

Agriculture (Retained EU Law and Data) (Scotland) Bill - Stage 2 amendments



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Scottish Environment LINK considers this Bill to be crucial to providing a smooth transition for farmers and crofters as the UK leaves the European Union as well as responding to the uncertainty caused by the Covid-19 pandemic. At Stage 1 we noted a number of key areas where the Bill could be strengthened to allow farmers and crofters to plan for their future activity and to set out a clear direction for the agricultural sector as it responds to the continued loss of nature and impacts of climate change.

This briefing highlights the amendments at Stage 2 that if passed will provide greater certainty for the sector in the years ahead while delivering for the environment.

1. Set out a clear purpose for agriculture

This Bill as drafted covers the period of 2021-24, a critically important time for Scotland's agriculture sector and a period that will take us almost halfway to meeting ambitious 2030 climate targets. LINK has argued that the opportunity must be seized to signal how regulations and related funding for agriculture will change in the years ahead to deliver broad benefits for society. To do this, a **purposes clause** added to the Bill would show agreement in how future agricultural support would be allocated and set a clear direction for related schemes and measures in the years ahead.

LINK strongly encourages Members to support amendment 24 (John Finnie). We believe this is a significant, desirable, and necessary clause for the Bill in order to provide a clearer purpose and an extensive set of objectives for agricultural support. **Amendment 36 (Colin Smyth) also goes in the right direction** in setting out agreed purposes.

2. Sunset clause

The Bill is intended to grant Scottish Ministers the powers to make changes to CAP regulations during a transitional period. However, as introduced the Bill places no time limit on the exercise of these powers. Though the Scottish Government has provided reassurance that powers would not be used for longer than is necessary, there is a concern that without a time limit placed on these, transitional arrangements could remain in place for much longer than the 2021-24 period originally envisioned. Given the significant changes in agricultural policy and support that must urgently be made in response to climate change and the loss of nature while securing the livelihoods of farmers and crofters, there must be agreement about when transitional arrangements will cease. Furthermore, there must be a commitment to bring forward legislative proposals for a new subsidy system before the end of this transition period so that it is fully operationalised for the time set by a sunset clause.

We encourage members to support amendment 26 (John Finnie) which sets an expiry on powers related to CAP in 2026. Further, this amendment would require Ministers to report annually on progress on their policy objectives for agricultural support, ensuring the development of future agricultural policy can be scrutinised by the Scottish Parliament as it develops.

In addition, we encourage Members to support amendment 31 (Rachael Hamilton) which would back up the requirement to lay a report on the progress of developing new agricultural policy by the end of 2024. **We encourage Members to support amendment 32 (Rachael Hamilton)** which underlines the need to bring forward new legislative proposals by March 2026 at the latest.

3. Commit to maintain or enhance current environmental standards

The Scottish Government has committed to maintain or exceed current environmental standards following the UK's exit from the EU. This is also known as maintaining 'dynamic alignment' with the EU. However, the indefinite pause to the planned Continuity Bill, announced as part of the revisions to the Parliament's legislative timetable in the wake of Covid-19, makes it more important than ever that commitment is reaffirmed before EU exit negotiations conclude.

We strongly urge members to support amendment 39 (Colin Smyth) which would embed this commitment to remain aligned with the EU and ensure Scottish agriculture continues to work to high environmental standards.

4. Support a National Food Plan

LINK supports the Scottish Food Coalition's call for a requirement for a National Food Plan to be included in the Bill. Such a Plan would allow work that would assist the development of a statement of policy on food, as outlined in the consultation on the Good Food Nation Bill, to get underway.

We urge members to support amendments 40 and 41 (Colin Smyth) which would allow for data to be collected for the purposes of a future National Food Plan.

5. Consultation

We encourage members to support amendments that introduce a need to consult stakeholders on decisions to modify legislation related to agricultural payments. This would ensure a range of stakeholders are informed and can contribute to future changes.

This briefing has been prepared by Scottish Environment LINK's Food and Farming Group. The recommendations are supported by:

Nourish Scotland
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For more information contact:

Vhairi Tollan
LINK Advocacy Manager
vhairi@scotlink.org
07512 828004