

Lord Frost CMG
Minister of State
Cabinet Office

15 September 2021

Dear Lord Frost,

Thank you for your letter of 14 September announcing a delay in the introduction of customs and SPS controls on the importation of goods from the EU. I regret, however, that this decision has been taken without transparency and without meaningful engagement with the Devolved Administrations. Your Government had a range of opportunities to engage with us on this, in the Defra-DA Interministerial Group on Monday, and throughout the Animal Disease Policy Group meetings, but has repeatedly failed to take them.

This is not the first time that decisions in this important area of bio-security have been taken at very short notice, without meaningful engagement or proper consideration through established channels. Officials across the UK have worked tirelessly on Common Frameworks to ensure actions, like this unilateral decision, do not happen. If the principles underpinning the Frameworks are worth implementing, we expect them to be adhered to now, even if some of the Frameworks have not yet been presented to Parliament. Your action with this announcement demonstrates no respect or appreciation for the Common Framework process.

The difficulties which have led to this decision are due entirely to the United Kingdom Government's reckless approach to exit from the European Union, which is being shown, repeatedly, to have been done without responsible planning or coordination. The results are clear: inconsistency and constant change and delay, incurring unnecessary costs, resource difficulties, and delays across the economy and across our communities. It will be clear to observers that this decision has been taken due to the reports of supply chain issues and product shortages caused by the UK Government's approach to EU exit.

As for the detail of the announcement, we note the change in procedures originally planned to be implemented for 1 October 2021. We can – however reluctantly, in view of the improper and undesirable approach described above – agree this change. Without substantial discussion and engagement, however, we can neither understand nor agree to the plan to move virtually all remaining import checks back to 1 July 2022. Scottish Government officials will seek and expect further detailed engagement by the UK Government with all Devolved Administrations to agree a considered and practical way forward in this respect.

Your announcement does nothing to address the root causes of the issues which have caused problems across Scotland's economy, and in particular, for food and drink and rural businesses; in fact, it may exacerbate them by causing yet another change of course for businesses which have already put in place resource and planning for 1 October as previously set out. There is a lot of force in the comments from the Food & Drink Federation, setting out industry frustration at yet another change of plan. They also highlight the callous disregard for our exporters, who face significant barriers to trade with Europe while their competitors can import goods much more easily. Not only do we risk our importers failing to prepare for the final date but authorities of the EU not being ready to issue the necessary certification, as they cannot rely on pronouncements of the UK Government. The UK Government has created an impossible task by asking for preparation for a constantly moving date.

At the moment it is not clear what implications of your approach may be for bio-security and maintenance of high welfare and hygiene standards in the longer term, but we must and will keep those concerns under consideration. As you rightly note, powers to make policy in these areas are devolved and we keep in mind the possible need to act and use those powers to protect these vital interests for Scottish agriculture, Scottish food, and the Scottish people.

Yours sincerely,



MAIRI GOUGEON

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