

EXECUTIVE NOTE

THE POTATOES ORIGINATING IN EGYPT (SCOTLAND) AMENDMENT REGULATIONS 2007 SSI/2007/94

Introduction

1. The above instrument is made in exercise of powers conferred by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972. The instrument is subject to negative resolution procedure.

Policy Objective

2. Egypt supplies potatoes to the European market to cover the seasonal gap between maincrop and the harvest of the first 'earlies' crop. Unfortunately, Egypt has a potato brown rot problem, which, with the assistance of the EU, it is trying to control. The EU introduced a ban on imports of Egyptian potatoes but a policy of derogation is operated in respect of potatoes grown in certain areas of that country which, following internationally-accepted protocols, have been declared 'pest-free'. The derogation is withdrawn should brown rot interceptions at points of entry into the EU exceed 5 in number in any season. This threshold was reached last season. On the strength of evidence provided by the Egyptian Plant Health Authorities as to what went wrong last season and the measures they intend taking to prevent a recurrence, trade may resume for the 2007 import season subject to specified conditions.

Potato brown rot disease

3. Potato brown rot is a bacterial disease of potatoes and tomatoes caused by *Ralstonia solanacearum*. The disease can render a crop unusable and the finding of brown rot will make the land on which the potatoes were grown and surrounding area subject to restriction, resulting in considerable economic loss. It has no implications for human health. **It has never been found in Scottish potatoes** but it has been found in some parts of the EU, including England where the most recent outbreak was reported in Nottinghamshire in 2005, and in third countries all of which have struggled (as yet unsuccessfully) to eliminate it from their potato production. In response to the spread of brown rot the EU adopted Council Directive 98/57/EC of 20 July 1998 on the control of *Ralstonia solanacearum*. This was translated into Scottish legislation by the Plant Health (Amendment) (Scotland) Order 1999 on 21 August 1999, now superseded by The Plant Health (Scotland) Order 2005.

The Potatoes Originating in Egypt (Scotland) Amendment Regulations 2007

4. The Potatoes Originating in Egypt (Scotland) Amendment Regulations 2007 are concerned with the importation of ware potatoes from Egypt and roll forward measures first introduced across the EU in January 1998 in response to brown rot concerns. The Regulations implement Commission Decision 2006/749/EC which amends Commission Decision 2004/4/EC (previously amended by Commission Decisions 2004/836/EC and 2005/840/EC) concerning plant health measures in respect of potato imports from Egypt. Decision 2004/4/EC consolidated and repealed Commission Decision 96/301/EC as amended. Decision 96/301/EC was first implemented in the Potatoes Originating in Egypt Regulations 1998 and consolidated in the Potatoes Originating in Egypt (Scotland) Regulations 2001.

Decision 2004/4/EC was implemented in The Potatoes Originating in Egypt (Scotland) Regulations 2004 (“the 2004 Regulations”) which consolidated with amendments and revoked the 2001 Regulations.

5. The Scottish Ministers are satisfied that it is expedient to amend the 2004 Regulations to provide that any future amendments to Commission Decision 2004/4/EC are caught without the need for further domestic legislation. The annual roll forward of measures in implementation of amending Community Instruments will no longer be required.

6. Under the Regulations processors and packers require authorisation to handle Egyptian potatoes and this requirement extends across the EU. Over the last few seasons no Egyptian potatoes were handled by Scottish processors, therefore none required SEERAD authorisation. This was largely due to the availability of domestic material. However, we should not be complacent that this trend will continue. Scottish processors/packers, who have previously handled Egyptian potatoes, and possibly others, may be interested in authorisation under the 2004 Regulations. In deciding whether to issue an authorisation the Scottish Ministers have to balance the potential economic loss to growers, particularly for exports, should the disease become established in Scotland with the assessment of plant health risk and the commercial requirement for Egyptian potatoes.

Financial effects

7. There are no significant economic implications for Scottish businesses resulting from this legislation. In such circumstance it was unnecessary to prepare a Regulatory Impact Assessment.

Scottish Executive Environment and Rural Affairs Department
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