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06 March 2025

Dear Finlay,

**EU EXIT LEGISLATION – PROTOCOL 2 WITH SCOTTISH PARLIAMENT  
THE OFFICIAL CONTROLS (EXTENSION OF TRANSITIONAL PERIODS)  
(AMENDMENT) REGULATIONS 2025 – “DEFRA OFC/023”**

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 affecting devolved areas arising from EU Exit.

That protocol, as agreed between the Scottish Government and then Parliament, accompanied the letter from the then Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, to the Conveners of the Finance & Constitution and Delegated Powers and Law Reform Committees on 4 November 2020 and replaced the previous protocol that was put in place in 2018.

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.

Defra OFC/023 is subject to the negative procedure and on current Defra plans is to be laid in the United Kingdom Parliament on 29 April 2025.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee, and I look forward to hearing from you by 5 April 2025.

Yours sincerely,

**JIM FAIRLIE**

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

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## **NOTIFICATION TO THE SCOTTISH PARLIAMENT**

### **The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2025– “Defra OFC/023”**

#### **Is the notification Type 1 or Type 2**

Type 1

#### **A brief overview of the SI**

The purpose of this instrument is to extend the implementation period of import checks on certain sanitary and phytosanitary (SPS) goods entering Great Britain (GB) from certain countries.

The Transitional Staging Period (TSP) is a period during which the requirements for certain official documents, and for the performance of official controls in relation to some categories of animals, plants and other goods imported into GB have been temporarily eased. Under previous legislation, the TSP is due to end on 1 July 2025, and this instrument extends this to 31 January 2027.

This instrument also extends an easement which delays the requirement for import checks in respect of plants, plant products, or other objects (such as machinery and vehicles which have been used for agricultural or forestry purposes) entering GB from the EU, Liechtenstein or Switzerland through a West Coast Port before 31 January 2027, in line with the end of the TSP. It should be noted that other import requirements such as pre-notification and a phytosanitary certificate are still required. The extension is necessary to allow more time for an agreed GB-wide approach to import checks on the West Coast to be developed.

This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU because Great Britain is no longer part of the EU’s internal market. These measures are required as a consequence of no longer being an EU Member State, in line with international obligations we share with the EU, and the operation of UK internal market established by the United Kingdom Internal Market Act 2020. These measures will not create any barriers to re-entry to the European Union.

OFC/23 is made in exercise of powers conferred by Article 144(6) of, and paragraph 2 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).

OFC/23 is subject to negative procedure and is to be laid on 29 April 2025. The extension of the TSP will come into force on 20 May 2025, and the other amendments will come into force on 1 July 2025.

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

- the extension of the easements on checks on goods entering GB from the EU, Liechtenstein and Switzerland through a West Coast Port is achieved through amendments to the definitions of “excluded goods” in Annex 6 to the Official Controls Regulation, and regulation 3 of the Official Controls (Plant Health) (Frequency of Checks) Regulations (the “2022 Regulations”). The amendment to

Annex 6 of the OCR extends the period for which physical and identity checks are not required for certain plants and plant products originating in the EU Member State, Liechtenstein or Switzerland entering GB through a “relevant port” (defined in Annex 6 of the OCR and comprising identified West Coast Ports). The amendment to the 2022 Regulations extends the period during which certain plants, plant products and other objects that originate in an EU Member State, Liechtenstein or Switzerland are not subject to the requirement for the appropriate frequency of import checks to be determined by the competent authority having regard to the information specified in the 2022 Regulations. The period is extended, in respect of certain plants, plant products and other objects entering Great Britain through a “relevant port”, to 31 January 2027.

- the Official Controls (Extension of Transitional Periods) Regulations 2021<sup>1</sup> are amended to change the end date of the TSP from 1 July 2025 to 31 January 2027. The TSP is defined in paragraph 2 of Annex 6 to the Official Controls Regulation. It is a period during which certain derogations and modifications of the Official Controls Regulation apply to animals and goods originating from territories subject to special transitional import arrangements.

### **Summary of the proposals:**

The TSP was introduced as part of a phased approach to import controls on goods from certain countries including EU member states. The TSP is a period during which the requirements for certain official documents, and for the performance of official controls in relation to some categories of animals, plants and other goods imported into GB have been temporarily eased, to allow for the phased introduction of new import controls under the Border Target Operating Model (BTOM). Following the publication of the BTOM on 29 August 2023, the January and April 2024 milestones of the new risk-based approach to SPS controls for goods imported into Great Britain have been delivered.

BTOM controls on EU goods are supported, in part, by the TSP and a permanent legislative basis is required before the TSP can end. The Official Controls (Amendment) Regulations 2025 came into force on 10 February 2025, and provides the legislative framework for BTOM delivery to continue and, once completed, the end of the TSP.

Many consignments entering Great Britain from the territories subject to special transitional import arrangements, are, during the TSP subject to requirements for official controls that are the same or similar to consignments from other countries. However the TSP continues to provide important flexibilities to reflect the SPS conditions in these territories, and which are necessary to allow time for the controlled implementation of these BTOM policies to be implemented

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

Plant Health Framework  
Animal Health and Welfare Framework

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<sup>1</sup> S.I. 2021/809

## **Summary of stakeholder engagement/consultation**

The Department for Environment, Food and Rural Affairs, with the Scottish and Welsh Governments ran a period of engagement with targeted stakeholders from 7 February 2025 until 28 February 2025.

### **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 no, or no significant, impact on the private, voluntary or public sectors is foreseen because there is no substantial change in policy: the policy delays the introduction of checks on imported goods.

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

The SI takes account of devolved competence.

Bearing in mind that this legislation is an integral part of ongoing implementation of the BTOM Scottish Ministers consider that it would be appropriate for these provisions to be enacted on a GB-wide basis, as it allows the Scottish Government to continue to work with other UK Administrations to finalise and implement the objectives of the BTOM.

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

OFC/023 will be made using the negative procedure and it is intended to be made on 29 April 2025 and will come into force on 20 May 2025.

### **If the Scottish Parliament does not have 28 days to scrutinise Scottish Ministers' proposal to consent, why not?**

N/A

### **Information about any time dependency associated with the proposal.**

N/A

### **Are there any broader governance issues in relation to this proposal, and how with these be regulated and monitored post-withdrawal.**

None.

### **Any significant financial implications?**

No significant financial implications.

## SI NOTIFICATION: SUMMARY

<b>Title:</b> The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2025– “Defra OFC/023”
<b>Proposed laying date at Westminster:</b> 29 April 2025
<b>Date by which Committee is to respond:</b> By 5 April 2025.
<b>Power(s) under which SI is to be made:</b> This SI is subject to negative procedure and is made in exercise of powers conferred by Article 144(6) of, and paragraph 2 of Annex 6 to, <a href="#">Regulation (EU) 2017/625</a> 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).
<b>Categorisation under SI Protocol:</b> Type 1
<b>Purpose:</b> This instrument extends the implementation period of import checks on certain sanitary and phytosanitary goods entering Great Britain from certain countries. The Transitional Staging Period (TSP) is a period during which the requirements for certain official documents, and for the performance of official controls in relation to some categories of animals, plants and other goods imported into Great Britain have been temporarily eased. Under previous legislation, the TSP was due to end on 1 July 2025, and this instrument extends this to 31 January 2027.  This instrument also extends an easement which delays the requirement for import checks in respect of plants, plant products, or other objects (such as machinery and vehicles which have been used for agricultural or forestry purposes) entering GB from the EU, Liechtenstein or Switzerland through a West Coast Port (as listed in the definition of ‘relevant port’ in paragraph 1 of Annex 6 of the Official Controls Regulation and regulation 3 of the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022) before 31 January 2027, in line with the end of the TSP.
<b>Other information</b>
<b>SG Policy contact:</b> Ian Cox, Agriculture and Rural Economy Directorate, Animal Health and Welfare Division <a href="mailto:ian.cox@gov.scot">ian.cox@gov.scot</a>