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Convener
Rural Affairs, Islands and Natural Environment
Committee
The Scottish Parliament
EDINBURGH
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By email: rural.communities@parliament.scot

27 June 2022

Dear Finlay,

The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2022 (Defra OFC/010)

Thank you for your letter of 1 June 2022 indicating that the Committee had signalled its agreement to the Scottish Government's decision to consent to the provisions being included in the above Statutory Instrument (SI) as outlined in the notification, rather than Scottish subordinate legislation. In relation to the Committee's follow up questions, I shall address each of these in turn, below.

Why it is now considered appropriate to make regulations amending the rules around checks on SPS goods during the TSP

The Statutory Instrument extends the TSP to 31 December 2022 and will come into force on 29 June 2022. As has been signalled previously to the Committee the Scottish Government has recognised that it is important for there to be GB-wide alignment, as far as possible, with regulations in order to ensure uniformity across the board. In addition, as the Committee will appreciate, the Sanitary and Phytosanitary (SPS) sphere is dynamic, and new challenges or threats can manifest at any time. It is on this basis that we believe there is a strong rationale for the the regulations to be introduced in a timely and appropriate manner in order to protect and bolster Scotland's unique interests and concerns.

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What the impact of these changes may be on stakeholders and the wider public, including further information about the outcome of the consultations between governments and stakeholders.

A UK-wide targeted sectoral consultation was undertaken by Defra on proposed changes to the TSP which ran from 25 May 2022 until 30 May 2022. Over 120 individuals and organisations were invited to comment on the impact of revising the timeline for the further phased introduction of SPS checks, and on the potential impact if this instrument were not to be brought into force.

The consultation focussed on stakeholders in the SPS sector, including representative trade and industry organisations, interest groups and Port Health Authorities, and Local Authorities. At the consultation's conclusion, the total number of responses received was six. These responses broadly recognised the reasons for the delay given the significance of full import checks and current supply chain pressures. However, it is worth recognising that respondents did in the main express concern that businesses exporting goods to the EU from GB were being impacted by full import controls into the Union, whereas EU goods being imported into GB were not facing similar reciprocal controls.

In addition, it was considered by respondents that biosecurity should continue to be maintained in the period before full import controls are applied and that a notice period of implementation of full import controls going forward was imperative in order to give businesses sufficient time to plan accordingly.

The outcome of discussions with stakeholders who have invested in preparations for the end of the transitional staging period.

The reaction to the UK Government's announcement from Scottish stakeholders has not been positive for understandable reasons. Key concerns have included the time and money invested in preparing for the July 2022 import controls, only for this to be changed with little warning. The Scottish Government shares businesses' concerns as there will continue to be in play an uneven playing field between Scotland's importers and exporters as outlined in the answer to the question above in relation to SPS controls and the lack of GB reciprocal measures.

Scottish Government officials have met with representatives from Scotland's local authorities (LAs) to gauge their reaction in recent weeks. Their reactions is again one of deep frustration with what is a fourth delay in the introduction of import checks following the United Kingdom's withdrawal from the European Union. Some LAs were already in the process of recruiting Official Veterinarians (OVs) given that OV inspections and sign offs were a requirement of the proposed July 2022 import checks. On the basis of this recent unilateral decision by the UK Government to delay these import checks LAs are now faced with further uncertainty and it is likely that LAs will only be able to make decisions on OV recruitment with regard to the future implementation of a full import SPS check regime on a piecemeal basis.

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LAs, port authorities and businesses had made great strides in making investments in preparation for the introduction of import checks in July 2022, only for the UK Government to cause further disruption to their plans at the very last minute. I am very dissatisfied in the way this has been handled and I have made representations to the UK Government expressing my dismay, most recently in my letter to George Eustice of 4th May.

Yours sincerely,



MAIRI GOUGEON

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