

NOTIFICATION TO THE SCOTTISH PARLIAMENT

The Approved Country Lists (Animals and Animal Products) (Amendment) Regulations 2023 (“the instrument”)

Is the notification Type 1 or Type 2

Type 1.

A brief overview of the SI (including reserved provision)

This instrument amends several pieces of retained European Union law to correct errors in the lists of certain animals and animal products that Switzerland and Iceland are approved to export to Great Britain which is necessary to ensure trade in those animals and animal products with these countries can continue. The instrument also removes an approval for the transit of bovine animals through the EU from Russia to the Russian territory of Kaliningrad via Lithuania that has been redundant since the end of the Transition Period.

This SI is subject to negative procedure and is due to be laid in the UK Parliament on 28 February 2023.

Details of the provisions that Scottish Ministers are being asked to consent to

The specific animals and animal products that trading partners are approved to export to Great Britain are set out in a number of pieces of retained European Union law. This retained EU legislation imposes import conditions in respect of certain animals and animal products entering Great Britain, in particular rules that such imports are generally only permitted from specified countries (or parts thereof) and about other mandatory matters applicable to such imports which are listed in annexes to retained legislation (“third country lists”). The third country lists are contained in specified Commission Regulations and Commission Decisions that form part of retained EU law.

The instrument makes amendments to third country lists in the following retained EU legislation:

- Entries regarding the approvals for Switzerland and Iceland in [Commission Decision 2007/777/EC](#) laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries;
- Entries regarding the approvals for Switzerland in [Commission Regulation \(EC\) No 798/2008](#) laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements
- Entries regarding the approvals for Switzerland and Russia in [Commission Regulation \(EU\) No 206/2010](#) laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of

certain animals and fresh meat and the veterinary certification requirements.

The instrument is made in exercise of powers contained in regulations 6, 7 and 9 of [The Trade in Animals and Animal Products \(Legislative Functions\) and Veterinary Surgeons \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1225\)](#). [The powers allow](#) the third country lists in the above pieces of legislation to be amended to add, remove or amend an entry in respect of a third country, where the amendment is necessary or appropriate in light of an assessment of the risks to animal health and/or public health in the United Kingdom. The consent of the appropriate authorities – the Scottish Ministers in relation to Scotland – is required in order for the Secretary of State to be able to exercise these powers.

Summary of Proposals

In order to maintain existing approvals for European Union Member States and European Free Trade Association (EFTA) states to export animals and animal products to Great Britain following EU exit and the end of the Transition Period, amendments were made to retained EU law in order to add these countries to third country lists approved to export animals and animal products to Great Britain. Powers conferred by S.I. 2019/1225 allowed the Secretary of State, with the consent of the appropriate authority, to make amendments to third country lists in retained EU law. Further amendments were made to third country lists in retained EU law by the Import of Animals and Animal Products and Approved Countries (Amendment) Regulations 2022 (SI 2022/735) in order to allow certain conditions relating to the import into Great Britain of certain animals and animal products to be specified administratively, rather than by way of exercise of regulation-making powers.

The policy intention was for existing approvals for Switzerland and Iceland to export certain animals and animal products to Great Britain to be maintained following the end of the Transition Period. However, amendments to third country lists made by S.I. 2022/735 resulted in certain approvals for Switzerland and Iceland being inadvertently removed. These errors must be rectified to ensure that trade from Switzerland and Iceland can continue without disruption. As Switzerland and Iceland are both territories subject to special transitional import arrangements for the duration of the transitional staging period, the inadvertent removal of approvals in third country lists for those countries has had no practical effect on trade.

Separately, a redundant transit approval for bovine animals from Russia was mistakenly retained in Commission Regulation (EU) No 206/2010 at the end of the Transition Period. The approval relates to the transit of bovine animals through the EU from Russia to the Russian territory of Kaliningrad via Lithuania and has no relevance to trade between Russia and Great Britain. This approval should have been removed when the EU legislation was retained, but the error has only recently been identified.

The instrument makes the following amendments to existing third country lists:

- It amends the listings for Switzerland and Iceland in the table in Part 2 of Annex II of Commission Decision 2007/777/EC. At present the table entries for both Switzerland and Iceland are blank. Previously there was a footnote beside the entries for both countries, but both footnotes were inadvertently removed by S.I. 2022/735 and by the Approved Country Lists (Animals and Animal Products) (Amendment) Regulations 2021. The amendments proposed by this instrument will mean that both Switzerland and Iceland will once again be authorised to import all of the products listed in the [table](#) entitled 'Third countries from which the introduction of meat products and treated stomachs, bladders and intestines into Great Britain is authorised', subject to any applicable import conditions.
- It amends the listing for Switzerland in the table in Part I of Annex I of Commission Regulation (EC) No 798/2008. At present the entry for Switzerland is blank, aside from a footnote for which the text has been removed by S.I. 2022/735. The amendments will mean that Switzerland will once again be authorised to import poultry and poultry products under the relevant health certificates, subject to any applicable import conditions.
- It amends the listings for Switzerland in the tables in Part I of Annex I and Part I of Annex II to Commission Regulation (EU) No 206/2010. Previously there were footnotes beside the entries for Switzerland in both tables but the footnotes were inadvertently removed by S.I. 2022/735. The amendments mean that Switzerland will once again be authorised to import certain live animals and fresh meat of certain animals under the relevant health certificates, subject to any applicable import conditions.
- It amends the listing for Russia in the table in Part I of Annex I to Commission Regulation (EU) No 206/2010 to remove the entry for imports under the health certificate 'BOV-X-TRANSIT-RU'. This redundant approval has no relevance to trade between Great Britain and Russia, and should have been removed from Commission Regulation (EU) No 206/2010 when it became retained EU law.

Does the SI relate to a common framework or other scheme?

None.

Summary of stakeholder engagement/consultation

Defra has formally consulted with Scottish Government, Welsh Government, Food Standards Agency and Food Standards Scotland on this instrument. They are all agreed that re-listing Switzerland and Iceland in this instrument is consistent with the policy of maintaining existing approvals to exports animals and animal products to Great Britain following the end of the Transition Period, and have given their consent. Defra has not undertaken a public consultation on this instrument as it does not constitute a change in policy and will maintain the status quo, and so the Scottish Government agrees that further consultation is not necessary.

A note of other impact assessments, (if available)

There is no, or no significant, impact on the public sector.

A full impact assessment has not been produced for this instrument as Defra's assessment is that there is no, or no significant, impact on the private, voluntary or public sectors is foreseen.

Summary of reasons for Scottish Ministers' proposing to consent to UK Ministers legislation

The Scottish Ministers have approved the assessment of risk to animal or public health and are satisfied that the proposed amendments are necessary or appropriate in light of the assessment. The Scottish Ministers are satisfied that the amendments to be made by this instrument are necessary in order to allow the export of certain animals and animal products from Switzerland and Iceland to Great Britain to continue, and that the removal of the redundant transit approval for Russia relating to bovine animals is appropriate and will have no impact on trade between Great Britain and Russia.

Intended laying date (if known) of instruments likely to arise

The instrument is due to be laid on 28 February 2023.

If the Scottish Parliament does not have 28 days to scrutinise Scottish Minister's proposal to consent, why not?

The Scottish Parliament will have 28 days to scrutinise the Scottish Ministers proposal to consent.

Information about any time dependency associated with the proposal

Not applicable.

Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?

None.

Any significant financial implications?

None.

SI NOTIFICATION: SUMMARY

Title of Instrument
The Approved Country Lists (Animals and Animal Products) (Amendment) Regulations 2023
Proposed laying date at Westminster
28 February 2023
Date by which Committee has been asked to respond
21 February 2023
Power(s) under which SI is to be made
regulations 6, 7 and 9 of the Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019
Categorisation under SI Protocol
Type 1
Purpose
This instrument amends several pieces of retained European Union law to correct errors in the lists of certain animals and animal products that Switzerland and Iceland are approved to export to Great Britain which is necessary to ensure trade in those animals and animal products with these countries can continue. The instrument also removes an approval for the transit of bovine animals through the EU from Russia to the Russian territory of Kaliningrad via Lithuania that has been redundant since the end of the Transition Period.
Other information
The Scottish Ministers have approved the assessment of risk to animal or public health and are satisfied that the proposed amendments are necessary or appropriate in light of the assessment.
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Environment Committee
The Scottish Parliament
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13 January 2023

Dear Finlay,

DEFRA APH/078 - THE APPROVED COUNTRY LISTS (ANIMALS AND ANIMAL PRODUCTS) (AMENDMENT) REGULATIONS 2023

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to proposals by the Scottish Ministers to consent to the making of UK secondary legislation relating to the import of certain animals and animal products from Switzerland and Iceland into Great Britain.

I attach a Type 1 notification which sets out the details of the SI which the UK Government propose to make and the reasons why I am content that Scottish devolved matters are to be included in this SI. Please note, we are yet to have sight of the final SI and it is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

The UK Government plans to lay the instrument on 28 February 2023.

As matters stand, a response from the Committee is requested by 21 February 2023. Such a timescale would allow the Scottish Parliament 28 days to scrutinise the instrument prior to the laying of the instrument in the UK Parliament.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Yours sincerely

MAIRI GOUGEON

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

