

Constitution, Europe, External Affairs and Culture Committee
Thursday 20 February 2025
6th Meeting, 2025 (Session 6)

The Scottish Government's Policy of EU Alignment

1. On [9 October 2024](#) the Committee issued a call for views on the Scottish Government's commitment to align with EU law, where appropriate – the focus of the questions being—
 - the extent to which the policy commitment is being delivered
 - the delivery of the alignment commitment in specific areas identified in [the EU Law tracker report](#)and
 - the impact of the alignment policy on Scottish businesses, including whether or not it has facilitated improved trade between Scotland and the EU
2. The Committee received [eight responses](#), three of them from organisations we will be hearing from this week—
 - Mark Roberts, Chief Executive, Environmental Standards Scotland
 - David Baddock, Senior Fellow, Common Agricultural Policy and Food, Institute for European Environmental Policy UK
 - Lucy Ozanne, Industry Strategy and Public Affairs Manager, Quality Meat Scotland
3. A SPICe analysis of the response to the call for views is provided at **Annexe A** and the witness responses to the call for views at **Annexe B**.

Clerks to the Committee
February 2025

The logo for SPICe, featuring the letters 'SPICe' in a white, sans-serif font on a dark purple background.The text 'The Information Centre' and 'An t-Ionad Fiosrachaidh' in white, sans-serif font on a dark purple background.

Constitution, Europe, External Affairs and Culture Committee

Scottish Government's Policy to align with EU Law – analysis of the call for views

On 9 October, the Committee launched a call for views on the Scottish Government's policy to align with EU laws. The Committee sought views on the following issues:

- the extent to which the policy commitment is being delivered, including specific examples of alignment and/or divergence from EU law in devolved areas;
- the degree to which the policy is being delivered either by alignment with specific EU legal provisions ('legislative alignment') and/or alignment with the general or overall policy direction of the EU ('policy alignment'). The impact of each approach, for example, on trade in goods.
- the delivery of the alignment commitment in the following areas identified in the EU Law tracker report -
 - a. Regulation (EU) 2016/429, the Animal Health Law;
 - b. Regulation (EU) No 528/2012 concerning the use and sale of biocidal products;
 - c. Regulation (EU) 2017/625 on official controls regarding agri-food goods and EU plant and animal health rules;
 - d. Regulation (EU) 2016/2031 on protective measures against pests of plants.
- the impact of the alignment policy on Scottish businesses, including whether or not it has facilitated improved trade between Scotland and the EU.

The Committee received 8 responses from the following organisations:

- Environmental Standards Scotland
- European Movement in Scotland
- Food and Drink Federation Scotland
- Institute for European Environmental Policy UK

- NFU Scotland
- Quality Meat Scotland
- Scottish Council of Jewish Communities
- Scottish Fishermen's Federation

The EU alignment commitment

Overall, there was a mixed response to the Scottish Government's EU alignment commitment.

The Institute for European Environmental Policy UK (IEEP UK) wrote:

"There is considerable interest in the approach being taken by the Scottish Government in this area which has implications for the whole of the UK as well as Scotland itself. We are not aware of any published assessment of alignment in the environmental sphere, beyond that included in the analysis by Dr Whitten for Scottish Parliament."

The European Movement in Scotland (EMiS) expressed support for the principle of alignment with EU law:

"EMiS contends that maintaining the closest possible compliance with EU laws and regulations is in the best interests of Scotland's economy, the health and welfare of its people, the protection of its ecology and landscape and the sustainability of Scotland as a leading centre for scientific, medical and technological research and development."

However, EMiS also said that whilst it welcomed the Scottish Government's alignment commitment, the "ensuing position has not seen that commitment universally applied". EMiS also wrote:

"EMiS is disappointed that the Scottish Government has not been more proactive in locking-in to the legislative process at Holyrood a stronger commitment to using its own powers and to urging UK ministers to ensure that new UK legislation is in tune with Europe and that as regulation evolves it does not depart in principle or practice from being compliant with EU law. This is a missed opportunity to put our own industries on a level playing field with the EU market, give Europe greater confidence that we are serious about rebuilding ties and give Scotland confidence that standards of human and environmental safety at least match those of the EU."

In contrast the submission from Food and Drink Federation Scotland (FDFS) highlighted the risks of divergence within the UK in the event of EU alignment in Scotland:

"It is still too early to fully assess how the Scottish Government's policy to align with EU Law will work in practice in the long term. But as legislation, risk assessment and other policies progress there are likely to be many areas of complexity, especially if the Scottish Government wishes to mirror EU law whilst other parts of the UK wish to take a different path."

The UK Internal Market Act 2020 and the UK Common Framework on Food and Feed Safety and Hygiene make it even more difficult to understand how this policy will impact food and drink in Scotland.”

The FDFS highlighted reasons why divergence within the UK would not be beneficial including:

- barriers to trade within UK single market will reduce consumer choice and by adding cost to the cost of doing business, will increase costs to the consumer
- It is important that Scotland is not “locked out” of our biggest market – the UK – due to an internal divergence on food standards, or additional costs of regulatory compliance in the producing nation

The NFUS also set out concerns about alignment with the EU leading to divergence within the UK and highlighted the impact of the UK Internal Market Act in such a scenario. NFUS also said it was important the EU alignment commitment does not detract from other issues:

“Given that farmers and crofters deliver high-quality food, climate and nature restoration and thriving rural communities, it is imperative that the Scottish Government’s policy to align with EU law does not supersede other important issues. Avoiding a retraction of the agri-food sector or difficulties in trade for our sector should be key aims of both the Scottish and UK Governments.”

EMiS also highlighted the impact of the UK Internal Market Act, but as “a barrier to rebuilding close economic and regulatory ties with the EU, as it can act as a brake on adopting the rules of a far bigger market”. EMiS suggest the Scottish Government should lobby UK ministers to repeal the UK Internal Market Act.

IEEP UK also highlighted the UK Internal Market Act writing that it is:

“Creating uncertainty and a level of tension which is not helpful to the development of autonomous environmental policy in Scotland, especially where product standards are concerned, since they are particularly affected by the Internal Market Act. This may be eased by the current Westminster Product Regulations and Metrology Bill which would give powers for greater alignment with EU product standards.”

On the question of alignment, both the Scottish Fishermen’s Federation (SFF) and the National Farmers Union Scotland set out instances where alignment was not beneficial and that instead the UK could choose to go further than the EU. The SFF wrote:

“In fisheries legislation, the SFF welcomes the opportunity to diverge from the EU Common Fisheries Policy. EU legislation made under the CFP has been too inflexible to reflect and react to the practical realities of fishing, and in many cases has been made without any practical understanding of the impacts on the legislation on the ground.

The UK Fisheries Act provides scope for the UK government and the devolved administrations to develop new legislation that is more responsive to the practical management of mixed fisheries in UK waters. “

On legislating ahead of the EU, the SFF highlighted examples of the introduction, through legislation, of Remote Electronic Monitoring (REM) for scallop and pelagic fishing vessels which means that Scotland and the UK are moving faster than the EU. The SFF also referred to the UK ban on sandeels:

“ the Scottish Government has banned fishing for sandeel in Scottish waters and UK Government has done likewise in English waters. This means the EU is effectively unable to fish sandeel in UK waters despite having access and quota to do so...

...Clearly stating that this policy and legislation aligns with the EU's overall approach, yet both governments have diverged from the EU to the extent that the EU has raised formal arbitration proceedings against the UK. This is the first case of a dispute between the UK and EU under the Trade and Cooperation Agreement and is currently live.£

The IEEP UK also highlighted where alignment is not necessarily beneficial if the UK and/or Scotland can go further citing the sandeel ban:

“While the intent behind ‘alignment’ in environmental law is positive, we would highlight that the actual position should be more ambitious. Alignment is not a good thing if the EU decides to regress on policy positions, indeed it could be improved upon in many cases. Whilst the EU is more progressive in many aspects of environmental policy, there are some exceptions. One example of this, which is a credit to the Scottish (and UK) Governments is the Sandeel fisheries ban – which both UK and Scottish Governments have introduced but the EU is challenging. Good environmental policy therefore isn't always straightforward alignment, and we would argue for an ‘alignment or better’ approach to encourage a ‘race to the top’.”

The NFUS highlighted the issue of precision breeding (also known as gene editing) where there is a potential difference in policy approach between the England and the EU and Scotland.

“In relation to Precision Breeding (PB), also known as gene editing, both England and the EU are advancing legislation which will enable the production of PB crops, while the Scottish Government remains against it. Divergence from our key trading partners and markets in this area is a major concern for our industry. It will create extra cost and friction for our vital agrifood supply chains given the global nature of these markets. At a time when we continue to experience supply chain disruptions and volatility caused both by weather events and geopolitical instability, we as an industry believe access to PB technology is essential for Scottish Agriculture to adapt to the impacts of climate change.”

Monitoring of EU developments

Both EMiS and FDFS suggested there was a need for monitoring of EU legislative developments. FDFS wrote:

“There needs to be more robust monitoring and careful assessments of EU proposals when it comes to the multiple topics that make up the regulation of food and drink, with very close working with industry on its impacts. Many aspects could benefit from EU aligned policy delivery, largely due to market access to the 27 EU markets, which is important for UK exports, the continuation of joint UK-Irish products and moving goods into Northern Ireland, plus compliance and resource considerations. This however needs to be balanced against the clear lack of UK influence as compliance with EU standards would come with no direct UK or Scottish voice in any decision making procedures, which could limit the UK's ability to innovate and develop regulations tailored to the UK's specific population needs.”

EMiS suggested that the Scottish Government should produce an annual report on its work to align Scottish legislation and regulations with European Union law.

Environmental Standards Scotland (ESS) set out its role in monitoring EU legislative developments:

“ESS monitors developments in international environmental standards and law (including at an EU level) in performing its functions. ESS has scrutinised several environmental issues and responded to various public consultations / calls for views. In these, ESS has identified several examples of developments in European legislation that the Scottish Government needs to consider in the context of its policy to keep pace with European policy and legislation where appropriate.”

ESS highlighted the following policy areas which it is monitoring:

- Ambient Air Quality (Limit Values)
- Urban Waste Water
- Soil Health
- Marine Litter
- Waste Regulation and Development of Circular Economy
- Persistent Organic Pollutants
- Integrated Authorisation Framework
- Antimicrobial Resistance

In these areas, ESS highlighted international developments including at EU level and recommended the Scottish Government take action as appropriate. For example. In relation to Waste Regulation and Development of Circular Economy, ESS wrote:

“ESS has identified that there has been a considerable degree of change in EU law pertaining to waste regulation and the development of the circular economy, including:

- Regulation on Persistent Organic Pollutants 2022/2400 (adopted 23 November 2022).
- Batteries and Waste Batteries Regulation 2023/1542 (adopted 12 July 2023)
- Revised EU Waste Electrical and Electronic Equipment Directive 2024/884 (adopted 13 March 2024)
- Waste Shipment Regulation 2024/1157 (adopted 11 April 2024)
- Critical Raw Minerals Regulation 2024/1252 (adopted 11 April 2024)
- Ecodesign for Sustainable Products Regulation 2024/1781 (adopted 13 June 2024)
- Right to Repair Directive 2024/1799 (adopted 13 June 2024)

In addition, several EU proposals are currently under consideration as part of the ordinary legislative procedure:

- Revision of Waste Framework Directive 2023/0234
- Packaging and Packaging Waste Regulation 2022/0396
- Circularity Requirements for Vehicle Design and Management of End-of-Life Vehicles Regulation (2023/0284).

ESS stated that in response to the Scottish Government's consultation on the Circular Economy and Waste Route Map (March 2024), it advised that:

“careful monitoring and (where necessary) implementation of Scottish legislation was required to ensure Scotland maintains alignment and is well-placed to establish a circular economy in Scotland.”

The IEEP UK highlighted the potential for alignment with the EU's Nature Restoration Law (referenced later) and also suggested that Scotland should seek membership of the European Environment Agency:

“It is not clear how Scottish Government have interpreted their desire for alignment with EU environmental policy to sharing environmental data and information, and as such engagement with European environmental bodies, such as the EEA. EU membership is not a requisite of EEA membership, as evidenced by countries such as Switzerland and Turkey being EEA members. It is understood that Scotland could not be a member of the EEA, and that it is for the UK to approach the EEA. However it is surprising, perhaps, that there has not been more public pressure from Scottish representatives (on UK bodies) to seek membership of this body, given it would signify closer cooperation with European nations.”

The need to develop the Trade and Cooperation Agreement

A number of respondents to the call for views highlighted that following Brexit, the UK and the EU continue to have broadly the same sanitary and phytosanitary rules in place and that despite this checks are necessary on UK animal and plant exports to the EU. The NFUS wrote:

“NFU Scotland has always maintained that as the EU and the UK have the same Sanitary Phyto Sanitary (SPS) rules in place, agreements on equivalence and the mutual recognition of each other’s rules should be accepted to ease the flow of these goods. Only when either partner makes a change to those SPS rules should it be necessary to require an export health certificate or customs declaration.”

Quality Meat Scotland (QMS) also proposed that an SPS agreement between the UK and the EU:

“could potentially be used to reduce the administrative burden on exports and to reduce the level of identity and physical checks performed on consignments at the border.”

The NFUS also called for a more balanced arrangement whereby EU goods coming into the UK faced the same checks as UK goods exported to the EU:

“The trade of goods is being impacted by asymmetric trade which is a significant risk, adding costs to our member’s businesses impacting their competitiveness, while putting the biosecurity of our country at risk. Up to 31 January 2024, there were no checks for products coming to GB from the EU. We welcomed the introduction of controls on animal products, plants and plant products imported to GB from the EU, depending on their risk level. Over the course of this year, Sanitary and Phytosanitary (SPS) checks on medium-risk food, animal and plant products from the EU from 30 April.”

QMS highlighted the impact of EU border checks for UK red meat goods as a result of Brexit:

“The introduction of EU border controls on imports of red meat from Great Britain at the beginning of 2021 has had a lasting impact on export activity. All though exports of Scottish red meat volumes have since recovered following an initial drop, the structure of trade has changed. For beef (HS 0201 & 0202), bone-in products have increased in share at the expense of boneless cuts, while for sheepmeat (HS0204), carcasses have increased their dominance of export volumes from 67.5% in 2015-19 to around 87% in 2023.

The last 12 months have seen a record value of international Scottish red meat sales (reaching £137m and surpassing £100m for the first time) However, larger multi-site companies, exports have proved more resilient than for smaller exporters. This reflects the greater ability for larger exporters to consolidate a range of products from multiple sites into single export deliveries and to absorb the additional cost and time required for filling out paperwork. For smaller exporters sending smaller loads which need to be grouped with those of other firms, exports continue to face much greater disruption and cost, and some smaller firms have exported significantly less, or even stopped exports altogether due to the level of cost becoming prohibitive. Hauliers offering a groupage service are virtually non-existent with only one company operating a weekly single- truck groupage service for red meat to Europe from Scotland. This is hindering new entrants to EU export

from Scotland.

Where the border control checks have involved physical inspections, this can result in significant delays to shipments, potentially reducing the value of fresh product on arrival or even reducing the product to waste.”

QMS also highlighted the requirement for and cost of Export Health Certificates.

The need for a more balanced system which ensured a level playing field vis a vis checks on UK and EU goods was also set out by the SFF who wrote:

“Exports from the UK are subject to the full panoply of official controls including physical checks on entry to the EU. The UK has failed to introduce a full suite of reciprocal checks on EU imports to the UK, putting UK exports at a disadvantage. The scale of checks at the EU border can also disadvantage UK exports of perishable products through delays, in addition to additional costs.”

Quality Meat Scotland (QMS) welcomed the Meat Preparations (Import Conditions) (Scotland) Amendment Regulations as:

“an important step to aligning with the controls placed on UK products exported to the EU, as until 31 January, there were no checks for products coming to GB from the EU.”

In contrast to seeking amendments to the operation of the TCA, EMiS written evidence proposed that the Scottish Government should have the power to regulate access to the EU Single Market:

“EMiS notes the Scottish Government does not have the devolved power to legislate on access to the single market, meaning that although goods and produce for export from Scotland to the EU are compliant with EU regulation, direct export is hindered by post Brexit formalities. Empowering the Scottish Government to regulate export directly to the EU single market would represent a significant benefit to Scottish manufacturers and food and drink processors, boosting employment and adding to the UK’s foreign earnings. It would also help put Scottish businesses on a more level playing field with those in Northern Ireland, which continue to enjoy access to the European Single Market. EMiS would support the Scottish Government lobbying UK ministers to devolve the necessary powers to Edinburgh.”

Alignment - affected policy areas

The IEEP UK highlighted environmental policy as an area of potential divergence and added that for Scotland alignment with EU law was challenging due to factors such as the UK Internal Market Act:

“Our perspective on alignment for the UK as a whole is that there has been some divergence on environmental policy, although on rather a limited scale to date but that more is in prospect, particularly as the EU is amending

existing environmental legislation as well as adopting new law which increases the scope for divergence as there is no policy at UK level to keep in step. “Passive” divergence therefore is likely to take place as well as more active divergence, for example, where the UK chooses a distinctive policy of its own e.g. in relation to chemicals or the Carbon Border Adjustment Mechanism (CBAM) - where there are differences from the EU approach.

Without undertaking a specific assessment it is not possible to say exactly how far this position applies to Scotland but superficially it does not look significantly different. One reason for this is that the measures being adopted by the EU include many that could not be adopted by Scotland on its own independently of the UK government because of issues of legal competence, the provisions of the Internal Market Act or issues of economic and administrative feasibility.“

In terms of specific areas of divergence, the IEEP UK highlighted biodiversity policy and developments at EU level:

“The passing of the Nature Restoration Law (NRL) in the EU marks a potential significant divergence with Scottish policy. The law is expressly designed to strengthen delivery of the EU nature directives requirements (Habitats & Birds) - but notably on the marine habitats and species it strengthens and widens the scope...

...It also introduces monitoring and reporting requirements based on harmonised indicators. Member States will have two years to adopt Nature Restoration Plans (NRPs) demonstrating how they will implement the targets.”

The IEEP UK suggested that the Scottish Parliament’s committees should highlight to the Scottish Government the opportunity to highlight the opportunity to align with ambitious elements of the EU’s Nature Restoration Law.

The NFUS highlighted issues for the UK’s vegetable and horticulture sectors in the challenges they face in exporting to the EU. In addition, the NFUS also highlighted the seed potatoes issue:

“A major failure from the perspective of Scottish agriculture is seed potatoes. It is a great disappointment that it was not possible for the UK and the EU to agree equivalence on seed potatoes, resulting in significant prohibitions on seed exports to the EU and, by extension, Northern Ireland NI (until October 2023 when NI exports were authorised). The consequence for growers has been immediate and grave...

...Whilst it has not been possible to agree to Dynamic Alignment on standards for seed production. Scottish systems of production have not changed, there are no proposals to change and there is no wish within the UK potato industry to change it in ways that would compromise plant health. NFU Scotland strongly believes that the requirements above provide the EU with essentially the same controls as it has now with its Member States to ensure that seed

potatoes that are marketed within the Union meet its standards. To continue blocking the UK's application for equivalency to export is incompatible with the Trade and Corporation Agreement in NFU Scotland's view.

Trade with the EU must be reciprocal. The derogation that allowed EU seed potatoes to come into the UK has, in NFU Scotland's view, been unhelpful in encouraging an agreement on equivalence. This asymmetrical arrangement put UK producers at a disadvantage. There was a Seed Potato Audit by EU Auditors which ran over October and November that reported positive findings and that the UK seed potato regime is broadly equivalent to the EU. The next steps and milestones remain unclear and there is presently no commitment from EU on next steps to move forward with the audit findings, therefore we remain in a watching brief, albeit we are positive about these developments.

On plant protection products, since leaving the EU the country is still following the EU's science and advice in relation to plant protection products (PPPs). We believe that we should consider the use of PPPs in a Scottish context and bolster our own evidence base on the benefits and risks of certain products."

The FDFS highlighted an example of where aligning with the EU has had a negative impact on the Scottish food and drink industry with the new set of EU limits for mycotoxins in oats (specifically for T-2/HT-2 and heavy metals):

"This legislation came in force from 1 July 2024, where the levels set clearly disbenefit UK - and particularly Scottish - producers and dent their export opportunity. In contrast, regulatory divergence enables UK regulators to consider national sectors of economic importance alongside national consumption patterns and advantageous health benefits to consumers, unlike the EU where the consumption of oats per capita is considerably lower and health benefits are not fully considered in precautionary safety assessments.

This shows an area where solely copying EU legislation would not be of benefit to UK producers – as the regulation has been created without consideration of UK production and climate. Instead, UK regulations can potentially be more aligned to international markets and be in the interests of UK consumers and food businesses. In turn, this increases export potential and improves our competitiveness vs EU counterparts."

EMiS welcomed what it said was the Scottish Government's approach to environmental policy with respect to climate change and biodiversity "is broadly in line with the goals set in EU policy and regulation". EMiS also highlighted food standards and some public health policy areas where it wrote that the Scottish Government has tried hard to maintain parity with EU standards and legal requirements adding that:

"These examples clearly show that where there is demonstrably clear public benefit, political will and firm ministerial guidance the creation of EU compliant measures delivers economic and societal benefits of great significance."

QMS highlighted an imbalance between the EU and UK in terms of animal welfare legislation with the UK, unlike the EU, banning live animal exports where export is for the purposes of fattening or slaughter.

The Scottish Council of Jewish Communities (SCoJeC) highlighted alignment with Council Regulation (EC) 1099/2009 of 24 September 2009 on the protection of animals at the time of killing. SCoJeC wrote:

“Jewish Law (Halachah) requires meat consumed by Jewish people to be prepared by shechitah, the humane method of slaughter for food animals which is also prescribed by Jewish Law. This requirement is absolute, and observant Jews may not eat meat prepared by any other method. Although shechitah is not currently carried out in Scotland, it is, nonetheless, extremely important to the Scottish Jewish community that it should remain legal, in order to demonstrate that Scotland values the “Freedom to manifest one’s religion”.

The Scottish Council of Jewish Communities responded to the 2012 Scottish Government consultation on how best to implement Council Regulation (EC) 1099/2009 in Scotland, and we are satisfied with the outcome of that consultation.

We would welcome Scotland’s continued legislative alignment with Council Regulation (EC) 1099/2009.”

SCoJeC highlighted a recent European Court of Justice judgement (or “decision”) on 17 December 2020 which stated that Regulation (EC) 1099/2009 “does not preclude Member States from imposing an obligation to stun animals prior to killing which also applies in the case of slaughter prescribed by religious rites” SCoJeC emphasised its view:

“against policy alignment with the ECJ decision since this would discriminate against Jewish (and Muslim) people in Scotland by preventing them from obtaining meat produced in a manner that complies with their religious requirements.”

Conclusion

The responses to the Committee’s call for views all highlighted the potential for divergence either within the UK or with the EU as a result of both the Scottish Government’s EU alignment commitment and the UK Internal Market Act. Where that divergence was within the UK, this was generally seen by respondents as a negative.

Respondents also highlighted what changes they believed needed to be made to the Trade and Cooperation Agreement. These centred on achieving regulatory consistency between the EU and the UK and if possible an SPS agreement between the two.

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Finally, a number of policy areas where alignment between Scotland and EU law was taking place were highlighted. In addition, some respondents highlighted examples where EU alignment was seen as regressive with UK and/or Scots law going further than the EU equivalent.

Iain McIver
SPICe Research

Environmental Standard Scotland submission to the Call for views

Environmental Standards Scotland (ESS) is a public body set up to ensure the effectiveness of environmental law, and prevent enforcement gaps arising from the UK leaving the European Union

We independently monitor and investigate the effectiveness of environmental law in Scotland, and public authorities' compliance with it.

ESS is independent of Scottish Government, and accountable to the Scottish Parliament.

the extent to which the policy commitment is being delivered, including specific examples of alignment and/or divergence from EU law in devolved areas;

1. Environmental Standards Scotland (ESS) welcomes the opportunity to respond to the Constitution, Europe, External Affairs and Culture Committee's call for views on the Scottish Government's policy to align with European Union (EU) law.
2. ESS is a non-ministerial office (directly accountable to Scottish Parliament) with a remit to monitor and secure improvements to:
 - a. public bodies' compliance with environmental law;
 - b. the effectiveness of environmental law; and
 - c. the implementation and application of environmental law
3. ESS monitors developments in international environmental standards and law (including at an EU level) in performing its functions. ESS has scrutinised several environmental issues and responded to various public consultations / calls for views. In these, ESS has identified several examples of developments in European legislation that the Scottish Government needs to consider in the context of its policy to keep pace with European policy and legislation where appropriate. These are set out below
4. ESS has not considered any of the four instruments specifically identified by the Committee and therefore cannot comment on them

Ambient Air Quality (Limit Values)

5. In 2021, the World Health Organization updated its Air Quality Guidelines for key pollutants to protect human health. The EU responded by amending limit values for key pollutants through a revision of the Ambient Air Quality Directive (formally adopted by the European Parliament on 24 April 2024). ESS found (Particulate Matter in Scotland – An assessment of the evidence, ambition and prospects) that legislative proposals to tighten Scottish limits would need to be brought forward if alignment with the EU is to be maintained. This led to ESS recommending:

“The Scottish Government should, as soon as possible, bring forward proposals for new statutory standards for particulate matter currently set as

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limits under the Air Quality Standards (Scotland) Regulations 2010 (as amended), in recognition of the WHO Air Quality Guidelines updated in 2021.

Specifically, this revision should include:

- introducing a new target for a 24-hour limit value for PM2.5
- raising ambition on the current annual mean limit value for PM2.5
- raising ambition on the 24-hour and annual mean limit value for PM10
- introducing an exposure reduction target to replace the expired UK one”

6. In response to ESS’ recommendations, the Scottish Government have said they will consider the WHO guidelines in the development of a successor to the Clean Air for Scotland 2 strategy

7. In September 2022, ESS published an Improvement Report following an investigation into the Scottish Government’s plans and approach to ensuring future compliance with legal limits on nitrogen dioxide levels. The report referred to the EU revising the air quality standards to align them more closely with the recommendations of the WHO. The report also set out the uncertainty as to whether air quality limit values will be met in the future, especially given the longer-term European Union programme of reducing limit values further and the Scottish Government’s commitment to ‘keeping pace’ with developments emanating from Europe. The Improvement Report concluded that:

“if the Scottish Government decides to keep pace with EU plans to reduce limits for NO2 further, ESS does not consider that the current system will be capable of meeting these revised limits effectively and efficiently and within the shortest time possible”

8. The Scottish Parliament’s Net Zero, Energy and Transport Committee published a report on the Scottish Government’s Air Quality Improvement Plan published in response to ESS’ investigation on 11 May 2023.

Ambient Air Quality (National Air Pollution Programme)

9. The Retained EU Law (Revocation and Reform) Act 2023 revoked Regulations 9 and 10 of the National Emissions Ceiling Regulations 2018. The 2018 Regulations transposed the requirements of the EU National Emissions Ceiling Directive. They required a process of revision (and public consultation) on a National Air Pollution Control Programme, if current or projected modelling suggested the current programme was insufficient to meet international emissions targets. This revocation created an accountability gap in demonstrating how Scotland’s policies will make a proportionate contribution to UK emission targets. Therefore, ESS recommended:

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The Scottish Government should consider how best to fill the gap left by the UK Government's revocation of Regulations 9 and 10 of the National Emissions Ceiling Regulations 2018. Any replacement should ensure appropriate public scrutiny of Scotland's planned policies to address future emissions projection needs. Any replacement must also include a robust mechanism for delivering a proportionate contribution to UK emissions reductions."

10. The Scottish Government has expressed concerns about the UK proposals in a letter to the Convener of the Scottish Parliament's Net Zero, Energy and Transport Committee on 26 June 2024. Urban Waste Water
11. The EU recently adopted a recast Urban Waste Water Treatment Directive (formally adopted by the European Parliament on 10 April 2024 and by the Council on 5 November 2024) which has significantly altered the requirements compared to its predecessor (adopted in 1991). Key changes include requirements to:
 - produce integrated urban waste water management plans for the largest urban areas and some other areas where there is environmental risk, to combat pollution from urban run-off and storm water overflows Å these should be reviewed every six years
 - assess the risks to the environment and human health of waste water discharge, including considering seasonal fluctuations and extreme events, by the end of 2027 Å this should be aligned with RBMP processes
 - monitor pollutants from urban run-off, storm water overflows and the outlets of sewage treatment works
 - take all necessary measures (where technically feasible) to adapt collection and treatment infrastructure to address increased loads of domestic waste water
 - address vulnerability to climate change when designing, constructing and operating plants and collection systems
 - make easily accessible up-to-date information available online
12. ESS found (Storm overflows Å an assessment of spills, their impact on the water environment and the effectiveness of legislation and policy) that the Scottish Government will need to review the legislation relating to waste water management to maintain alignment with this development at a European level.

Soil Health

13. The European Commission tabled a proposal for a directive on soil monitoring and resilience (The Soil Monitoring Law) on 5 July 2023. This has not yet been formally adopted but is at an advanced stage with trilogue negotiations commencing in October 2024.

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14. Additionally, the EU's Nature Restoration Law (formally adopted on 24 June 2024) includes requirements for setting a satisfactory level for soil carbon stocks and targets for restoring peatland soils.

15. ESS found (The risks to Scotland's soils: a scoping report) that the Scottish Government is falling behind international best practice in this area. Therefore, ESS recommended:

"Under its commitment to keep pace with EU law, the Scottish Government should bring forward legislative proposals that reflect the proposed EU Soil Monitoring Law and Nature Restoration Law by introducing a statutory duty to protect and monitor soil, creating mandatory targets for restoration of drained peatland soils and reassessing contaminated land and soil sealing policy"

Marine Litter

16. ESS found (Marine litter – an assessment of sources, controls and progress in Scottish seas) that the UK is failing to achieve statutory targets (set under the Marine Strategy Regulations 2010) to achieve good environmental status for marine litter, with the abundance of beach and floating litter across the UK still far exceeding threshold values set to reduce harm. Marine litter impacts both the environment and marine organisms in a variety of ways

17. ESS' analysis identified that the EU have recently initiated several measures (across a range of policy areas) with the potential to reduce the generation of marine litter. Therefore, ESS recommended:

"The Scottish Government should set out how it proposes to maintain alignment with regulatory developments in the EU that are aimed at reducing microplastics in the marine environment. Relevant developments include:

- recently adopted measures to restrict the intentional inclusion of microplastics (covering all synthetic polymer particles below 5 mm that are organic, insoluble and resist degradation) into products under the REACH Regulations (Regulation 2023/2055)
- the recast Urban Waste Water Treatment Directive (see also above) that will introduce requirements to monitor microplastics in wastewater inlets/outlets and undertake treatment of wastewater to remove microplastics
- a proposal to introduce the first regulatory measures to directly tackle pollution from the unintentional release of plastic pellets across the pellet supply chain
- The recently adopted Regulation 2024/1257 that sets requirements for manufacturers to measure tyre abrasion and for the EU Commission to define abrasion limits for tyres

Waste Regulation and Development of Circular Economy

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18. ESS has identified that there has been a considerable degree of change in EU law pertaining to waste regulation and the development of the circular economy, including:

- Regulation on Persistent Organic Pollutants 2022/2400 (adopted 23 November 2022).
- Batteries and Waste Batteries Regulation 2023/1542 (adopted 12 July 2023)
- Revised EU Waste Electrical and Electronic Equipment Directive 2024/884 (adopted 13 March 2024)
- Waste Shipment Regulation 2024/1157 (adopted 11 April 2024)
- Critical Raw Minerals Regulation 2024/1252 (adopted 11 April 2024)
- Ecodesign for Sustainable Products Regulation 2024/1781 (adopted 13 June 2024)
- Right to Repair Directive 2024/1799 (adopted 13 June 2024)

19.. In addition, several EU proposals are currently under consideration as part of the ordinary legislative procedure:

- Revision of Waste Framework Directive 2023/0234
- Packaging and Packaging Waste Regulation 2022/0396
- Circularity Requirements for Vehicle Design and Management of End-of-Life Vehicles Regulation (2023/0284)

20. In responding to the Net Zero, Energy and Transport Committee's call for views on the Circular Economy (Scotland) Bill (August 2023), ESS highlighted this high degree of change and advised that the measures proposed under the Circular Economy (Scotland) Bill must:

"...complement and integrate with wider legislative developments at both an UK and European level. In light of the degree of change in this area, careful monitoring and (where necessary) implementation of further measures not currently proposed under the Bill will be necessary to ensure Scotland maintains alignment with wider developments and is able to establish a circular economy in Scotland."

21. ESS reiterated this position in responding to the Scottish Government's consultation on the Circular Economy and Waste Route Map (March 2024), ESS advised that:

"careful monitoring and (where necessary) implementation of Scottish legislation was required to ensure Scotland maintains alignment and is well-placed to establish a circular economy in Scotland."

Persistent Organic Pollutants

22. In responding to Net Zero, Energy and Transport Committee's consideration of the Persistent Organic Pollutants (Amendment) Regulations 2024, ESS

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provided comment on the significance of this divergence and the environmental implications, highlighting:

“There is a robust evidence base that these substances are harmful to the environment and human health. The EU approach, where different to the UK approach, takes a more precautionary approach when setting the concentration limits for POPs”

And

“It is unclear whether this evidence basis applies equally in Scotland and therefore whether the UK Government’s rationale for less stringent standards than the EU is appropriate in a Scottish context. The Scottish Government should seek (through partnership with the UK Government or independently) to address the evidence gaps highlighted in the notification letter promptly and consider what approaches to develop capacity and technology might be feasible to ensure that implications for the environment and human health in Scotland are fully understood. It is unclear whether the evidence base produced by Defra to develop the UK policy options and support the consultation is fully applicable to Scotland.”

23. ESS also highlighted the potential benefits of publishing an appropriate and proportionate record of the considerations on the application of the guiding principles on the environment
- guiding principles on the environment. Integrated Authorisation Framework

Integrated Authorisation Framework

24. ESS responded to the Scottish Government’s consultation on proposals to incorporate SEPA’s four main regulatory regimes into a single authorisation framework, by amending the Environmental Authorisations (Scotland) Regulations 2018. The draft amended Regulations integrate many extant regulations, which originate from EU Directives. ESS noted that:

“If Scotland is to keep pace with developments in environmental law and maintain alignment with EU environmental standards (as the Scottish Government has committed to), it is likely that the Environmental Authorisation (Scotland) Regulations will require frequent amendment. For context, from 2013 to 2023 (inclusive), the regulations to be integrated were amended a total of 102 times, representing an average of nine amendments per year. This high degree of change is compounded by the current pace of development at an EU level, with revisions to many of the core directives underway (including the Waste Framework Directive, Water Framework Directive and Industrial Emissions Directive)ÜIt is therefore key that consideration is given to the adaptiveness of the framework and how potential barriers to future adaptation can be minimised. This will ensure that the IAF

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remains fit for purpose into the future and delivers robust environmental protection

Antimicrobial Resistance

25. ESS commissioned a literature review on antimicrobial resistance to develop a better understanding of the causes, impacts and controls of it in relation to the environment in Scotland. The review identified:

“On 1 June 2023, the European Parliament adopted a resolution on EU action to combat antimicrobial resistance. Since the UK is no longer a member state of the EU, one area of key attention is the direction of future UK policy regarding the control of antimicrobial use in agriculture. Previous examples of EU-led regulation include the 2006 ban on the use of antibiotics as growth promoters in animal feeds. More recently, in January 2022, the EU banned the import of meat, dairy, fish and eggs that have been produced using antibiotics to stimulate rapid growth in the animals.”

ESS will continue to monitor ongoing and future developments in EU environmental policy and law. I hope this information is useful in the Committee’s considerations.

Institute for European Environmental Policy UK (IEEP UK) submission to the Call for views

The Institute for European Environmental Policy UK (IEEP UK) is a sustainability think tank, with over 40 years of experience. As part of the broader IEEP family, we are committed to advancing evidence-based research, analysis and policy insights in the UK and its interaction with policy in the EU and globally.

Since it was founded, IEEP has been a trusted advisor to key decision makers in government and the environmental sector, as much as it has developed new concepts that have made their way into mainstream environmental thinking, underpinning many aspects of this policy area today

IEEP has a rich history in developing concepts that have underpinned aspects of environmental policy, including producing a report on the precautionary principle (1987) which led to its acceptance by the UK's Department of the Environment and subsequent adoption into EU treaties, through to formulating how the concept of public money for public goods could be used as a new rationale for agricultural support (2010), now the cornerstone of agricultural policy in England. We played a major role in the design of specific mechanisms within climate and environmental policy including Environmental Impact Assessments (1980s) and the Emissions Trading Scheme (2001). We have also championed specific regulation and the formation of regulatory bodies to enforce this policy, including the National Rivers Authority (later merged into the Environment Agency) (1989). More recently supporting the creation of Greener UK, we have been working with them to address the environmental governance gap post-Brexit, resulting in the Environment Act and creation of the Office for Environmental Protection in England, as well as influencing the Retained EU Law Bill.

1 the extent to which the policy commitment is being delivered, including specific examples of alignment and/or divergence from EU law in devolved areas;

There is considerable interest in the approach being taken by the Scottish Government in this area which has implications for the whole of the UK as well as Scotland itself. We are not aware of any published assessment of alignment in the environmental sphere, beyond that included in the analysis by Dr Whitten for Scottish Parliament. There is anticipation of work by Environmental Standards Scotland on this topic. We are not in a position to provide a comprehensive review of the extent of alignment between Scotland and the EU across all aspects of environmental policy (although we plan to do some work in this area as part of a report on 4 nation intra-UK divergence and divergence with the EU in Spring 2025).

Our perspective on alignment for the UK as a whole is that there has been some divergence on environmental policy, although on rather a limited scale to date but that more is in prospect, particularly as the EU is amending existing environmental legislation as well as adopting new law which increases the scope for divergence as

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there is no policy at UK level to keep in step. “Passive” divergence therefore is likely to take place as well as more active divergence, for example, where the UK chooses a distinctive policy of its own e.g. in relation to chemicals or the Carbon Border Adjustment Mechanism (CBAM) - where there are differences from the EU approach.

Without undertaking a specific assessment it is not possible to say exactly how far this position applies to Scotland but superficially it does not look significantly different. One reason for this is that the measures being adopted by the EU include many that could not be adopted by Scotland on its own independently of the UK government because of issues of legal competence, the provisions of the Internal Market Act or issues of economic and administrative feasibility. Nonetheless, environmental policy and law are very largely devolved to Scotland so there are areas where action by the Scottish Government could be taken independently of the UK as a whole.

We focus on two key issues below: biodiversity policy and potential limitations of alignment for Scotland separately from the UK as a whole.

Biodiversity and Nature policy

The passing of the Nature Restoration Law (NRL) in the EU marks a potential significant divergence with Scottish policy. The law is expressly designed to strengthen delivery of the EU nature directives requirements (Habitats & Birds) - but notably on the marine habitats and species it strengthens and widens the scope. It includes legally binding targets to restore at least 20% of the EU's land and sea areas by 2030 and all ecosystems in need of restoration by 2050. Also, Ecosystem-specific targets for terrestrial and marine ecosystems, as well as agricultural, forest and urban ecosystems and pollinators are an important element. The NRL also has a lot more in its scope:

- other articles on river barrier removal (Water Framework Directive ecological continuity),
- pollinator monitoring and restoration of pollinator populations,
- more urban green space and urban trees,
- peatland rewetting,
- mandatory biodiversity indicators for forestry and agriculture, and -requirements for policy coherence notably with climate mitigation & adaptation policies.
- Also, mobilisation of both public and private funding/financing (notably an area where the UK is more innovative than most EU member states).

It also introduces monitoring and reporting requirements based on harmonised indicators. Member States will have two years to adopt Nature Restoration Plans (NRPs) demonstrating how they will implement the targets

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Whilst we understand that Scottish Government is committed to legislate for nature recovery targets in next year's Natural Environment Bill, and we note it recently has published a Biodiversity Strategy, we think it would be helpful for the CEEAC Committee to highlight the opportunity to align with ambitious elements in the Nature Restoration Law

The potential limitations of alignment

While the intent behind "alignment" in environmental law is positive, we would highlight that the actual position should be more ambitious. Alignment is not a good thing if the EU decides to regress on policy positions, indeed it could be improved upon in many cases. Whilst the EU is more progressive in many aspects of environmental policy (as evidenced in IEEP UK's 2024 report: [Report] Divergence in UK/EU environmental policy: the state of play - <https://ieep.uk/publications/divergence-in-uk-eu-environmental-policy-the-state-of-play-february-2024/>), there are some exceptions. One example of this, which is a credit to the Scottish (and UK) Governments is the Sandeel fisheries ban - which both UK and Scottish Governments have introduced but the EU is challenging. Good environmental policy therefore isn't always straightforward alignment, and we would argue for an "alignment or better" approach to encourage a race to the top'.

We would also like to draw attention to our 2023 report* looking into the implications of a hypothetical referendum result for Scottish Independence (and a scenario to rejoin the EU). This is noteworthy as, regardless of future scenarios, it flags some of the issues surrounding the current state of divergence of Scotland from the EU on environment policy, particularly Box 4 which looks at the potential benefits and disbenefits of alignment between Scotland and the EU, (and divergence with the UK) *Scottish Independence: An assessment of a range of environmental consequences that might be anticipated to flow from a hypothetical referendum - <https://ieep.uk/publications/scottish-independence-an-assessment-of-a-range-of-environmental-consequences-that-might-be-anticipated-to-flow-from-a-hypothet>

2 the degree to which the policy is being delivered either by alignment with specific EU legal provisions ('legislative alignment') and/or alignment with the general or overall policy direction of the EU ('policy alignment'). The impact of each approach, for example, on trade in goods.

Membership of the European Environment Agency (EEA)

It is not clear how Scottish Government have interpreted their desire for alignment with EU environmental policy to sharing environmental data and information, and as such engagement with European environmental bodies, such as the EEA. EU membership is not a requisite of EEA membership, as evidenced by countries such as Switzerland and Turkey being EEA members. It is understood that Scotland could not be a member of the EEA, and that it is for the UK to approach the EEA. However it is surprising, perhaps, that there has not been more public pressure from Scottish representatives (on UK bodies) to seek membership of this body, given it would signify closer cooperation with European nations. The case for closer cooperation

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with, or membership of, the EEA is outlined in IEEP UKÄs May 2024 paper: [Briefing] The case for closer cooperation with European partners on environmental data and information; the UK, European Environment Agency & Eionet -

<https://ieep.uk/publications/briefing-the-case-for-closer-cooperation-with-european-partners-on-environmental-data-and-information-the-uk-european-environment-agency-eionet-2/>

Impact of the Internal Market Act (IMA) on alignment Accepting that reasonable constraints are needed to protect the internal market within the UK, particularly where legislation affects traded products, and that some tensions are likely when different political parties are in power in the relevant nations, the way that the IMA is being approached in Westminster has not been sympathetic to differential advances in environmental policy within the UK. There does not seem to be much willingness at the Westminster end to accept some economic trade-offs in the process.

At the moment, this is creating uncertainty and a level of tension which is not helpful to the development of autonomous environmental policy in Scotland, especially where product standards are concerned, since they are particularly affected by the Internal Market Act. This may be eased by the current Westminster Product Regulations and Metrology Bill which would give powers for greater alignment with EU product standards.

Even where Scottish environmental initiatives do not have immediately obvious implications for trade within the UK, there are concerns within the Scottish government that they could be subject to constraints or serious limitations because of the terms of the IMA, particularly evidenced by the way that the previous Westminster government oversaw it. This in turn will inhibit a 'race to the top' between the four countries in environmental terms and Scotland's ability to keep in step with EU environmental law, some of which will have internal market consequences.

3. the delivery of the alignment commitment in the following areas identified in the EU Law tracker report - a) Regulation (EU) 2016/429, the Animal Health Law; b) Regulation (EU) No 528/2012 concerning the use and sale of biocidal products; c) Regulation (EU) 2017/625 on official controls regarding agri-food goods and EU plant and animal health rules; d) Regulation (EU) 2016/2031 on protective measures against pests of plants

In light of the UK Government's desire to seek a veterinary agreement with the EU, which would include many aspects of the policy listed above, we are pleased that the Scottish Parliament is giving due focus on this, and whether the desire from Westminster for such an agreement would lead to greater alignment in these policy areas. This is the subject of a recent in depth report by the Centre for Inclusive Trade Policy report (December 2024) which may be of value to the Committee's inquiry:

<https://citp.ac.uk/publications/an-eu-uk-sps-agreement-the-perils-and-possibilities-of-realignment>

Quality Meat Scotland submission to the Call for views

Quality Meat Scotland (QMS) is the public body responsible for helping the Scottish red meat sector improve its efficiency, sustainability, integrity and profitability and maximise its contribution to Scotland's economy.

QMS markets the brands Scotch Beef UK GI, Scotch Lamb UK GI and Specially Selected Port. Our internationally recognised and approved assurance schemes cover over 90% of livestock farmed for red meat in Scotland, and provide whole of life, whole of supply chain assurance.

1 the extent to which the policy commitment is being delivered, including specific examples of alignment and/or divergence from EU law in devolved areas;

The Agriculture and Rural Communities (Scotland) Act sets out to ensure that the new scheme to replace the EU CAP will stay “broadly aligned with EU CAP objectives”. The accompanying policy memorandum further states that the Rural Support Plan will also set out how agricultural support contributes to other statutory duties such as and EU alignment.

As the Rural Support Plan has not yet been finalised, it is not possible to comment further as to whether it meets its objective to align with the EU.

The Meat Preparations (Import Conditions) (Scotland) Amendment Regulations made provision for the import of meat preparations that have not been deep frozen from EEA states and the Rest of the World to commence from 30 April 2024. This was an important step to aligning with the controls placed on UK products exported to the EU, as until 31 January, there were no checks for products coming to GB from the EU

2 the degree to which the policy is being delivered either by alignment with specific EU legal provisions (“legislative alignment”) and/or alignment with the general or overall policy direction of the EU (“policy alignment”). The impact of each approach, for example, on trade in goods.

The introduction of EU border controls on imports of red meat from Great Britain at the beginning of 2021 has had a lasting impact on export activity. All though exports of Scottish red meat volumes have since recovered following an initial drop, the structure of trade has changed. For beef (HS 0201 & 0202), bone-in products have increased in share at the expense of boneless cuts, while for sheepmeat (HS0204), carcasses have increased their dominance of export volumes from 67.5% in 2015-19 to around 87% in 2023.

The last 12 months have seen a record value of international Scottish red meat sales (reaching £137m and surpassing £100m for the first time) However, larger multi-site companies, exports have proved more resilient than for smaller exporters. This reflects the greater ability for larger exporters to consolidate a range of products from multiple sites into single export deliveries and to absorb the additional cost and time

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required for filling out paperwork. For smaller exporters sending smaller loads which need to be grouped with those of other firms, exports continue to face much greater disruption and cost, and some smaller firms have exported significantly less, or even stopped exports altogether due to the level of cost becoming prohibitive. Hauliers offering a groupage service are virtually non-existent with only one company operating a weekly single-truck groupage service for red meat to Europe from Scotland. This is hindering new entrants to EU export from Scotland.

Where the border control checks have involved physical inspections, this can result in significant delays to shipments, potentially reducing the value of fresh product on arrival or even reducing the product to waste

The cost of trade has gone up significantly. Third party exporters of animal products are now required to have Export Health Certificates (EHCs) in place for each product being exported to the EU and/or Northern Ireland. They must be signed by an Official Veterinarian or a local authority inspector and must travel with the consignment to the export destination. The goods must not be split up during transit. As well as needing an EHC for the country the goods are being exported to, they may also need an EHC for any country that they are travelling through. This is known as a transit EHC.

The introduction of EHCs has incurred a considerable additional cost for exporters. As an indication of the scale of these costs, the GB agri-food industry has, since December 2020, spent more than £200m on completion of this single type of newly-required documentation to export products of animal origin to the EU, taking more than a millennium of certifier years to do so.

The EU Deforestation Regulation (EUDR) continues to be of concern to exporters of beef products (which include hides, leather and offal) due to the lack of clarification currently available around the practicalities of its implementation. The regulation will require geolocation information of individual animals as part of a due diligence process, but the volume of information required is currently unclear as the European Commission has not yet finalised its risk categories, in terms of deforestation, for countries exporting to the EU

It also diverges on several points with the proposed UK Forest Risk Commodity Regulation (UKFRC), which could cause a high administrative burden for UK producers. Timelines for the implementation of the UKFRC have not yet been confirmed.

3 the delivery of the alignment commitment in the following areas identified in the EU Law tracker report - a) Regulation (EU) 2016/429, the Animal Health Law; b) Regulation (EU) No 528/2012 concerning the use and sale of biocidal products; c) Regulation (EU) 2017/625 on official controls regarding agri-food goods and EU plant and animal health rules; d) Regulation (EU) 2016/2031 on protective measures against pests of plants.

There continues to be an asymmetric playing field for trade, in favour of businesses in the EU, which impacts competitiveness for UK businesses due to the higher costs they incur. In terms of animal welfare legislation, there are now areas in which the

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UKÉs SPS regulations extend beyond those of the EU. For example, the UK maintains a live animal export ban where export is for the purposes of fattening or slaughter, as opposed to the EU which does not. In Denmark, it is not prohibited to use sow stalls, which are banned in the UK. Denmark holds the largest market share of UK imported pigmeat, at 25%.

While it is acknowledged that sanitary and phytosanitary (SPS) measures ensure food safety, a veterinary agreement with the EU could potentially be used to reduce the administrative burden on exports and to reduce the level of identity and physical checks performed on consignments at the border. The EU baseline for meat is for at least 15% of consignments to be checked (Commission Implementing Regulation 2019/2129), but the EU veterinary agreement with New Zealand reduced this to 2%, with a further reduction to 1% in 2015 (Commission Implementing Regulation 2015/1084). However, the UK Border Target Operating Model (BTOM) will result in a reduced SPS-related burden on importers from the EU compared to the burden which is still faced by GB exporters to the EU, potentially limiting leverage for the UK side in negotiations on an agreement. We would strongly support a new veterinary agreement with the EU.

Food fraud and illegal imports continues to be of huge concern to UK producers and agri-food businesses, as they directly threaten the nation's biosecurity and food safety.