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Rural Affairs, Islands and Natural Environment
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The Scottish Parliament
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21 March 2022

Dear Finlay,

The Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) (No. 3) Regulations 2021 (SSI 2021/493)

Further to my letter of 14 March regarding subordinate legislation which the Committee had discussed at its meetings on 26 January 2022, and 2 February 2022, there were a number of outstanding questions pertaining to 'The Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) (No.3) Regulations 2021 (SSI 2021/493)'. I am now able to provide clarity to the Committee on the points raised.

Firstly the Committee asked why the transitional staging period ends on 30 June when there are further stages planned beyond that. This instrument replaced the dates for the ending of the transitional staging period, as set out in the Official Controls (Extension of Transitional Periods) Regulations 2021 with a single date – 30 June 2022 – so that the Official Controls Regulation will apply to all SPS goods starting from 1 July 2022. This aligns with the policy intention as set out in The Official Controls (Extension of Transitional Periods) (England and Wales) (Amendment) (No.2) Regulations 2021 which changed the end date for the transitional staging period (as defined in Annex 6 to Regulation (EU) 2017/625 from 28 February 2022 (and 31 December 2021 in certain cases to 30 June 2022)). In so doing there was GB-wide consistency in amending the date of the ending of the TSP. As set out in the Border Operating Model further legislation is planned this year to set out specific requirements applying from 1 July 2022 and we will be setting this out in due course. Details of the UK Border Operating Model are here - [2021_December_BordersOPModel.pdf](#) (publishing.service.gov.uk).

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Clarification was also sought on whether there is any practical difference in import controls in Scotland – compared to the rest of the UK – as a consequence of the Scottish Government bringing forward its own Scottish instrument. There are fundamentally no practical differences as a consequence of the Scottish Government bringing forward its own instrument. However, in addition to the provisions contained in the Scottish instrument for Scotland, the UK SI also made provision for England and Wales for a temporary exemption to apply during the transitional staging period so that certain lower risk SPS goods produced in Northern Ireland or the Republic of Ireland and moved or imported into Great Britain from the Republic of Ireland were not subject to pre-notification requirements for those goods which came into force from 1st January 2022. As this was announced by the UK Government very shortly before the UK SI was due to be laid and in the absence of established direct trade routes from the Republic of Ireland to Scotland, the Scottish Government chose to take time to consider the policy proposed by those changes prior to introducing legislation.

A SSI, the Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) Regulations 2022, was laid on 17 March and replicates this provision for Scotland. Notwithstanding the absence of established direct trade routes from the Republic of Ireland to Scotland, Scottish Ministers consider that it is important to have the same import controls in place as the rest of GB, in particular to avoid any potential barriers to the movement of Northern Ireland goods or that importers are required to follow different processes in Scotland than the rest of GB.

And finally the Committee sought confirmation of whether this issue falls within the Food and Feed Safety and Hygiene (FFSH) framework. I can confirm that this does not fall within the parameters of the food and feed framework. FSS would by convention expect to be involved in any decisions that impact food related import controls

Yours sincerely,



MAIRI GOUGEON