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Food & Rural Affairs

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Sir William Cash MP  
Chairman  
European Scrutiny Committee  
14 Tothill Street  
House of Commons  
London  
SW1H 9NB

15 June 2020

Dear Sir William Cash,

**EM 5227/20: COMMISSION DELEGATED REGULATION (EU) .../... OF 13.1.2020 AMENDING ANNEX II TO REGULATION (EU) 2018/848 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS CERTAIN DETAILED PRODUCTION RULES FOR ORGANIC PRODUCTS**

**5227/20 ADD 1: ANNEX TO THE COMMISSION DELEGATED REGULATION (EU) .../... OF XXX AMENDING ANNEX II TO REGULATION (EU) 2018/848 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS CERTAIN DETAILED PRODUCTION RULES FOR ORGANIC PRODUCTS**

Thank you for your letter of 4 June 2020.

I can confirm that we are proposing a third country equivalence agreement as part of the UK-EU Comprehensive Free Trade Agreement (CFTA); the proposed terms of which will allow for the import of organic products from a third country where equivalence has been established as part of a trade agreement. The EU permits equivalence agreements between the EU and third countries under Article 47 of Regulation (EU) 2018/848.

Equivalence is defined as “the capability of different laws, regulations and requirements, as well as inspection and certification systems, to meet the same objectives”. As Regulation (EU) 2018/848 continues to allow for nation-to-nation equivalence agreements based on reciprocal international agreements; our position remains that Council Regulation (EC) No 834/2007 is considered equivalent to Regulation (EU) 2018/848 and it is on this basis that we are seeking an equivalence agreement with the EU.

The EU-Chile agreement was the first of its kind – a reciprocal organic trade agreement – which is why we have referred to it as a precedent for the UK-EU CFTA.

Whilst the existing equivalence agreements between the EU and other third countries are time-limited until 2025 under Article 48 of Regulation (EU) 2018/848, the UK-EU equivalence agreement would not be subject to this time-limitation – rather the agreement would be



subject to any review dates or time-limitations agreed during the negotiation of the UK-EU FTA text.

As you have noted, the UK ultimately supported the new EU organic regulation. However, as we have left the EU, we now have the opportunity to create rules that better fit our domestic requirements and reflect the best aspects of organic policy as used by our trading partners.

Any future regulatory changes will involve considerable analysis of our trading partners' systems, combined with lengthy and in-depth consultations with the organic sector, industry bodies, organic control bodies and the devolved administrations. Therefore, it would be inappropriate to elaborate on any changes without having conducted this analysis or consulted appropriately. Once we are in a position to propose changes to the sector, we will of course provide a process and timetable for making these changes.

In response to your question about whether separate decisions are needed for Devolved Administrations (DAs), Defra continues to work with the DAs and separate equivalence decisions are not required for each GB nation. We agreed that a single approach would be beneficial for organics and therefore we are setting up a Four Nations Working Group to ensure continued cooperation.

Indeed, a mutually beneficial equivalence agreement would help in the trade of organics products between GB and Northern Ireland. Following the earlier publication of the UK's approach to the EU negotiations; we have now published the Draft UK-EU CFTA Annexes. This document includes our proposed legal text for organics and acknowledges the different regulations applicable in the UK compared to the EU.

We agree that it is an important and urgent piece of work to consider the impacts of continued application of EU organics regulations in Northern Ireland at the end of the transition period. In line with the wider approach to the Protocol and as set out in Government's recent Command Paper; the Government is committed to minimising the impact of the Protocol on the everyday life of communities, working together with the Northern Ireland Executive and businesses, and respecting the integral links across UK on which so many businesses rely on.

Our internal assessments are exploring the best way to deliver this wider objective in the context of NI producers and processors of organics products. Defra is leading this work with the relevant departments, including consulting where relevant with DAERA to ensure readiness ahead of the end of the transition period.

I am copying this letter to the Earl of Kinnoull, Chairman of the European Union Committee. I am also copying this letter to the Clerks of the Commons and Lords Committees, Jessica Mulley and Chris Johnson respectively; Les Saunders, Cabinet Office; and Steve Wigham, Defra Scrutiny Co-ordinator.

Yours sincerely,



**VICTORIA PRENTIS MP**