EXPLANATORY MEMORANDUM TO

THE OFFICIAL CONTROLS (EXTENSION OF TRANSITIONAL PERIODS) (AMENDMENT) REGULATIONS 2025

2025 No. 526

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs, and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Baroness Hayman of Ullock, Parliamentary Under-Secretary of State at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

2.2 Deborah Wells and Fiona James, Deputy Directors for SPS and Imports Policy, Animal and Plant Health and Welfare Directorate, at the Department for Environment, Food and Rural Affairs, confirm that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Gary Eldon at the Department for Environment, Food and Rural Affairs, email: gary.eldon@defra.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The purpose of this instrument is to extend the implementation period of import checks on certain sanitary and phytosanitary ('SPS') goods entering Great Britain ('GB') from certain countries.

4.2 The Transitional Staging Period ('TSP') is a period during which the requirements for certain official documents, and for the performance of official controls in relation to some categories of animals, plants and other goods imported into Great Britain ('GB') have been temporarily eased. Under previous legislation, the TSP was due to end on 1 July 2025, and this instrument extends this to 31 January 2027.

4.3 This instrument also extends an easement which delays the requirement for import checks (that applies to rest of the world countries) in respect of plants, plant products, or other objects (such as machinery and vehicles which have been used for agricultural or forestry purposes) entering GB from the EU, Liechtenstein or Switzerland through a West Coast Port (as listed in the definition of 'relevant port' in paragraph 2 of Annex 6 to Regulation (EU) 2017/625 of the European Parliament and of the Council ('the Official Controls Regulation') before 31 January 2027, in line with the end of the TSP.

Where does the legislation extend to and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, and Scotland.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, and Scotland.

5. Policy Context

What is being done and why?

5.1 The TSP provides for four key areas of flexibility to ensure outstanding Border Target Operating Model (BTOM) policies are implemented in a controlled way. These are prenotification, certification, location of checks (i.e. away from a Border Control Post "BCP"), and frequency of checks. If the TSP expired on 1st July 2025, any outstanding policies that had not yet transitioned to a permanent legislative basis under the BTOM would 'default' to non-EU controls which would be unmanageable. To prevent this, the TSP is being extended to 31 January 2027 which will also allow time for the controlled implementation of these BTOM policies to be completed.

5.2 Although separate from the TSP, a coordinated approach is being taken at the West Coast Ports for the plants measure as referred in section 4 for which checks are also being eased until 31 January 2027.

What was the previous policy, how is this different?

5.3 The policy remains the same; and that is the phased implementation of import controls on certain goods from certain countries.

6. Legislative and Legal Context

How has the law changed?

6.1 The EU (Withdrawal) Act 2018 ('EUWA') converted and preserved EU law at the end of the transition period into domestic law ('assimilated EU law'). It also provided for amendments to be made to address deficiencies arising because of EU exit. Those amendments included the introduction of a 'Transitional Staging Period' for goods entering GB from the EU and certain other countries via Annex 6 to the Official Controls Regulation. Provision was made for the end date of that transitional period to be capable of being changed by statutory instrument, and this instrument is made in part in exercise of that power.

6.2 Annex 6 therefore provides the ability for GB to treat EU goods more flexibly in 4 areas: prenotification, certification, location of checks (i.e. away from a BCP), and frequency of checks, whilst the necessary infrastructure is built to conduct controls on EU goods at BCPs. There are currently a range of outstanding measures that fall within these categories which benefit from this flexibility provided by the TSP ahead of their later transition to a permanent legislative basis under the BTOM.

6.3 Prior to this instrument, the expiration date for the TSP was 1 July 2025, as provided for in the Official Controls (Extension of Transitional Periods) Regulations 2021 ('S.I. 2021/809'). This instrument amends relevant provisions in that regulation to extend the end date of the Transitional Staging Period from 1 July 2025 to 31 January 2027.

6.4 The principal legislation governing the controls required on movement into GB of plants and plant products is contained within assimilated EU law, specifically Regulation (EU) 2016/2031 (the Plant Health Regulation), and in the Official Controls

Regulation – which also governs the control of import of animals and other goods. There is also other legislation made under these two pieces of legislation.

6.5 Amendments are also made to Annex 6 to the Official Controls Regulation to delay the requirement for physical and identity checks to be determined having regard to the information specified in the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022 ('S.I. 2022/739'). This is in respect of plants, plant products and other objects entering GB which originate from the EU, Liechtenstein and Switzerland via specified West Coast Ports (a 'relevant port') from 1 July 2025 to 31 January 2027.

6.6 Amendments are consequently made to S.I. 2022/739, so that such goods are temporarily out of scope. Such goods may be subject to random checks or checks on a risk basis determined by the competent authority in accordance with the factors specified in Article 44(2) of the Official Controls Regulation and published online.

Why was this approach taken to change the law?

6.7 There needs to be an extension to the TSP by way of a legislative amendment to ensure that certain SPS goods imported from the EU and certain countries to GB are not subject to default levels of official controls from 1 July 2025.

6.8 In addition, legislative amendments are required to ensure that the approach to delay the requirement for import checks of plants, plant products and other objects entering GB from the EU, Switzerland, and Liechtenstein through a West Coast Port (a 'relevant port') until 31 January 2027 is provided for.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Department conducted a targeted engagement with a broad range of Defra's trusted partner organisations including trade groups and other affiliated bodies, representing the views of members across a range of key industries and interests. These included GB Port Heath Authorities and local authorities with port health functions, food supply chain organisations, and trade logistic companies. It ran between 7 February and 28 February 2025 and sought views on amending the end date of the TSP from 1 July 2025 to 31 January 2027 and extending the easement for plants and plant products imported from the EU Switzerland, and Liechtenstein to GB via west coast ports over the same period.

7.2 From the bodies consulted, Defra received five responses during the engagement window. While these were broadly supportive of the proposed legislative changes, some concerns were raised about the impact to biosecurity while reduced import check levels remain in place, alongside proposals to further extend the easement for plant and plant products imports via West Coast Ports. The additional resourcing and infrastructure costs required to deliver full BTOM controls once the TSP extension expires was also highlighted.

7.3 Responders also emphasised the importance of ongoing collaborative engagement between Government and industry over the extension period to help them prepare and transition to the new arrangements before the TSP expires.

8. Applicable Guidance

8.1 There is no guidance on this instrument, as it extends the date applicable to existing arrangements.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the annual impact of the legislative changes in scope of the Better Regulation Framework is estimated to be below £10 million, with an annual cost of £5.54 million estimated for UK businesses. This estimate relates to the costs arising from the need for importers to comply with the prenotification and certification requirements under the Movement of Goods (Northern Ireland to Great Britain) (Animals, Feed and Food, Plant Health etc.) (Transitory Provision and Miscellaneous Amendments) Regulations 2025). This instrument introduced these controls on non-qualifying Northern Ireland goods entering GB from Northern Ireland from 25 February 2025. As this measure is legislated to end when the TSP ends, these controls will therefore continue by virtue of the TSP being extended from 1st July 2025. It is the policy intent to continue the controls implemented by this instrument through further legislation once the TSP ends.

9.2 Notwithstanding this, extending the TSP will provide a benefit to industry, as businesses have additional time to prepare for the introduction of checks. This means that they will have additional time to familiarise themselves with the requirements around the introduction of checks, and to ensure that processes and systems are properly in place in preparation for this.

Impact on businesses, charities and voluntary bodies

9.3 There is no, or no significant impact on business, charities or voluntary bodies because there is no substantial change in policy: the policy delays the introduction of checks on import goods.

9.4 The legislation does impact small or micro businesses, but these are expected to be minimal. No specific action is proposed, or has been taken, to exempt regulatory burdens on small or micro businesses. The reason for this is that the amendments apply equally to all businesses importing certain SPS goods. The measures present a benefit to businesses, in that they provide industry with additional time to prepare for the changes.

9.5 There is no significant impact on the public sector because the measures extend the implementation period for these checks, meaning that there is a longer period before public sector inspectors will need to commence these checks.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that these measures will be kept under review. Since the instrument makes provision for the extension of time limited measures, and will only have effect for a limited time, no review clause is required.

10.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Baroness Hayman of Ullock, Parliamentary Under-Secretary of State has made the following statement: “A statutory review clause is not necessary for this instrument. This is because it makes provision for measures which are time limited in nature, and which will only have effect for a limited time until their expiry.”

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Baroness Hayman of Ullock, Parliamentary Under-Secretary of State has made the following statement regarding Human Rights:

"In my view the provisions of the Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts"). It does however relate to the withdrawal of the United Kingdom from the European Union because it extends easements relating to the implementation of import checks on certain SPS goods being imported into Great Britain from certain countries, including from the EU, meaning that these checks will be implemented later.