

## Narrative on Regulation from Agri Brexit Coalition event

In January this year, individuals from a wide variety of organisations in the food, agriculture and policy sectors met under the auspices of the Agri Brexit Coalition to consider what constitutes good principles for a post- Brexit regulatory regime. We agreed that we would gather some principles from the many rich and constructive conversations that we had:

### A. Summary

1. The UK is at the fulcrum of some once-in-a-generation decisions regarding regulation. We appreciate that, as we move from one regime to another, the decision making required is far from easy, combining the need to balance continued access to EU markets with the possibility of creating new trade arrangements and the need to avoid “legislative limbo” on Brexit Day One. However, it is possible to envisage future regulation that could be collaborative, relatively simple and innovative.
2. We all agree that there is a genuine opportunity to recommit to a regulatory regime across the UK food and agriculture sector that is underpinned by sound science, robust evidence and a risk rather than hazard based regulatory regime. Increasingly, there is a concern that decisions in this sector that are made at Commission level are being led by politics rather than science. Many international standards have been developed for trade, and these are a good reference point for future UK policy.
3. The food sector is mature, highly externalised and self-regulated, and is in a good position to help policy makers build on what are already high standards to achieve a robust framework that would engender confidence in all elements of the supply chain, including the most important, the consumer, whilst enabling a more productive and competitive environment for UK farmers.

### B. Moving from one regime to another

4. Preparations for the legislative transition of the EU acquis are already underway, but the meeting felt it was still worth pointing out the concern that the sheer quantity of EU legislation that does not transfer automatically to the UK (e.g. through reference to EU public bodies/agencies) means there is a risk of “legislative limbo”, and careful scrutiny will be required to ensure the “wheels do not fall off the bus”.
5. We appreciate that the priority has to be lifting and shifting enough legislation to ensure we do not grind to a regulatory halt. However, there is a danger of embedding current problems within the new legislation, which may sit for many years before the government has an opportunity for review.
6. International trade needs common standards, and the WTO is a reference point for these. International organisations such as Codex, OIE and IPPC are also important reference points for standard setting in the UK. Where EU law is relevant, that



means watching Delegated Acts and Implementing Acts with the additional key details increasingly provided by these pieces of legislation as much as the main Acts themselves.

7. There was concern raised from all sectors about the risk of industry believing that they would be required to stockpile goods before Brexit in the face of an uncertain regime on Brexit Day One. This in itself raises several issues; the availability of supplies and cash flow; the shelf-life of some products (e.g. medical supplies), and the confidence that business has of a smooth transition.
8. UK experts have previously been key figures in the EU regulatory regime. However, their influence is waning daily. For example, national list testing of varieties has been moved from UK establishments, and yet we still have another year of full membership. There is a danger that, even before any transition period, we will become a “rule taker” with little influence, and we urge the UK government to take an active role in decision making in European Union committees and meetings.
9. There is concern in the plant science sector that EU institutions are suggesting that some plant varieties currently recognised by the UK may not be recognised by the EU on Brexit Day One.
10. The group were keen to ensure the retention of a common market within the nations of the UK.
11. All of these issues will require scrutiny at a level of detail that government may struggle with, given the enormity of the Brexit task. The food and farming sector stands ready to help

### **C. A new regulatory regime**

12. It is a given that we would not wish to see any diminution of current environmental standards.
13. The group saw the creation of a new regulatory regime as more opportunity than threat; an opportunity to bring robust scientific analysis back into the decision making process and to take the politics out of analysis. Better regulation, not a dilution on standards would be important in attracting new investment into the UK, and would enable UK Agriculture plc to become more productive and more competitive at this critical time.
14. The current politicisation at EU level of science-based decisions is leading to some unfortunate unintended consequences. Instead of bridging a perceived democratic deficit, the Commission is making it easier for people to lose faith in a system that appears to be an exercise in decision making by Twitter campaign. Secondary standards are increasingly being set by others in the food supply chain themselves –

for example, millers demanding wheat be supplied free of glyphosate residue. For international trade to work at optimal level, the evidence base must trump populism and reference to WTO rules may be key in future UK policy making.

15. The ever more complex and bespoke demands by retailers and others mean food producers in the UK and around the world are struggling to meet these boutique requirements.
16. The regulation of products at EU level has gone through many years of change and adaptation, and in many areas, it is over-complex. A new, UK based regulatory regime could go back to first principles. Do we need all the tests? Is there duplication of testing when one test would be sufficient (and the best use of limited resources)? For example, is there more animal testing than is really needed?
17. The food and farming sector has a good record of meeting policy objectives voluntarily –for example, our work with the Voluntary Initiative or the Campaign for the Farmed Environment. It is a mature industry that takes its responsibilities to the ultimate consumer very seriously.
18. With all this in mind, there is a model where government could set the high level framework of operation, and work with the sector on the detail. Light touch regulation would be earned from the regulator by consistently going beyond the letter of the law (which could include, for example, IPM and IFM stewardship and best practice requirements). Regulatory effort could be concentrated on those who are not making the grade.
19. An example where the UK could change their processes is in the granting of emergency authorisations. Other EU Members States have in the past used emergency procedures to give authorisation for protection products for minor crops. In the recent past, it has been much more difficult in the UK. The model as outlined above would allow flexibility for use of these products whilst ensuring that stringent regulatory sanction is available for those who do not comply.

Overall, there is a tremendous desire from those across the food and farming sector to help government with these complex issues. We have been encouraged by the collaboration that government is engaging in around these first principles, and recognise that the sheer volume of decision making required over the next few years will mean that policy makers may call on those across the food, farming and environmental sectors for detailed advice and support. We are ready to help in any way.

**Sarah Mukherjee - CEO, Crop Protection Association  
on behalf of the Agri-Brexit Coalition, March 2018**