

5. Russell Findlay: To ask the Scottish Government what recent discussions the rural affairs secretary has had with scientists regarding gene editing of crops. ([S6O-00914](#))

Answer draft:

Scottish Government Ministers and officials speak regularly with scientists on a wide range of issues, including gene editing, and the Scottish Government has access to a wealth of scientific expertise. This includes the advice of the Chief Scientific Advisor for Environment, Natural Resources and Agriculture; the Chief Plant Health Officer; and research and evidence provided by centres of expertise such as the Plant Health Centre.

BACKGROUND NOTE FOR S6O-00914

- Russell Findlay is Deputy Spokesperson for the Scottish Conservatives on Community Safety.
- The Scottish Conservatives have made clear that they are supportive of relaxing the rules around gene editing in Scotland in line with UKG, contrary to current SG policy.

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POTENTIAL SUPPLEMENTARY QUESTIONS

Can the Minister advise whether the Tory UK Government has shared or provided any cumulative impact assessment from the two trade deals which it has negotiated since Brexit which by its own admission, will both see growth fall in UK and Scottish agriculture?

- The UK Government impact assessment for both the UK-Australia and UK-New Zealand FTA concluded that Gross Value Added (GVA) for the agriculture and semi-processed food sector would fall relative to growth without a trade deal.
- To put it bluntly, both trade deals will shrink the size of the UK's agriculture and semi-processed foods sectors. This is a fairly astonishing and disappointing state of affairs – and far from the sunny uplands, farmers and food producers were promised Brexit would provide!
- The Cabinet Secretary for Rural Affairs and Islands wrote to the UK Minister of State for Trade Policy highlighting her concerns and requested that the UK Government provide a cumulative impact assessment of the UK-Australia and UK-New Zealand FTAs.

Why does the Scottish Government ignore the scientific evidence on the benefits and safety of gene editing set out in its own report from the Plant Health Centre?

- The Scottish Government's policy on GMOs has not changed. We remain opposed to the use of GM in farming, to protect the clean, green brand of Scotland's £15 billion food and drink industry.
- We are aware of current debate around novel genomic techniques such as gene editing and how these relate to existing GM legislation, and we note in particular the consideration of this at EU level. The Scottish Government's policy is to stay aligned, where practicable, with the EU, and we are closely monitoring the EU's position on this issue.
- We are grateful to the Plant Health Centre for its report on gene editing and plant health, and will carefully consider this in the context of any changes to EU legislation on GMOs following its consultation and review.

What does the Scottish Government have to say to Scottish research institutes who will be put at a disadvantage now that the UK Government has passed legislation making field trials for gene edited plants easier?

- The Scottish Government greatly values the many contributions Scotland's research institutions make to supporting the agricultural industry, developing solutions to climate change, and protecting biodiversity and the environment. Their world-leading research is a huge asset to Scotland.
- However, Scotland's policy on GMOs has not changed. We remain opposed to the use of GM in farming, to protect the clean, green brand of Scotland's £15 billion food and drink industry
- We are aware of the changes Defra is making to the English regulatory definitions of a genetically modified organism, to exclude organisms produced by gene editing and other genetic technologies if they could have been developed by traditional

breeding. We will continue to engage with Defra, Wales, and Northern Ireland to ensure that devolved competences are respected.

Is Scotland going to follow England in taking the opportunity presented by EU Exit to allow gene edited crops? Why does the Scottish Government continue to ban gene editing in Scotland when this will put our farmers at a disadvantage to their English counterparts?

- Scotland's policy on GMOs has not changed. We remain opposed to the use of GM in farming, to protect the clean, green brand of Scotland's £15 billion food and drink industry.
- We are aware of Defra's plans to review the English regulatory definitions of a genetically modified organism, to exclude organisms produced by gene editing and other genetic technologies if they could have been developed by traditional breeding. We are considering the implications for Scotland and will continue to engage with Defra, Wales, and Northern Ireland to ensure that devolved competences are respected.

Why are you ignoring gene editing when it is a technology that can help us with climate change?

- The Scottish Government is committed to making the food that we eat more sustainable, and to cutting emissions from agriculture. A new Scottish Agriculture Bill will be brought forward in 2023 to provide a replacement for the Common Agricultural Policy (CAP).
- As I have already said, Scotland's policy on GMOs has not changed. We remain opposed to the use of GM in farming, to protect the clean, green brand of Scotland's £15 billion food and drink industry.
- We are aware of current debate around novel genomic techniques and how these relate to existing GM legislation, and we note in particular the consideration of this at EU level. The Scottish Government's policy is to stay aligned, where practicable, with the EU, and we are closely monitoring the EU's position on this issue.

What recent discussions has the Rural Affairs Secretary had with the UK Government/Defra regarding the use of gene editing in agriculture?

- Scottish Ministers received updates on Defra's public consultation on changes to the regulation of genetic technologies in England at the Inter-Ministerial Group for Environment, Food and Rural Affairs, on 28 June 2021 and 13 September 2021.
- Officials from the four UK administrations also meet on a regular basis to share information on topics of mutual interest, including the area of GMO regulation. These conversations have included updates on Defra's public consultation and planned changes to the regulation of genetic technologies in England in relation to gene editing.

16 Mar: The Defra SI making R&D field trials for gene edited plants easier in England clears final hurdle in the House of Lords, having already been approved by a clear majority in the Commons.

20 Jan: Defra press release on the laying of an SI making R&D field trials for gene edited plants easier in England. Prof. Dale Sanders, Director of the John Innes Centre: *“Gene editing is a powerful technique that will play a critical role in helping us address the global challenges of climate change and food security while at the same time ensuring biodiversity... However to benefit fully, we have to address the way we regulate this technology. Defra’s announcement today is step in the right direction, that will allow researchers to run more field trials of gene-edited crops.”*

30 Sept: Times report experts criticising SG continued opposition to GM in contrast to UKG. Bruce Whitelaw, interim Director of Roslin Institute: *“If Scotland doesn’t put in place the right regulations for this and other countries do, then we’ll be in the trade situation where we’re buying gene-edited products but not benefiting from them”*

29 Sept: Defra announced plans to make R&D for gene edited plants easier, and in future to remove gene editing ‘where the genetic change could have been achieved by traditional breeding’ from the definition of a GMO in English regs. The latter move raises the prospect that gene edited products could be placed on the market in Scotland as a result of the Internal Market Act, even though Scottish legislation may still prohibit their production.

24 Sept: EU announced genetic techniques legislation, publishing a timetable for developing new regs on certain techniques used on plants – and stating that the GMO legislation is not fit for purpose for novel genomic techniques such as gene editing, and that these could contribute to a more sustainable food system. They plan to consult in Q2 of 2022 and legislate in Q2 of 2023.

NOTE: Officials advise against referring to gene editing or novel genomic techniques as GMOs. Legally, novel genomic techniques are GM following a 2018 court ruling reflecting outdated 2001 legislation, but in science they are distinct.

TOP LINES

We will closely monitor how the EU progresses its roadmap for its policy initiative on certain novel genomic techniques.

- As we have done previously, where the EU follows its scientific advice and moves to change legislative frameworks, we will consider the implications for Scotland and seek to stay closely aligned with that approach, where practicable.

I am aware of Defra’s plans to change English regulations to enable the use of gene editing technologies. Scotland’s policy on GMOs has not changed.

- These changes to legislation around research and development for gene editing in plants apply only within England.

- Scotland's policy on GMOs has not changed. We remain opposed to the use of GM in farming, to protect the clean, green brand of Scotland's £15 billion food and drink industry.
- The Scottish Government is committed to keeping aligned with the European Union, and we are closely monitoring the EU's position on this issue.
- We will continue to engage with Defra, Wales, and Northern Ireland to ensure that devolved competences are respected in charting our future direction.

In the next years, as Defra develops further legislation on genetic technologies and as researchers come closer to having gene edited products ready for market in the UK, there could be implications for Scotland as a result of the Internal Market Act

- This is just one example of the ways in which the Internal Market Act impinges upon Scotland's competencies, against established constitutional conventions and despite an express refusal of consent by the Scottish Parliament.

We are committed to making the food that we eat more sustainable, and to cutting emissions from agriculture

- A new Scottish Agriculture Bill will be brought forward in 2023 to provide a replacement for CAP
- The Agriculture Reform Implementation Oversight Board (ARIOB) has been established to develop new proposals for sustainable farming support.
- The work of the ARIOB will support a consultation in 2022 to inform the introduction of a Scottish Agriculture Bill in 2023.