brexit, by virtue of the fixes being made to the retained EU law. The necessary fixes are being made to the relevant domestic enforcement provisions in Scotland to provide for their continued effectiveness and ensure that this body of law can therefore continue to be effectively enforced post Brexit.

Scottish Ministers are committed to maintaining those high standards that we currently enjoy as a member of the EU. Powers are being transferred to the Scottish Ministers to provide an ability for them to amend the retained EU law in these policy areas. Where these powers have been transferred, they will provide a mechanism to ensure modifications can be made to maintain these current high standards, as new evidence becomes available.
You have specifically used the term Geographical Indication in your letter, so I thought it would be useful to clarify that the labelling elements covered by the instruments which you have received from me only relate to those parts of existing Community law which are considered to be related to essential information to consumers. There is a significant body of EU law concerned with marketing standards, including Geographical Indications which falls within portfolio of the Cabinet Secretary for the Rural Economy.

I am advised that, while Geographical Indications in the main fall under reserved competence, there are devolved issues relating to some of the Wines and Spirits regulations and as such have been considered through a range of Statutory Instruments through the Rural Economy and Connectivity Committee. One such Instrument brings into place a UK Geographical Indication scheme to replace the European Schemes post-Brexit and all existing Scottish holders of such status will be rolled over into the new scheme on exit day, thus guaranteeing protection in the UK. Maintaining Europe wide protection is of key importance for our holders and the Scottish Government has been pushing UK counterparts on this. The UK Government maintain a view that, deal or no-deal, the EU are unlikely to remove existing holders from their GI registers, although they recently updated their guidance for holders to say that they may “need to be prepared to re-apply”. We continue to press the importance of maintaining that protection.

The UK scheme will also incorporate a new UK GI logo to replace the existing EU scheme versions. The logo is yet to be decided upon and will only be mandatory for approved GIs under the new UK scheme. Holders on Brexit day will be allowed to continue using the EU logo, and there will be a three-year adoption period to transition for holders only marketing produce in the UK, this has been welcomed by stakeholders during UK wide consultation.

I hope this response is helpful.

Best wishes,

[Signature]

JOE FITZPATRICK