

NOTIFICATION TO THE SCOTTISH PARLIAMENT

The Official Controls (Temporary Measures) (Coronavirus) (Amendment) (No. 3) Regulations 2021

Is the notification Type 1 or Type 2.

Type 1 notification.

A brief overview of the SI (including reserved provision)

The Official Controls (Temporary Measures) (Coronavirus) (Amendment) (No.3) Regulations 2021 This instrument will allow competent authorities in Great Britain to continue to benefit from temporary easements related to official controls to contain risks to human, animal and plant health and animal welfare against the backdrop of the Covid-19 (“coronavirus”) pandemic. This aims to prevent disruption to the system of official controls due to coronavirus.

The instrument will be laid in the UK Parliament on 29 December 2021 and come into force on 30 December 2021 thereby ensuring there is no gap between the extension of the period of application under these Regulations.

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

The instrument will amend Commission Implementing Regulation (EU) 2020/466 (“the EU Regulation”), which has become retained direct EU law, to extend the period of availability of existing easements in the system of official controls in operation in Great Britain, beyond the existing expiry date of 31 December 2021 to 1 July 2022. It will therefore further continue arrangements most recently by The Official Controls (Temporary Measures) (Coronavirus) (Amendment) (No.2) Regulations 2021, which allowed easements to continue beyond the original end date of 30 June 2021 to 31 December 2021.

Summary of the proposals

The instrument will give competent authorities in Great Britain the power to adopt and continue with specific temporary easements related to official controls and official activities to prevent disruptions to trade during the coronavirus pandemic. This includes options to allow control authorities that carry out official controls and official activities to authorise, within strict parameters, natural persons to undertake official controls and official activities under their instruction by any available means of communication; to carry out checks on electronically submitted documents, also away from the border; and to conduct meetings with operators by using remote communication.

Powers to adopt temporary measures related to official controls and official activities in Great Britain have been in place throughout 2020 and 2021 to avoid serious disruptions to trade during the coronavirus outbreak. As disruption is likely to continue into 2022, this further instrument is being introduced using powers in

Article 141 of Regulation (EU) 2017/625 (the Official Controls Regulation), to provide a legal basis for the continuation of certain easements until 1 July 2022.

The easements the availability of which is extended by this instrument apply on a GB-wide basis.

None of the amendments made by the instrument confer powers to make legislation on UK or Scottish Ministers.

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

No.

Summary of stakeholder engagement/consultation

Under the enabling powers for this SI, consultation is required before making new Regulations. The Secretary of State must consult such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected. In order to meet these requirements in the context of the instrument, we understand that stakeholders including Port Health Authorities, the Animal and Plant Health Authority, and other plant health stakeholders were consulted. Respondents to the consultation were supportive of this instrument.

The Scottish Government is in regular contact and communication with Defra and other devolved administrations and this instrument has been developed in collaboration with Devolved Administration officials.

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 the instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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

It is essential that the instrument is made to ensure the continuing availability, after 31 December 2021 and until 1 July 2022, of specific temporary easements related to official controls and official activities to prevent disruption to trade during the coronavirus pandemic.

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

This SI will be made and laid on 29 December 2021 and come into force on 30 December 2021.

If the Scottish Parliament does not have 28 days to scrutinise Scottish Minister’s proposal to consent, why not?

The rapid emergence and transmission of the Omicron variant of coronavirus in the last few weeks and the associated ongoing uncertainty in relation to the immediate and longer-term impacts thereof has precipitated the decision that the period during which the current easements are to apply requires to be extended further beyond the current end date of 31 December 2021. Against this background the Scottish Government was unable to comply with the requirement that members should have 28 days for scrutiny before the instrument was laid.

Information about any time dependency associated with the proposal

The extension to 1 July 2022 put in place by this instrument will be reviewed ahead of that date to determine whether it continues to be necessary, or if an extension is required. Any further continuation of the easements beyond that date will depend on the degree of ongoing disruption caused by the coronavirus pandemic.

More generally, the easements policy and its extension by the instrument will be monitored and assessed on an ongoing basis and amended if necessary.

Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?

None.

Any significant financial implications?

Not applicable.

Annex I – List of EU regulations being amended

- Commission Implementing Regulation (EU) 2020/466 - this Regulation lays down temporary measures necessary to contain widespread risks to human, animal and plant health and animal welfare, in order to address serious disruptions in the functioning of control systems in Great Britain in view of the crisis linked to COVID-19.

SI NOTIFICATION: SUMMARY

Title of Instrument The Official Controls (Temporary Measures) (Coronavirus) (Amendment) (No. 3) Regulations 2021
Proposed laying date at Westminster Made: 29 December 2021 Laid before UK Parliament: 29 December 2021 Coming into force: 30 December 2021
Date by which Committee has been asked to respond N/A
Power(s) under which SI is to be made These Regulations are made in exercise of the powers conferred by Article 141 of Regulation (EU) 2017/625 (the Official Controls Regulation).
Categorisation under SI Protocol Type 1
Purpose Powers to adopt temporary measures related to official controls and official activities in Great Britain have been in place throughout 2020, 2021 and into 2022 to avoid serious disruptions to trade during the coronavirus outbreak. This SI is a continuation of the SI 'The Official Controls (Temporary Measures) (Coronavirus) (Amendment) (No.2) Regulations 2021' ¹ , which extended the period of availability of existing easements to 31 December 2021. The rapid emergence and transmission of the Omicron variant of coronavirus in the last few weeks has precipitated the decision that the period during which the current easements are to apply requires to be extended further beyond the current end date of 31 December 2021, until 1 July 2022. As disruption is likely to continue into 2022, this further instrument is being made using powers in Article 141 of Regulation (EU) 2017/625 ² (the Official Controls Regulation), to provide a legal basis for the continuation of certain easements until 1 July 2022.
Other information The instrument gives competent authorities powers to adopt and continue with temporary easements. This includes options to allow control authorities that carry out official controls and official activities to authorise, within strict parameters, natural persons to undertake official controls and official activities under their instruction by any available means of communication; to carry out checks on electronically submitted documents rather than hard copies, also away from the border; and to conduct meetings with operators through the use of remote technology.
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¹ S.I 2021/681

² [Regulation \(EU\) 2017/625](#)