BRIEFING FOR INTER-MINISTERIAL GROUP FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS

Monday 13 September 2021

CABINET SECRETARY FOR RURAL AFFAIRS & THE ISLANDS

Date and Time of Engagement	Monday 13 September 2021 from 0930 to 1100
Where	Northern Ireland Executive are hosting via MS Teams
Key Message/Objectives	• [REDACTED]
Who	Northern Ireland Executive • **Minister Poots** (Minister of Agriculture, Environment and Rural Affairs, Northern Ireland Executive) • DAERA Officials: Robert Huey (CVO, DAERA), Rosemary Agnew (Director, Transition Policy Division, DAERA), Anthony Harbinson (Permanent Secretary, DAERA), Robert Huey (CVO, DAERA), Owen Lyttle (Director of Marine and Fisheries, DAERA), [REDACTED] (Transition Policy Division, DAERA), [REDACTED] (Transition Policy Division, DAERA), [REDACTED] (Private Secretary) Welsh Government • **Lesley Griffiths MS**, Minister for Rural Affairs and North Wales, and Trefnydd, • **Julie James MS**, Minister for Climate Change • Welsh Officials: Gian Marco Currado (Director Environment and Marine), Tim Render (Director, Land, Nature and Food) • Christianne Glossop (Chief Veterinary Officer), Fran Thomson (Head of Inter-Governmental), Rebecca Villis, Deputy Head EU Exit and Strategy Unit (TBC); [REDACTED], Future Farming Policy Manager; [REDACTED], Head of Frameworks and Governance UK Government • **George Eustice MP,** Secretary of State, Defra • **David Duguid MP,** Parliamentary Under Secretary of State for Scotland • **David TC Davies MP,** Parliamentary Under Secretary of State for Wales • **Robin Walker MP,** Minister of State for Northern Ireland • Defra Officials: Danny Jeyasingam (DD, Devolution), Lisa Gill, and Yegor Ryazanov (Devolution team); Richard Moir, (DD EU/GB Border); [REDACTED] (Marine and Fisheries); [REDACTED] (Food Strategy); [REDACTED] (Genetic Resources); [REDACTED], (Northern Ireland Protocol); [REDACTED] (Future Farming Strategy); [REDACTED] (Migration); [REDACTED]and [REDACTED] (Waste and Recycling)

Why	• [REDACTED]
Official Support Required	• Caro Cowan, Deputy Director, Marine Scotland [REDACTED] (Lead DD) • Jesus Gallego, Deputy Chief Veterinary Officer [REDACTED] • George Burgess, Deputy Director, Food and Drink [REDACTED] • Katriona Carmichael, Deputy Director, Future Environment [REDACTED] • Kate Higgins, Special Adviser [REDACTED] • [REDACTED], Head of Engagement, ENFOR [REDACTED]
Media Handling	[REDACTED]
Dress code	[REDACTED]
Pre-meeting	[REDACTED]

ANNEX A – AGENDA

Inter-Ministerial Group for Environment, Food and Rural Affairs
Hosted by NIE via MS Teams
Monday 13 September 2021, 09:30-11:00

Item	Subject
1	[REDACTED]
2	[REDACTED]
3	**Gene Editing** (10 mins) *Purpose: To provide an update on the findings from the Defra consultation exercise and update on Defra's latest thinking re the possible amendment to regulations to permit and encourage investment into research and development of GE plants and the potential to bring GE products to market. (Defra paper)*
4	[REDACTED]
5	[REDACTED]
6	[REDACTED]
7	[REDACTED]
8	**AOB** (15 min) [REDACTED].

ANNEX B – KEY ISSUES TO PRESS

[REDACTED]

[REDACTED]

2. [REDACTED]

3. Gene Editing

- Reiterate our EU alignment policy and as their direction of travel on this issue becomes clearer so we will carefully consider what steps we may wish to take
- Remain non-committal on future changes in Scotland but do not exclude the possibility of future collaboration
- Welcome ongoing engagement, but reiterate that any future change in England affecting marketed goods could have implications for Scotland as a result of the Internal Market Act, which further encroaches on devolution

4. [REDACTED]

5. [REDACTED]

6. [REDACTED]

7. [REDACTED]

8. AOB

- [REDACTED]

ANNEX C - OBJECTIVES, HANDLING, SUGGESTED LINES AND RELEVANT BACKGROUND

AGENDA ITEM 1
[REDACTED]

Formally agree minutes and actions from the previous meeting

MINISTERIAL BACKGROUND
Ministers have already agreed the minutes and action log from the 28 June IMG. ACTION LOG AT ANNEX E

AGENDA ITEM 2
[REDACTED]

- *[REDACTED]*

[REDACTED]

AGENDA ITEM 3
GENE EDITING (15 MINS)

- *Purpose: To provide an update on the findings from the Defra consultation exercise and update on Defra's latest thinking re the possible amendment to regulations to permit and encourage investment into research and development of GE plants and the potential to bring GE products to market.*
- *Defra paper*

Issue:
Defra are planning secondary legislation before Christmas to remove the need for Defra to give consent for outdoor field trials of gene-edited crops (for R&D purposes) in England. After that, they plan to remove novel genomic techniques from the GMO legislation where the organism could have been produced by traditional breeding. They are inviting the DAs to work with them on a coordinated GB approach (NI cannot be included as it is bound by the NIP).

SG Objective:
- Reiterate our EU alignment policy and as their direction of travel on this issue becomes clearer so we will carefully consider what steps we may wish to take
- Remain non-committal on future changes in Scotland but do not exclude the possibility of future collaboration
- Welcome ongoing engagement, but reiterate that any future change in England affecting marketed goods could have implications for Scotland as a result of the Internal Market Act, which further encroaches on devolution

Positon of UKG/other DAs
- **WG** – historically opposed to GMOs but reticent about the position of the new government
- **NI** – will act with the EU as a result of the NI Protocol

<u>Top Lines</u>
- We are aware of the current discussions around the technologies defined as GM. I recognise in particular the conversations happening at EU level following the publication of the Commission's study on novel genomic techniques and their subsequent decision to consult on a new legal framework for certain technologies for use on plants. We are still considering the implications for Scotland
- **Given the short notice of the offer to work together on the regulation of R&D into gene edited plants, we will have to consider this further before we can give a reply**
- I'm grateful for your engagement on this issue and welcome ongoing discussions in this area, particularly since the provisions of the Internal Market Act have the potential to impact our GMO legislation. **We would welcome your view on the implications of the Internal Market Act in this area**

<u>BACKGROUND</u>
- GMO legislation across the EU and the UK is based on the same 2001 EU legislation. Many novel genomic techniques (NGTs) such as gene editing have been developed since 2001, but the ECJ ruled in 2018 that they were within scope of the GMO legislation, effectively banning their use

- This was controversial, particularly to scientists, since NGTs are different techniques to early GM and do not result in the insertion of foreign DNA. Most NGTs make changes that are indistinguishable from those produced by traditional breeding methods used for the best part of a century. It is very difficult to enforce GMO legislation for NGTs
- To date, Scotland has not formally recognised a difference between the original GMO techniques and novel genomic techniques. SG's policy on GM in the open air, both for marketing and research, has been precautionary, and based upon market considerations. This has reflected Scotland's clean, green brand, and the expected consumer response to GM products. GMOs are not scientifically contentious or unsafe however
- GMOs used in contained settings (such as laboratories) are regulated differently to GMOs that are released into environment or used outdoors. SG regulates and partly funds the cutting-edge GM and NGT research in labs, but not field trials and there is no commercial application in Scotland. Scotland has world-beating NGT research in livestock (resistance to disease, climate-related traits, etc.)
- In April the EU released a study on the ECJ decision concluding the legislation is not fit for purpose and that NGTs can contribute to a more sustainable food system. The EU will consult on targeted mutagenesis and cisgenesis (NGTs that do not result in insertion of foreign DNA) for use on plants and then update their legislation
- Officials made a submission to Màiri McAllan, Minister for Environment, Biodiversity and Land Reform, requesting approval to consult on targeted mutagenesis and cisgenesis (NGTs not inserting foreign DNA) on 30/08/2021 and are awaiting a reply
- The UK's expert body, the Advisory Committee on Releases to the Environment, advised that an organism produced by gene editing or another genetic technology would not pose a greater safety risk than a traditionally bred or naturally occurring version of that organism, and the environmental release of these organisms should not be regulated in the same way as GMOs
- The Internal Market Act could present problems in future as any product accepted for marketing in one UK administration can be marketed in the others regardless of any differing standards between nations. If there is divergence in GMO regulation affecting marketed products such as food, products from one administration that are not authorised in another could still be placed on the market, labelled differently or not labelled at all. Clearly broad harmonisation would avoid this issue, and likely be of benefit to consumers, producers, and the supply chain, notwithstanding the fact it is impossible to detect certain gene edited products

AGENDA ITEM 4
[REDACTED]

- **[REDACTED]**

AGENDA ITEM 5
[REDACTED]

- **[REDACTED]**

AGENDA ITEM 6

[REDACTED]

[REDACTED]

AGENDA ITEM 7
[REDACTED]

[REDACTED]

AGENDA ITEM 8
AOB (10 MIN)

[REDACTED]

[REDACTED]

ANNEX D – MS TEAMS JOINING INSTRUCTIONS

[REDACTED]

ANNEX E – ACTION LOG FROM JUNE IMG MEETING – OPEN ACTIONS

[REDACTED]