

- **SCOTTISH PARLIAMENT**
- **ORAL ANSWER**

3 February 2022

[REDACTED, OUT OF SCOPE]

SUPPLEMENTARY QUESTION

Bill Kidd: In recent weeks we have seen the UK Government moving closer to allowing gene edited crops. Does the Cabinet Secretary therefore share my view that the identity of Scotland's world class produce must be protected from any action in this regard which threaten its brand reputation and provenance?

MAIRI GOUGEON:

I am aware of UK Government's plans to change English regulations to enable the use of gene editing technologies. 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.

I am also aware of current debate around novel genomic techniques and how these relate to existing GM legislation, in particular the ongoing 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 will continue to engage with the UK Government, Wales, and Northern Ireland to ensure that devolved competences are respected in charting our future direction.

POSSIBLE SUPPLEMENTARY QUESTIONS

- [REDACTED, OUT OF SCOPE]
- [REDACTED, OUT OF SCOPE]
- [REDACTED, OUT OF SCOPE]
- [REDACTED, OUT OF SCOPE]
- [REDACTED, OUT OF SCOPE]

BACKGROUND NOTE FOR S6O-00708

- [REDACTED, OUT OF SCOPE]

FOOD AND DRINK

Background

- [REDACTED, OUT OF SCOPE]
- [REDACTED, OUT OF SCOPE]

- [REDACTED, OUT OF SCOPE]
- [REDACTED, OUT OF SCOPE]

Local Food and Drink Support

- [REDACTED, OUT OF SCOPE]
- [REDACTED, OUT OF SCOPE]
- [REDACTED, OUT OF SCOPE]
- [REDACTED, OUT OF SCOPE]

Scottish Food and Drink Exports to the EU

- [REDACTED, OUT OF SCOPE]
- [REDACTED, OUT OF SCOPE]
- [REDACTED, OUT OF SCOPE]

GMOS/GENE EDITING

20 Jan: Defra press release on the laying of an SI making R&D 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

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.

- We are aware of current debate around novel genomic techniques and how these relate to existing GM legislation, and we note in particular the ongoing 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.

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.

- 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.

The EU is reviewing its policy on certain novel genomic techniques, and we will closely monitor how the EU progresses its roadmap for this policy initiative

- 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.

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.

Glossary

Genetic modification	Technically any modification to the genome (genome=all of an organism's DNA). This includes traditional mutagenesis techniques (chemical and irradiation) used by plant breeders for generations. However, this term is mainly used to refer to the techniques developed in the 1980s where one or several genes from a different species is inserted into the genome at a random location.
New breeding techniques/novel genomic techniques	These terms are used interchangeably. Novel genomic techniques broadly refers to the techniques developed since the original EU GM legislation was made in 2001. Legally, GMOs and novel genomic techniques are the same, following a court ruling in 2018 that they fall within the definition of GMOs in 2001 legislation, but in practice they are different.
Genome editing/gene editing	These terms are used interchangeably. A subset of novel genomic techniques that changes DNA at a target location, by adding, deleting or replacing specific bases (1 to ~20 bases), or longer DNA sequences (~1 gene). Technically can insert genes from another species, but it usually doesn't.
Targeted mutagenesis and cisgenesis	A subset of novel genomic techniques. Targeted mutagenesis is gene editing that does not insert any genes from other species; and cisgenesis is the insertion of one or more genes from the same species (at a target or random location). Excludes the insertion of genes from a different species.