

## **POLICY NOTE**

### **THE ANIMAL WELFARE AND FOOD SAFETY (INTERNATIONAL PROFESSIONAL QUALIFICATION RECOGNITION AGREEMENT IMPLEMENTATION) (MISCELLANEOUS AMENDMENT) (SCOTLAND) REGULATIONS 2023**

#### **SSI 2023/312**

The above instrument was made in exercise of the powers conferred by sections 3 and 13(1) of the Professional Qualifications Act 2022, and sections 30(9) and 48(1)(b) of the Food Safety Act 1990. The instrument is subject to negative procedure.

The purpose of this instrument is to extend recognition of relevant professional qualifications in slaughter and food safety to those issued in EEA-EFTA states to comply with the UK-EEA EFTA Free Trade Agreement.

#### **Policy Objectives**

The proposed instrument amends the definition of “qualification certificate” in the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 (“the WATOK(S) Regulations”), to include a qualification recognised under Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (“the Professional Qualifications Regulations 2023”) in relation to slaughter operations, and provides for a right of appeal against a decision by the competent authority not to recognise such a qualification. The proposed instrument also amends the Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013 (“the Food Safety Regulations”), to include a qualification recognised under the Professional Qualifications Regulations 2023 in relation to food examination.

The Professional Qualifications Regulations 2023 implement the UK’s obligations arising from the Free Trade Agreement made between the UK and Iceland, Liechtenstein and Norway in London on 8 July 2021. The above amendments are necessary to ensure that Scottish legislation complies with the UK’s commitments under the Free Trade Agreement in respect of the mutual recognition of professional qualifications.

#### **EU Alignment Consideration**

The mutual recognition of professional qualifications was formerly within the competence of the EU, when the UK was a Member State. However, the EEA EFTA Free Trade Agreement was made subsequent to EU exit, and the proposed SSI is consequential to the UK’s obligations arising from the Free Trade Agreement. This SSI is therefore not directly relevant to the Scottish Government’s policy to maintain alignment with the EU.

## **Consultation**

No consultation was required in relation to the amendment of the WATOK(S) Regulations. In respect of the amendment of the Food Safety Regulations, to comply with the requirements of To comply with the requirements of Article 9 of Regulation (EC) 178/2002, Food Standards Scotland invited comments on the proposed amendments from Public Analysts in Scotland from 29 August 2023 to 20 September 2023. No comments were received.

## **Impact Assessments**

No Business and Regulatory Impact Assessment was conducted as the changes will impact only a very small number of individual workers from the countries specified in the UK-EEA EFTA Free Trade Agreement. No Data Protection Impact Assessment was conducted as no new data will be collected. Equality and Child Rights and Wellbeing Impact Assessments have been undertaken in line with current Scottish Government requirements. No issues were identified.

## **Financial Effects**

The Minister for Energy and the Environment 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 & Rural Economy Directorate  
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