POLICY NOTE

THE OFFICIAL CONTROLS AND IMPORT CONDITIONS (TRANSITIONAL PERIODS) (MISCELLANEOUS AMENDMENT) (SCOTLAND) REGULATIONS 2022

SSI 2022/371

The above instrument is made in exercise of the powers conferred by:

(a)paragraph 2 of Annex 6 to Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;

(b)paragraph 10A(1) of schedule 2 of the Trade in Animals and Related Products (Scotland) Regulations 2012;

The instrument is subject to negative procedure.

Purpose of the instrument.

The purpose of this instrument is to amend the Official Controls (Extension of Transitional Periods) Regulations 2021 ("the 2021 Regulations") and Commission Decision 2000/572/EC, which lays down animal and public health and veterinary certification conditions for imports of meat preparations from third countries. The amendments extend transitional periods which apply in relation to the import of animals and goods which originate from certain third countries and territories.

Policy Objectives

The UK Government (with the consent of the Scottish Government) has implemented several extensions of the transitional staging period which has postponed the normal requirements of sanitary and phytosanitary checks (SPS) on animals and goods from the EU and certain other countries and territories under Regulation (EU) 2017/625 the Official Control Regulation (OCR) since they were originally due to be implemented in 2021.

The most recent extension was implemented legislatively by *The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2021*[1]. This UK SI was made on 7 June 2022 and laid in the UK Parliament on 8 June 2022 and agreed by the Scottish Parliament in line with Scottish Parliament protocols.

The Meat Preparations (Import Conditions) (Scotland) Amendment Regulations 2022[2] also implemented further extensions to the current suspension of the requirement for meat preparations imported into Scotland from EEA member states, the Faroe Islands, Greenland or Switzerland to be deep frozen at the plant of origin prior to import. This allowed imports of chilled meat preparations from those countries to Scotland to continue until 31 December

1 The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2022
2 The Meat Preparations (Import Conditions) (Scotland) Amendment Regulations 2022

2022, in line with the extension of the end date of the transitional staging period made by *The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2021*[3]

The most recent extension expires on 31 December 2022, at which point the requirement for checks at border control posts under the OCR will come into effect, unless further legislation to extend the transitional staging period is made before then.

The UK Government issued a Written Statement on 28 April 2022, which set out the UK Government's intention to suspend further introduction of border controls until the end of 2023, and that the UK Government would be accelerating their programme to digitise Britain's borders. The statement also outlined that this re-envisioned approach would be presented in a UK Government-led Target Operating Model (TOM)l, in autumn 2022 with an implementation date by the end of 2023. The delays to the publication of the TOM have held up progress from UK Government on sharing drafts of a further UK wide SI extending the end of the TSP.

This SSI therefore further amends the original intended timetable with the transitional staging period extended until 31 January 2024 with the SPS checks scheduled to come into effect in January 2023 following this new timetable. Similarly, having regard to the animal health situation of the countries and territories concerned, the SSI also further permits the importation of meat preparations which have not been deep frozen from EEA states, the Faroe Islands, Greenland and Switzerland to continue from 1 January 2023 until 31 January 2024.

This SSI will mirror the extension period to be put in place by the Welsh and UK Government. The decision to extend the TSP to January 2024 is to avoid disruption over the busy Christmas and New Year period.

A further extension to the TSP will therefor allow the Scottish Government to continue to work with other UK Administrations to finalise and implement the TOM, to ensure a coherent, effective and efficient system of controls can be introduced, thereby enhancing biosecurity and minimising the impact on importers.

Consultation

In accordance with Article 144(7) of the OCR the Scottish Ministers consulted such bodies or persons as appeared to them to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as they considered appropriate. A short targeted consultation ran from 8 December 2022 to 12 December 2022 summarising the changes to be made by this instrument and inviting comments, in particular on the impact of revising the timeline for phased introduction of SPS checks, and on the potential impact if this instrument were not to be brought into force. The consultation was targeted at key stakeholders in the SPS sector, including representative trade and industry organisations, interest groups and port authorities. At the close of consultation, the Scottish Government had received 11 responses, the majority of which were in agreement with the Scottish Government's proposals.

3 The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2022

Officials will continue to work closely with UKG and Devolved administrations on their approach to the extension to the end of the TSP to ensure consistency across all GB administrations.

Impact Assessments

Full impact assessments have not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. There is expected to be no impact on business, charities or voluntary bodies.

Financial Effects

The Cabinet Secretary for Rural Affairs and Islands confirms that no BRIA is necessary, as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Agriculture and Rural Economy Directorate

13 December 2022