

Cynulliad Cenedlaethol Cymru  
Y Pwyllgor Newid Hinsawdd,  
Amgylchedd a Materion Gwledig  
MCD mewn perthynas â Bil  
Amaethyddiaeth y DU  
NHAMG (5) AB02  
Ymateb gan Fforwm Organig Cymru

National Assembly for Wales  
Climate Change, Environment and  
Rural Affairs Committee  
LCM in relation to UK Agriculture Bill  
  
CCERA(5) AB02  
Evidence from Welsh Organic Forum

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## **INTRODUCTION**

The Welsh Organic Forum welcomes the inquiry alongside the recent publication of the Agriculture Bill. Whilst being asked to comment on specific parts and clauses of the bill. It should be remembered that the success of the sector will be integrated with the successful completion of requisite trade negotiations, and other overall aspects such as legislative tariffs. The regulatory equivalence will be fundamentally important to the organic sector now that the UK has left the E.U.

Wales is unique to the other devolved nations having 4.9% of the total land area in Wales registered organic (2018 DEFRA stats). With some 600 certified organic producers and 128 processors in Wales.

## **FOOD SECURITY – PART 2 (CLAUSE 17)**

This relates to the whole of the UK but obliges the DEFRA SOS to report to Parliament on food security every 5 years.

This report will also contain an analysis of statistical data relating to food security in the UK and that includes data around food availability, supply services, supply chain resilience, household expenditure on food, food safety and customer confidence.

The Welsh Organic Forum welcomes this development which was not in the previous bill.

However, once every 5 years is a distant horizon from inception, particularly through a transition period that could prove to be challenging. Perhaps a shorter timespan of annual or bi annual would allow a review to be undertaken of the impacts of what could be radical change.

The Welsh Organic Forum would also point out that there is no obligation on Ministers to take any action in response to the findings of the report.

It would also welcome a wider definition around epochal events e.g. animal or plant disease, geopolitical instability, climate change that triggers the SOS on food security.

## **PART 4 CLAUSES 31/32/ FERTILISERS**

This deals with the definition of fertilisers together with some amendments (from the Agricultural Act 1970).

The intention is to incorporate a number of modern fertilisers within the parameters of the Act.

Specifically, Clause 32 allows the SOS to set up a body to collect, manage and make available information regarding the identification, movement and health of animals or the means of identifying animals.

The Welsh Organic Forum would like to point out the following: -

- i) Animal disease does not respect geographical boundaries e.g. TB in cattle.
- ii) A large number of animals move between England and Wales. If different data bands are used, they must communicate and exchange with each other e.g. Wales and England have different data bands for sheep.

Solutions should be mutually agreed between DEFRA and Welsh Government.

The Welsh Organic Forum would like to pass comment on Clause 33 and the repatriation of levy for Welsh red meat back to Wales. This is most welcome by producers, although there is no mention of how the levy on organic red meat can be directly used to promote organic food.

## **PART 4 AGRICULTURAL TENNANCIES SCHEDULE 3**

Principally this makes a number of amendments to the Agricultural Holdings Act 1986; -

- i) Third party arbitrations/determination of rent
- ii) The appointment of arbitrators
- iii) Tenants may refer a request for landlords' consent or variation of the term of the tenancy to arbitration in certain circumstances. Succession on death, or retirement, and conditions relating to the occupation of a commercial unit and suitability.

The Welsh Organic Forum welcomes their proposed changes with such a review long overdue. However, the Forum has previously expressed its concern on such matters as diversification of tenants' income, when landlord's approval has been immediately followed by rent increases. Such areas of wind, solar, tourism have been valuable sources of farm income, but negated by rent rises.

Key to the success of the Arbiter for rent will be the criteria they work to.

A principal concern to the Forum is the lack of detail of how it will integrate with new agricultural policy i.e. public payment for public goods.

Landlords will frequently apply to the Agricultural Tribunal for a certificate of bad husbandry. The Tribunal will work to a set of principles to determine its outcome as promulgated under section 2 of the Agricultural Act 1947. This defines good husbandry as; -

- i) Having regard to the character and situation of the unit
- ii) The standard of management thereof by the owner and relevant circumstances.
- iii) The Occupier is maintaining a reasonable standard of efficient production. The evaluation process then goes further to ask.
  - a) Is permanent pasture properly mowed, grazed, maintained in a good state of fertility.
  - b) Is the unit stocked at the correct stocking rate?

The Welsh Organic Forum has fundamental concerns that these principles could collide with future land policy and be a potential source of conflict.

## **PART 5 – ORGANIC PRODUCTS**

Section 36 provides the Secretary of State and where applicable Devolved Ministers to make provision for organic certification including input and export of organic products.

The Welsh Organic Forum notes that there is no mention of who inspects the certification bodies. Such clarification would be welcome together with its status i.e. would there be an overarching body or devolved bodies.

We would also like to put on record our concern regarding how the existing framework of legislation will be incorporated into future legal framework on the 1<sup>st</sup> January 2021.

New EU organic regulation (848/2018) requires that third countries are compliant with E.U Regulation via a trade agreement. Historically equivalence was acceptable.

320 (5) sets out the circumstances within which restrictions or prohibitions on the input of organic products may be made. It includes where inputs are recognised as compliant or equivalent with organic standards OR where a trade agreement is in place.

In view of the recent US Executive Order around trade deals (sound science), this would appear to take prevalence with potential conflicts around such areas as hydroponics, access to pasture and GM labelling.

## **PART 7 CLAUSES 43/44 SCHEDULE 5 WALES**

Whilst appreciating that the committee has already taken evidence in this area, the Welsh Organic Forum would comment as follows: -

Whilst section 5 confers less powers on Welsh Minister, then section 3 in the previous agricultural bill we note that it is Welsh Governments intention to legislate.

However, we are pleased to note that schedule 5 does provide powers for Welsh Ministers to simplify BPS legislation and to continue with BPS payments beyond 2020 including the ability to amend rural development scheme in order to simplify them.

We are also pleased to note that Welsh Ministers also have powers in relation to exceptional market conditions (as per clauses 18/19 and 20 for England).

It is important that there is consistency and comparability with other devolved nations in order not to distort markets.

We also note that the words around exceptional market conditions and that the powers are discretionary. Wording like Welsh Ministers may are prevalent. Whereas a duty to act would be more inclined to have wording such as Welsh Ministers must.