

Cabinet Secretary for Rural Affairs and
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Mairi Gougeon MSP



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Finlay Carson MSP
Convenor
Rural Affairs, Islands and Natural
Environment Committee
The Scottish Parliament
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20 June 2022

Dear Finlay,

THE ANIMAL WELFARE (MISCELLANEOUS AMENDMENTS) REGULATIONS 2022.

Thank you for your letter of 16 May 2022 confirming the Committee's agreement to the provisions set out in the consent notification for the above SI to be included in UK, rather than Scottish, subordinate legislation.

In your letter, the Committee requested information on several related points and I provide further information below which I hope you find helpful.

Firstly, the Committee asked whether the removal of the requirement to report annually to the European Commission, and to analyse and address deficiencies in relation to the requirements of Council Regulation (EC) No 1/2005 (retained EU law) on the welfare of animals during transport is being, or has been, replaced with domestic reporting requirements. Your letter went on to ask how the Scottish Government intends to monitor and ensure transparency in this area if requirements are not to be replaced.

In response to this I can confirm that whilst there is no longer an obligation to produce annual reports on inspections relating to welfare in transport, or indeed for analysis of deficiencies to be shared with the Commission, APHA are under instruction to continue to produce the same report for domestic use. Defra have confirmed that this information will be shared with the Scottish Government.

Secondly, the Committee asked for clarity on the absence of a legal requirement to pursue cost recovery, and to confirm whether the Scottish Government continues to have a policy of cost recovery from transporters in the event of non-compliance where there is a net financial benefit to pursuing it.

On this matter I can confirm that cost recovery is no longer mandatory, so it is at the discretion of authorities to forgo cost recovery where it is impractical, un-economic or not in the public interest. This allows the competent authority to consider individual circumstances and make decisions regarding cost recovery on a case-by-case basis. The actual powers of the competent authority are not affected and where feasible or desirable, cost recovery can and will be pursued.

Finally, the Committee asked how the Scottish Government's decision to consent to the provisions being included in the United Kingdom legislation can be reconciled with its stated intention to maintain regulatory alignment with European Union law and the high standards that Scotland enjoyed as part of the EU and the UK's application to join free trade agreements such as the comprehensive and progressive agreement for trans-Pacific partnership, or CPTPP.

As previously stated, there are many practical and important reasons why these amendments should be brought in on a UK basis and I thank the Committee for supporting this decision. However, I share the Committee's concerns, as indeed Scotland could have been confident in continued high animal welfare standards if it had remained part of the EU. The Scottish Government will continue to press the UK Government to ensure ambitious standards of animal welfare are part of any future free trade agreements, and endeavour where possible to apply pressure and/or take mitigating action if agreements fall short of the ideal.

I hope this reply is helpful to the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mairi Gougeon', with a stylized flourish at the end.

MAIRI GOUGEON