



## Response – regulating pesticides and manufacturing and marketing fertilisers

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### Regulations

Intimation has been given to the Scottish Government of four SIs which the UK Government proposes to make in relation to the regulation of pesticides and the manufacturing and marketing fertilisers:

- The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019
- The Pesticides (Maximum Residue Levels) etc. (Amendment) (EU Exit) Regulations 2019
- The Pesticides (Miscellaneous Amendments) (EU Exit) Regulations 2019
- The Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2018

The first three of these proposed Regulations concern the operation of the EU plant protection product (PPP) regime, referred to as ‘pesticides’. The final proposed Regulations concern the arrangements around ‘EC fertilisers’ which can currently be freely traded throughout Europe – these Regulations have been laid for sifting at Westminster. The Regulations make corrections to the EU pesticides and fertilisers regimes in order that the regimes can continue to operate effectively in the UK in the event of the UK leaving the EU without a withdrawal agreement. Current arrangements help to protect human health and the environment. We note that SSIs also require to be laid to amend existing Scottish Regulations on these matters.

### Comments

We have not had sight of the first three proposed SIs and are therefore not in a position to make full comment on their terms. We note that from the information provided, the proposed SIs correct retained EU law to ensure that there will be a national regulatory regime for pesticides after the UK’s exit from the EU. In respect of the Regulations concerning fertilisers, we particularly welcome the inclusion of transitional arrangements, for example in relation to labelling of fertiliser products.

It is necessary for provisions to be in place to ensure that EU arrangements can continue to operate in the event of a no deal Brexit. The planned approach which retains the current arrangements where possible appears to be sensible in the circumstances. It is important that there remains continuity and certainty for businesses and other users of pesticide and fertiliser products.

We note the comment in the intimation document relating to pesticides that “maintaining the longstanding UK wide approach is preferable...and beneficial...”. Strong collaboration between the UK Government and devolved administrations as well as engagement with relevant stakeholder groups will be of considerable importance, to ensure that UK-wide systems can operate effectively. We also note that reference is made to establishing new governance arrangements “to underpin the effective operation of UK-wide decision making” and the intimation highlights that at a minimum, this would require a Memorandum of Understanding. We consider that it will be important to ensure that suitable dispute-resolution measures are in place in the event of any difficulties with such an approach arising.