

Submission

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To:	Defra		
Cc:	Jonnie Hall	From:	David Michie
E-mail:	david.michie@nfus.org.uk	Direct dial:	07842 306461

UK-EU SPS Agreement - Call for Information

CONTEXT

While dynamic alignment on SPS regulations – essentially adopting all relevant EU Regulations – will have negative impacts, as highlighted in this response, there will also be positive impacts, and a likely net economic benefit for Scottish agriculture:

- There will be an increase in trade and a reduction in the cost of that trade. Which will increase economic growth of most sectors, particularly dairy and red meat.
- The UK could potentially become a rapporteur for pesticides, which has the potential to improve authorisations in the EU.
- Being part of the EU plant health zone will mean there is no longer an additional burden of cost for authorisations for only GB.
- The UK will have access to forums and databases that can reduce policy costs.
- We could also benefit from, or at least not be disadvantaged by, potential future protectionist EU trade policies that they could use to block imports from countries with different SPS regulations.

We understand that dynamic alignment also means alignment with *future* changes to EU legislation. Technically we will be a ‘rule taker.’ Although the UK is expected to have say in how the EU develops these rules. We will be “in the room” but without a vote. This will have potentially positive and negative implications for Scottish agriculture in future and make the UK Farming Union’s continued presence in Brussels important.

NFU SCOTLAND

NFU Scotland (NFUS) is the leading agricultural organisation in Scotland. Representing more than 9,000 farmers, growers, and crofters, our members provide and support thousands of jobs and deliver significant economic, social, and environmental benefits across Scotland.

Agriculture is the lynchpin of rural Scotland and is an important part of Scotland's booming food and drink industry. Scottish agriculture generates a gross output of £3.3 billion annually. The farming and crofting sector is committed to sustainable food production, enhancing biodiversity and helping to tackle climate change.

CONSULTATION RESPONSE

Operational Impact

To what extent will alignment to EU SPS rules require changes to your business or organisation's operations (for example, processes, IT systems, labelling, packaging, reformulation of products, contract amendments)?

Considerable changes required

What does your business need to do to be ready for alignment? Tick all that apply.

Compliance and regulatory changes (for example, engagement with regulators or approval processes)

Considering your response to the above question, what challenges do you anticipate if any?

PESTICIDES:

There has been considerable divergence between GB and the EU on pesticide legislation since EU exit, including the authorisation of three new chemicals in GB which are not currently available in the EU. A pesticide dynamic alignment 'cliff-edge', with no transition period, would be extremely challenging. There would be a significant cost associated with the safe disposal of pesticides not approved in the EU.

Even with a long transition period, the loss of GB-authorized pesticides will pose significant challenges to our members. The responsible use of pesticides is essential to maintain crop output, support regenerative agriculture practices, and prevent development of resistance in crop pests, diseases, and weeds. The loss of the herbicides Flufenacet and Metribuzin (no longer authorised in the EU) will be particularly challenging. As will the loss of fungicides no longer authorised in the EU. Especially if the EU authorisation of new fungicides, already authorised in GB, is delayed.

MYCOTOXINS:

The EU has a lower legal mycotoxin Maximum Limit (ML) than GB. The impact of compliance with this lower EU ML for mycotoxins in cereals used for processing food products is unknown, as the supply chain has not needed to test for this lower limit specification. This means that agronomic and storage practices that can mitigate mycotoxin levels in Scotland are also unknown. Some trialling and testing of this has been carried out. But a lot more needs to be done before full dynamic alignment.

Scotland's uniquely challenging wet and cooler weather is a risk factor for higher levels of mycotoxin MLs in oat crops. This could have a significant impact on biscuit processors, particularly those producing the iconic Scottish oatcake. Negative impacts on this important market for Scottish cereals, particularly if a 'cliff-edge' dynamic alignment results in cereal biscuit manufacturers ceasing production, will be challenging for our members. A smaller, or no, market will result in a potential loss of income. Particularly if they have to subsequently supply other, lower value, markets.

ANTIMICROBIALS:

Dynamic alignment on antimicrobial policy could result in livestock farmers being unable to use controlled metaphylactic and prophylactic use of antimicrobials, achieved under the review of the Veterinary Medicines Regulations in 2024. This potentially poses a challenge to animal welfare as it would curtail the ability of vets to treat diseases.

BOVINE IDENTIFICATION:

EU regulations are silent on the use of Ultra High Frequency Electronic Identification (UHF-EID). It is currently unknown if its use will be permitted under dynamic alignment. Our interpretation of the regulation is that two matching visual ear tags on each animal identification method is the fundamental identification requirement.

UHF- EID has been a Scottish farming industry ask for over 20 years. The use of UHF-EID technology, as opposed to the outdated Low Frequency (LF), can provide many benefits. Including improved health and safety, traceability, and animal health and welfare. These benefits can be delivered at a relatively low cost to farmers and the wider supply chain. If UHF-EID is not permitted these benefits will be lost, posing a challenge to the development of the Scottish beef and dairy sectors.

BOVINE TUBERCULOSIS:

Scotland has Officially TB Free (OTF) status, a clear record of effective controls, and no recurrent breakdowns. If GB dynamically aligns with on-farm bovine tuberculosis (bTB) regulations, then the lengthy period before movement restrictions can be lifted will be a challenge for the very small minority of our members in the south of Scotland whose herds become infected with bTB. As Scotland has maintained its OTF status since 2009, these restrictions are disproportionate to the risk posed in Scottish herds.

AVIAN INFLUENZA:

We have concerns that Regulation (EU) 2020/687 infers that birds cannot be moved to a disease control zone in the event of HPAI restrictions. This would be further compounded by the expectation that the EU will amend Regulation (EU) 2020/687 to increase the time frame for lifting of control zones. This could pose significant challenges to our members who will not be able to restock flocks.

SEED POTATOES:

If seed potato export issues are addressed through SPS dynamic alignment, and not through the Trade and Co-operation Agreement (TCA) then there is the potential for Potato Cyst Nematode (PCN) reduction measures in EU Member States' equivalent Seed Potato Classification Schemes to impact Scottish seed potato growers. If this is the case then a transition period will be needed to put in place any biosecurity measures required to comply with EU regulations.

Recent policy development work in Scotland has recommended that PCN is re-designated as a regulated non-quarantine pest. Current policy, based on EU Regulation, has failed to reduce the spread and size of PCN populations in Scotland. Re-designating PCN's pest status will enable new, more effective, policy to be developed that can tackle the PCN challenge. Dynamic alignment could prevent this from happening.

BIOCIDES:

The loss of biocides could pose a significant challenge to our members. Effective control of vermin and the preservation of materials used on-farm are essential to the safe operation of our members' businesses. If rodenticides are unavailable then this could pose a significant challenge to the hygienic and safe storage of crops, and to livestock management. If preservative treatments are unavailable in future then this could add significant costs to our members' businesses as they will have to replace fencing and other materials more often.

LABELLING:

We welcome many aspects of the EU's approach to labelling: country-of-origin rules are more tightly controlled; there is a move towards more transparency on environmental claims; and we welcome protections for meat terms. However, we would like to see the UK government have an ability to go further on labelling rules than the EU regulations. We do not want dynamic alignment to prevent this from happening.

PRECISION BREEDING:

If gene edited crops cannot be grown in future in Scotland, then this could potentially pose challenges to crop production in a changing climate, with more extreme weather.

We are strongly in favour of gene edited crop varieties being made available to farmers in Scotland. We believe precision bred crop varieties are essential for growers in a changing climate, where varieties have to be more resilient, and we have to adapt to, more extreme growing conditions.

We welcome the EU's agreement to establish a legal framework for crop varieties bred with New Genomic Techniques. We see future alignment on this as a great opportunity for Scottish agriculture. Unfortunately, the UK's Genetic Technologies (Precision Breeding) Regulations 2025 do not apply in Scotland.

From the point at which you start to make changes, what is the minimum lead-in time that your business or organisation will need to comply with SPS alignment? Changes to lead-in times may refer to contracts, staff training impacts, supply chain and logistic changes for example.

>25 months

Which types of operational changes will it take your business or organisation longest to prepare for?

Compliance and regulatory

What support would your business or organisation need to implement the changes necessary to comply with SPS alignment?

To deliver influence over EU law, the UK and Scottish Governments must adequately resource technically qualified staff who can promote UK interests in EU Committees and engage with EU Commission policy teams. This resource is essential to shape EU decisions.

We urge UK government to have a close relationship, and put in place a formal process for consultation, with the Scottish Government. We want any relevant potential Scottish impacts to be considered in decision-shaping, considering Scotland's specific geography, climate, and production systems.

Dynamic alignment will result in quite a significant readjustment for many agricultural sectors. We are calling for an appropriate transition period for this.

PESTICIDES:

We want an effective transition period for plant health, including pesticide, legislation. This period will allow growers in GB to continue using products that are available based on authorisation decisions made in in GB, until the UK has an opportunity to influence EU decisions. Our members will also need an appropriate transition period to use-up stocks of pesticides either no longer authorised, or having not yet been authorised, by the EU.

To adapt to the probable loss of pesticides, funding for Integrated Pest Management (IPM) research and initiatives will be required. The loss of pesticides will inevitably mean additional costs and loss of output, affecting the profitability of agricultural businesses. Governments must commit to supporting agricultural businesses through a range of supportive policies to provide security and stability, including retaining direct payments in Scotland.

MYCOTOXINS:

We want the UK Government to ensure it has the ability to make “technical adaptations” to the relevant EU Regulations. This is consistent with existing provisions for Member States.

If a technical adaptation cannot be made, then an appropriate transition will be required for Scottish cereal growers and supply chains to adapt to low mycotoxin MLs in cereals. During this time, government support should fund trialling and testing of agronomic and storage practices to mitigate mycotoxin levels in cereals used for food and drink processing. Support and collaboration with industry will also be required to implement appropriate mechanisms that will ensure these practices happen.

ANTIMICROBIALS:

The UK has a strong, ongoing, record of using antibiotics responsibly, Antibiotic use in food producing animals has decreased by 57% since 2014, and by 84% for critically important antimicrobials (CIAs). Only seven EU countries have lower antibiotic use than the UK. Against this backdrop of existing low use, dynamic alignment runs the risk of negatively impacting animal welfare. Alignment should only be considered if there is evidence the UK is falling behind on its antimicrobial use stewardship.

If there is dynamic alignment of antimicrobial policy then government support should be given for biosecurity and proactive health promotion initiatives.

BOVINE IDENTIFICATION:

We believe that UHF-EID is the logical, modern technology that offers significant traceability, health and safety, and management advantages over the now-outdated alternative of low frequency. This change is being driven by industry collaboration, not political choices. We are concerned that a continued misunderstanding of the motivation for using UHF risks missing the opportunity to capitalise on the full potential of EID’s data handling capability. The future of the industry will rely heavily on data to manage our herds’ efficiency and productivity, and to deliver against ambitious environmental goals. UHF-EID is a vital tool to deliver this.

If the use of UHF-EID is not permitted under dynamic alignment then governments should support a suite of initiatives and deployment of agritech that supports the health and safety, livestock health and welfare, and management advantages of UHF-EID technology.

BOVINE TUBERCULOSIS:

We want UK government to recognise the major challenge bTB poses to farmers in GB, as well as Scotland's Officially TB Free (OTF) status. We want government to commit the necessary time and resource to ensuring UK views are represented in EU animal health decision making. We do not want to see the time herds are under restriction (currently two clear short interval tests, with 60 days between) being extended.

AVIAN INFLUENZA:

We need Government to engage proactively in EU decision making processes, ensuring UK views are effectively represented and the viability of UK poultry businesses are protected. We would like to see flexibility in the interpretation and implementation of the legislation to permit birds to be moved into disease control zones under license and if safe to do so, to maintain business continuity and viability.

SEED POTATOES:

There may be a need to support awareness raising initiatives if there are changes to biosecurity requirements for soil-borne pathogens. If PCN remains defined as a quarantine pest in seed potato regulations, and existing unsuccessful policy remains in place, then additional support will be needed to tackle the challenge of increasing PCN levels in Scotland. Government will need to invest in more diagnostic capacity, in terms of testing equipment and people to physically carry out soil sampling. This testing is essential to inform planting decisions of potato growers to manage PCN levels.

BIOCIDES:

Our members will need an appropriate transition period to use-up of stocks of biocides either no longer authorised, or have not yet been approved, by the EU. We would like to see UK authorisation of biocides to remain in place until expiry. After this time, reauthorisation of products in GB would dynamically align with EU reauthorisation.

LABELLING:

We want food labelling in Scotland and the rest of the UK to not be constrained by dynamic alignment. We want the UK Government to put in place requirements for honest, clear labelling that does not mislead consumers.

PRECISION BREEDING:

We would like to see an exemption from dynamic alignment for precision breeding regulations until New Genetic Technologies legislation is put in place in the EU, superseding the Precision Breeding Act. We would like to see the Scottish Government follow the UK government's lead on gene editing policy.