

POLICY NOTE

THE OFFICIAL CONTROLS (TRANSITIONAL STAGING PERIOD) (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2021

SSI 2021/297

The above instrument is made in exercise of the powers conferred by Article 144(6) of, and 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, paragraphs 1(1) and (3) of schedule 2 and paragraph 21(b) of schedule 7 of the European Union (Withdrawal) Act 2018 and of all other powers enabling them to do so.

The instrument is subject to negative procedure.

Purpose of the instrument

These Regulations amend the Official Controls (Extension of Transitional Periods) Regulations 2021 (S.I. 2021/809) to remove provisions appointing the end date for “the transitional staging period” (defined in Annex 6 to Regulation (EU) 2017/625 (EUR 2017/625)) for certain checks on products of animal origin and certain types of animal by-product.

These regulations also remove the requirement that official controls be carried out at the place of destination and can now be carried out at any appropriate place, by the competent authority for that place, as provided for in Annex 6 of EU 2017/625.

Policy Objectives

The Official Controls (Extension of Transitional Periods) Regulations 2021 (the 2021 Regulations) amended transitional periods relating to official controls requirements for certain types of animals and goods being imported into Great Britain. For certain checks on certain types of product, the extension of the transitional staging period was to earlier dates: 30 September 2021 and 31 December 2021.

This instrument firstly amends the 2021 Regulations to provide that the transitional staging period will not end on earlier dates in respect of checks for products of animal origin, germinal products, animal by-products and derived products, and that for those products the transitional staging period, including in respect of checks, now ends on **28 February 2022**. The amendments will allow checks to be carried out on animals and related products during the remainder of the transitional staging period at the appropriate frequency rate provided for in Annex 6 to Regulation (EU) 2017/625.

Secondly, the Trade in Animals and Related Products (Scotland) Regulations 2012¹ are amended to provide that during the transitional staging period official controls need not take place at ‘the place of destination’ indicated in the relevant accompanying importation

¹ S.S.I 2012/177

documentation, and that notification of importation through the appropriate computerised information system be given to the authority responsible for performing official controls at the place where official controls are to be carried out.

Explanation of the law being amended by the regulations

Regulation 2 of the Official Controls (Extension of Transitional Periods) Regulations 2021 appoints the end date for the transitional staging period provided for by Annex 6 to Regulation (EU) 2017/625 for certain animals and goods which originate from certain third countries.

Schedule 5 of the Trade in Animals and Related Products (Scotland) Regulations 2012 makes provision regarding the importation of animals and related products during the transitional staging period.

Reasons for and effect of the proposed change or changes on retained EU law

Schedule 5 of the 2012 Regulations was made in exercise of powers conferred by the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the European Union, and is amended by regulation 3 of these Regulations. Schedule 5 made provision regarding the importation of animals and related products during the transitional staging period, some of which are no longer appropriate and insufficiently flexible as transitional arrangements given the extension of the transitional staging period

Regulation 3 thus amends paragraphs 4(6)(a) and 5(5) of schedule 5 of the Trade in Animals and Related Products (Scotland) Regulations 2012 to provide that during the transitional staging period official controls need not take place at the place of destination indicated in the relevant accompanying importation documentation, and that notification of importation through the appropriate computerised information system be given to the authority responsible for performing official controls at the place where official controls are to be carried out. The amendments will allow checks to be carried out on animals and related products during the transitional staging period at any appropriate place provided for in Annex 6 to Regulation (EU) 2017/625.

Statements required by European Union (Withdrawal) Act 2018

The Regulations are made in exercise of powers conferred by Article 144(6) of, and 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. In relation to regulation 3 of the Regulations, they are also made in exercise of the powers in paragraphs 1(1) and (3) of Part 1 of schedule 2 of, and paragraph 21(b) of schedule 7 of, the European Union (Withdrawal) Act 2018. The statements below relate to regulation 3 in so far as it is made under the European Union (Withdrawal) Act 2018.

Statement that in their opinion Scottish Ministers consider that the regulations do no more than is appropriate

The Cabinet Secretary for Rural Affairs and Islands has made the following statement “In my view the Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) Regulations 2021 do no more than is appropriate. This is the case because the Regulations make only minor necessary amendments to ensure appropriate arrangements can be put in place for sanitary checks on animals and related products during the remainder of the transitional staging period

Statement as to why the Scottish Ministers consider that there are good reasons for the regulations and that this is a reasonable course of action

The Cabinet Secretary for Rural Affairs and Islands has made the following statement “In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action. These are necessary to facilitate trade, protect food supply and ensure effective disease prevention, eradication and control as well as for the continued protection of public health.

Statement as to whether the SSI amends, repeals or revokes any provision of equalities legislation, and, if it does, an explanation of that amendment, repeal or revocation

The Cabinet Secretary for Rural Affairs and Islands has made the following statement “In my view the Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) Regulations 2021 do not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.”

Statement that Scottish Ministers have, in preparing the regulations, had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010

The Cabinet Secretary for Rural Affairs and Islands has made the following statement “In my view the Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) Regulations 2021 have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.”

Additional information provided for EU Exit instruments in terms of the protocol agreed between the Scottish Government and the Scottish Parliament

Statement that Scottish Ministers have, in preparing the regulations, had due regard to the guidance principles on the environment and animal welfare

The Cabinet Secretary for Rural Affairs and Islands made the following statement “In my view the Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) Regulations 2021 have had due regard to the guiding principles on the environment and animal welfare as derived from the equivalent principles provided for in Articles 13 and 191(2) in Titles II and XX respectively of the Treaty on the Functioning of the European Union.”

Statement explaining the effect (if any) of the regulations on rights and duties relating to employment and health and safety and matters relating to consumer protection (so far as is within devolved competence)

The Cabinet Secretary for Rural Affairs and Islands has made the following statement, “In my view the Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) Regulations 2021 do not alter current policy on rights and duties relating to employment and health and safety and matters relating to consumer protection (so far as is within devolved competence)”.

An indication of how the regulations should be categorised in relation to the significance of the change proposed

Low - the amendments are solely to make relatively minor amendments to the transitional staging period.

Statement setting out the Scottish Ministers’ reasons for their choice of procedure

The instrument is subject to negative procedure.

Consultation

In accordance with Article 144(7) of Regulation (EU) 2017/625, before making these Regulations, relevant interests likely to be substantially affected by the regulations and such other bodies or persons as Ministers have considered appropriate have been consulted.

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

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