

## **NOTIFICATION TO THE SCOTTISH PARLIAMENT**

### **The Official Controls (Temporary Measures) (Coronavirus) (Amendment) (No. 2) Regulations 2021**

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

Type 1 notification.

#### **A brief overview of the SI (including reserved provision)**

This instrument will allow competent authorities in Great Britain to continue to carry out electronic document checks on some imported goods, for a temporary period, including at locations other than a Border Control Post, instead of checking hard copies. This measure aims to prevent disruption to the system of official controls due to Covid-19 (“coronavirus”).

This instrument will be laid in the UK Parliament on 8 June and come into force on 30 June 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**

This instrument will amend Commission Implementing Regulation (EU) 2020/466 (“the EU Regulation”), which has become retained direct EU law, to extend the period of application of availability of existing easements in the system of official controls in operation in Great Britain, beyond the existing expiry date of 1 July 2021 to 31 December 2021. It is a continuation of the SI: The Official Controls (Temporary Measures) (Coronavirus) (Amendment) Regulations 2021, which allowed easements to continue beyond the end date of 1 February 2021 to 1 July 2021.

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

This instrument will give competent authorities in Great Britain the power to adopt and continue with specific temporary measures related to official controls and official activities to prevent disruptions to trade during the Covid-19 (“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 accommodate serious disruptions to trade during the coronavirus outbreak. This instrument is a continuation of The Official Controls (Temporary Measures) (Coronavirus) (Amendment) Regulations 2021, which extended the period of application of availability of existing easements to 1 July 2021. As disruption is likely to continue throughout 2021, 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 31 December 2021.

The territorial extent of this instrument is Great Britain.  
The territorial application of this instrument is Great Britain.

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 by these regulations. In order to meet these requirements, we understand that stakeholders including Port Health Authorities, the Animal and Plant Health Agency, 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 this 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 this instrument is in force to ensure that legislation is operable to enable the continued administration and regulation of the GB-wide official controls regime.

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

This SI will be made and laid on 8 June 2021 and come into force on 30 June.

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

The protocol with the Scottish Parliament does provide for urgent or immediate cases. Given the planned laying date of 8 June however, the SI was considered both urgent and Parliamentary Committees were still in the process of being formed. Against this background the Scottish Government was unable to comply with the requirement that members should have a full 28 days for scrutiny before the instrument was laid.

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

This instrument will be reviewed ahead of its expiration on 31 December 2021 to determine whether it continues to be necessary, or if an extension is required. The duration of this easement will depend on the degree of disruption caused by the pandemic.

The policy which is adopted under this instrument will be monitored and assessed on an ongoing basis and amended if necessary.

This instrument does not include a statutory review clause because the period of the application of the EU Regulation that these Regulations amend is extended only to 31 December 2021, and because it does not impose any additional regulatory impact on business or the voluntary sector.

**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.

## SI NOTIFICATION: SUMMARY

<b>Title of Instrument</b> The Official Controls (Temporary Measures) (Coronavirus) (Amendment) (No. 2) Regulations 2021
<b>Proposed laying date at Westminster</b> Made: 8 June 2021 Laid before UK Parliament: 8 June 2021 Coming into force: 30 June 2021
<b>Date by which Committee has been asked to respond</b> N/A
<b>Power(s) under which SI is to be made</b> These Regulations are made in exercise of the powers conferred by Article 141 of Regulation (EU) 2017/625 (the Official Controls Regulation).
<b>Categorisation under SI Protocol</b> Type 1
<b>Purpose</b> <p>Powers to adopt temporary measures related to official controls and official activities in Great Britain have been in place throughout 2020 and 2021 to accommodate serious disruptions to trade during the coronavirus outbreak.</p> <p>This SI is a continuation of the SI 'The Official Controls (Temporary Measures) (Coronavirus) (Amendment) Regulations 2021', which extended the period of application of availability of existing easements to 1 July 2021, and is needed urgently so that the temporary measures currently in place until 1 July 2021 can be extended beyond this point, until 31 December 2021. As disruption is likely to continue throughout 2021, this further instrument was introduced using powers in Article 141 of Regulation (EU) 2017/625<sup>1</sup> (the Official Controls Regulation), to provide a legal basis for the continuation of certain easements until 31 December 2021.</p>
<b>Other information</b> <p>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.</p>
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<sup>1</sup> [Regulation \(EU\) 2017/625](#)

### **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.