



F/T: 0300 244 4000
E: scottish.ministers@gov.scot

Edward Mountain MSP
Convener
Rural Economy and Connectivity Committee
Scottish Parliament
Edinburgh
EH99 1SP

23 December 2020

Dear Edward,

EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT
The Food and Drink (Amendment) (EU Exit) Regulations 2019 (“the FD11 Regulations”)

The Scottish Parliament recommended on 26 June 2019 that the FD11 Regulations should include Scottish devolved matters. The FD11 Regulations were due to be laid in the UK Parliament on 21 October 2019, however due to the movement of EU Exit date from 31 October 2019 to 31 January 2020 this SI was rescheduled. Much of the wine content that was originally to be included in the FD11 Regulations was incorporated into The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020, as set out in the notification provided on these regulations on 10 September 2020, which the RECC Committee provided consent for on 6 October 2020.

The remaining wine provisions and food labelling provisions have now been renamed as the Food and Drink (Amendment) (EU Exit) Regulations 2020 and have been laid in the UK Parliament on 22 December 2020. I can now confirm that this SI varied in some respects from the original proposal but that the variation is not so significant as to need any further process.

Variations in the FD11 Regulations from the original proposals are set out below.

Wine amendments

As referenced above, the majority of the wine content in this SI was incorporated into The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. The only remaining provisions are amendment to Commission Delegated Regulation (EU) 2018/273 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information. The only changes to what

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

was previously notified is that a reference to “the United Kingdom” has been updated to “Great Britain” in accordance with Northern Ireland Protocol.

Food labelling amendments

In respect of the amendments to Regulation (EU) No 1169/2011 on the provision of food information to consumers, the modifications to the Food and Drink (Amendment) (EU Exit) Regulations 2020 are:

- Definitions of country of origin and place of provenance – the amendment means that the current definitions in EU customs legislation will be replaced by a less detailed but broadly similar approach in UK customs and tax legislation. The amendment also adds a reference to the Taxation (Cross-border Trade) Act 2018 which needs to be read with the Customs (Origin of Chargeable Goods) (EU Exit) Regulations 2020.
- Omission of the reference to Commission Implementing Acts on negligible amounts of nutrition information in Article 34(5) – This amendment was made in the Food (Amendment) (EU Exit) Regulations 2020 for which the Scottish Parliament gave its consent on 20 November 2020

I am copying this letter to the Convener of the Health and Sport Committee, and the Convener of the Delegated Powers and Law Reform Committee.

Yours sincerely,



FERGUS EWING

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot