

T: 0300 244 4000
E: scottish.ministers@gov.scot

Finlay Carson MSP
Convener
Rural Affairs and Islands Committee
Scottish Parliament
Edinburgh
EH99 1SP
UKSIs@parliament.scot

13 October 2023

Dear Finlay,

**EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT
SIs RELATING TO THE WINDSOR FRAMEWORK**

The Scottish Parliament agreed on 28 June 2023 that it was content for Scottish Ministers to give their consent to the following SIs including Scottish devolved matters, as set out in the notifications to the Parliament:

**THE WINDSOR FRAMEWORK (RETAIL MOVEMENT SCHEME) REGULATIONS
2023 – (NID/011)**

**THE WINDSOR FRAMEWORK (PLANT HEALTH) REGULATIONS 2023 –
(NID/012)**

**THE WINDSOR FRAMEWORK (ENFORCEMENT ETC.) REGULATIONS 2023 –
(NID/013)**

**THE WINDSOR FRAMEWORK (RETAIL MOVEMENT SCHEME: PUBLIC HEALTH,
MARKETING AND ORGANIC PRODUCT STANDARDS AND MISCELLANEOUS
PROVISIONS) REGULATIONS 2023 – (NID/014)**

**THE WINDSOR FRAMEWORK (FINANCIAL ASSISTANCE) (MARKING OF
RETAIL GOODS) REGULATIONS 2023 – (NID/015)**

The Windsor Framework (Retail Movement Scheme) Regulations 2023 (NID/011) was made on 8 August 2023 under section 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018. I can now confirm that this SI is consistent with the consent granted.

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The Windsor Framework (Plant Health) Regulations 2023 (NID/012) was made on 4 September 2023 under section 8C(1) and (2) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018. I can now confirm that this SI varies in some respects from the original proposal, but that the variation is not so significant as to need any further process. This reflects on-going discussions between the UK and EU in relation to the application of the Official Controls Regulations (Regulation (EU) 2017/625) to this part of the Windsor Framework. The NI Plant Health Label will still replace the need for a phytosanitary certificate for these goods and, dependent on final implementing decisions, they will be subject to reduced checks.

The Windsor Framework (Enforcement etc.) Regulations 2023 (NID/013) was made on 27 September 2023 under section 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018. I can now confirm that this SI is consistent with the consent granted in relation to the plant health enforcement measures described in the notification. The amendments to the retained EU Plant Health Regulation (2016/2031) relating to the introduction of qualifying NI goods into GB and their movement within GB have been included in NID/014.

The Windsor Framework (Retail Movement Scheme: Public Health, Marketing And Organic Product Standards And Miscellaneous Provisions) Regulations 2023 (NID/014) was made on 1 September 2023 under section 8C (1) and (2) of, and paragraph 21 of Schedule 7 to, of the European Union (Withdrawal) Act 2018. I can now confirm that this SI is consistent with the consent granted, subject to the additional provisions which were originally notified as being contained in NID/013 as described above.

The Windsor Framework (Financial Assistance) (Marking Of Retail Goods) Regulations 2023 (NID/015) was made on 1 September 2023 under section 8C (1) and (2) of, and paragraph 21 of Schedule 7 to, of the European Union (Withdrawal) Act 2018. I can now confirm that this SI varies in some respects from the original proposal, but that the variation is not so significant as to need any further process. The notification set out that this SI would require the Secretary of State to ensure that certain specified information about the businesses that have received payments is published on an annual basis (and that aggregated information is published for those businesses where the financial assistance provided is below a certain level). This requirement has not been included in the final version of the SI.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee, Gillian Martin, the Minister for Energy and the Environment, and Lorna Slater, the Minister for Green Skills, Circular Economy and Biodiversity.

Yours sincerely,



MAIRI GOUGEON

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

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