



## Briefing: Agriculture (Retained EU Law and Data) (Scotland) Bill

### Stage 2 amendments

*The Scottish Wildlife Trust has previously provided evidence to the Rural Economy and Connectivity (REC) Committee relating to the Agriculture (Retained EU Law and Data) (Scotland) Bill (henceforth 'the Bill'). We welcomed the REC Committee's report. Here, we set out our support for particular amendments to the Bill as relevant to our charitable remit of protecting, restoring, and enhancing nature in Scotland for the benefit of present and future generations. The Scottish Wildlife Trust also works closely with partners in the Scottish Environment LINK Food and Farming group and supports the separate briefing from that group. Below, we briefly outline our thinking before listing our support for specific amendments.*

#### SUMMARY

We do not have time to delay implementing policies to begin reversing ecological decline and tackling climate change as part of a Just Transition. **We encourage Members to support those amendments which would ensure:**

- greater clarity of purpose (we **particularly encourage the support of amendment 24**),
- greater consultation,
- place an expiration on powers ('sunset clauses'),
- the introductions of instruments are subject to affirmative procedures,
- and achieving dynamic alignment ("at least the equivalent standard") with EU regulatory standards.

#### BACKGROUND

This Bill will have stark, far reaching implications for the diversity and abundance of nature in Scotland, impacting the management of over three-quarters of its land. Yet, as introduced, it offers no clear purpose and is not subject to any environmental impact assessments, even though it is subject to a business regulatory assessment. The present Common Agricultural Policy (CAP) is deeply implicated in the decline of biodiversity, even as ecological functionality is fundamental to food production. The CAP represents nearly £600 million of expenditure which can, and should, be re-prioritised to realising a safe, just, sustainable food system in Scotland. It should support sustainable, restorative practices that reward farmers and crofters for socially and environmentally valuable outcomes, such as tackling climate change and restoring ecosystems, while producing healthy food.

The evidence is clear that this decade, 2020-2030, will be essential for responding to Scotland's and the planet's interlinked crises: climate breakdown, ecological decline, growing inequality, and recovery from the COVID-19 pandemic. Food systems intersect these worsening crises. Scotland's 2030 climate target of 75% emissions reductions, for instance, means we have less than 10 years to solve three-quarters of our emissions pollution, to which agriculture is the second largest

contributing sector. This Bill takes up half that time without proposing any significant changes in how and why we manage land.

In this context, there is no such thing as a neutral, apolitical, or simply ‘provisioning’ agriculture policy: this framing evades the responsibility to act decisively on the climate and ecological emergencies. We do not have time to delay implementing policies to begin reversing ecological decline and tackling climate change as part of a Just Transition. Whilst talk of ‘transition’ elsewhere is welcome, we remain without a clear destination for a just, sustainable food system. It is therefore in the public, and direct stakeholder, interest that this Bill provide some clarity by setting out a clear purpose and set of objectives.

## AMENDMENTS

### Clarity of purpose and ambition

We **strongly encourage Members to support** John Finnie’s amendment 24 detailing the list of objectives for the Bill to achieve.

We believe this is a significant, desirable, and necessary clause for the Bill in order to provide a clearer purpose and set of objectives for agricultural support. Whilst we recognise other Members brought amendments similar in aim, we particularly support the additional and comprehensive objectives of amendment 24 subsection (2) for the essential reversal of harm to biodiversity and natural systems on which we directly rely. We believe subsection (3) is essential to avoid undermining the collective principles of these objectives by treating them severally. We support subsection (4) in order to place agriculture policy in the broader context of the food system via the Good Food Nation policies and ensure agriculture support is not divorced from the needs of people.

To further this, we also **encourage Members to support** Colin Smyth’s amendment 41 while noting the importance of discussions relating to the Good Food Nation and national food plan ambitions.

### Greater consultation

We support the consultation of appropriate persons and believe this is an important step for greater community engagement. We encourage **Members to support** John Finnie’s amendments to that affect throughout the Marshalled List and are **supportive of Colin Smyth’s amendment 18**, noting this may replace the need for specific consultation amendments elsewhere in the Marshalled List.

We further **encourage Members to support** Peter Chapman’s amendment 38. This is particularly important in considering how savings from, e.g., capping of Pillar 1 payments can be redeployed to help mitigate the climate and nature crises.

### Expiration of powers

It is essential that a new framework for agricultural support, including advisory services, support functions, and incentivisation is brought in as soon as possible to begin tackling ecological and climate emergencies. The expiration of powers granted by this Bill should reflect this urgency and, noting REC’s report, we believe having sight of 2024 is necessary. We encourage further exploration of this, and at this Stage **encourage Members to support** Mike Rumbles’ amendments 7 and 22 and John Finnie’s amendment 26. We further **encourage Members to support** Rachel Hamilton’s amendments 31 and 32 on the reporting of progress and to bring forward proposals for legislation, noting that 2026 is still too late for this, however.

## **Affirmative procedures**

Overall, we believe affirmative procedures are appropriate given the significance of the powers granted Ministers. We **encourage Members to support** amendments 1, 8, 11, 14, 28, 29, 16. We **do not encourage Members to support** amendment 35.

## **Dynamic alignment with EU regulatory standards**

We **strongly encourage Members to support** Colin Smyth's amendment 39. We believe it is particularly important to maintain the clause ensuring regulations in Scotland are **at least the equivalent** standard to those in the EU. This ensures Scotland can move further than the EU in environmental and other standards, whilst keeping pace with the EU as a baseline.

## **Other**

**Section 16:** We encourage **Members to support** John Finnie's amendment (21).

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