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09 August 2024

Dear Convenor,

**THE OFFICIAL CONTROLS (EXTENSION OF TRANSITIONAL PERIODS)  
(MISCELLANEOUS AMENDMENTS) REGULATIONS 2024 – “DEFRA PH/046”  
EU EXIT LEGISLATION – PROTOCOL 2 WITH SCOTTISH PARLIAMENT**

The Scottish Parliament agreed on 22 November 2023 that it was content for Scottish Ministers to give their consent to the Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2024<sup>1</sup> (Defra PH/046) including Scottish devolved matters as set out in the notification to the Parliament.

Defra PH/046 was laid on 9 January 2024 and came into force on 31 January 2024 under the powers conferred by Articles 144(6) of, and paragraphs 2 and 3 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 (“the Official Controls Regulation”). In addition, paragraph 11A of Schedule 2 to the Trade in Animals and Related Products Regulations 2011 but this was in relation to England only. Equivalent provision was made under the Meat Preparations (Import Conditions) (Scotland) Amendment Regulations 2024<sup>2</sup>.

I can now confirm that Defra PH/046 varies in some respects from the original proposal but that variation is not so significant as to need any further process.

The final instrument varies in the following respects from the original notification:

The original notification set out the medium risk products of animal origin for which requirements for health certificates would be introduced in schedule 5 of the Trade in

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<sup>1</sup> S.I. 2024 No.20

<sup>2</sup> S.S.I. 2024 No.81

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Animals and Related Products (Scotland) Regulation 2012. The original notification stated that the instrument would introduce health certificate requirements for not live or not viable fishery products from certain species. The final instrument introduced a health certificate requirement for live or viable fishery products, and fishery products from the *Scombridae*, *Clupeidae*, *Engraulidae*, *Coryfenidae*, *Pomatomidae*, or *Scombresosidae* families (unless shelf-stable and securely packaged in clean containers), and for products derived from live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods. The final instrument also introduced requirements for health certificates for beeswax, pollen, propolis and royal jelly, which were not mentioned in the original notification.

The original notification in Annex 2 also set out the medium risk animal by-products and derived products which would require a health certificate. The final instrument differs from the original notification in that

- the raw materials from which an animal by-product or derived product was made did not form part of the requirement for a health certificate in the final instrument,
- the requirement for a health certificate applies to dog chews intended for pet animals
- the requirement for a health certificate applies to trade samples intended for use as trade samples.

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

Yours sincerely,



**JIM FAIRLIE**

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