

POLICY NOTE

THE PLANT HEALTH (IMPORT INSPECTION FEES) (SCOTLAND) AMENDMENT REGULATIONS 2015

SSI 2015/392

Introduction

1. The above instrument is made by the Scottish Ministers in exercise of powers conferred by section 56(1) and (2) of the Finance Act 1973.

Purpose of the Instrument

2. The purpose of the instrument is to:
 - amend the list of reduced rate fees for applicable checks in regulations 3 and 4(2) of, and Schedule 2 to, the Plant Health (Import Inspection Fees)(Scotland) Regulations 2014 (“the 2014 Regulations”); and
 - amend the additional fees for inspection and sampling of potatoes for quarantine organisms from specific areas within Egypt and Lebanon in regulation 5 of, and Schedule 3 to, the 2014 Regulations.

EU Legislative Background

Reduced rates

3. Council Directive 2000/29/EC, ‘the Plant Health Directive’ establishes the EU plant health regime. It contains measures to be taken in order to prevent the introduction into and spread within the EU of serious pests and diseases of plants and plants products. The Directive is implemented in Scotland for non-forestry matters by the Plant Health (Scotland) Order 2005 (SSI 2005/613). Similar but separate legislation operates in England, Wales and Northern Ireland and, in relation to forestry matters, throughout Great Britain.
4. Council Directive 2008/89/EC amended the Plant Health Directive to clarify the existing requirement for mandatory examinations on certain plants and plant products being imported into the EU and the obligation to charge fees for these inspections.

Potatoes originating in Egypt and Lebanon

5. Specific controls are also in place to reduce the risks to potato growers from brown rot, caused by the bacterium *Ralstonia solanacearum* which occurs in Egypt, and ring rot, caused by the bacterium *Calvibacter michiganensis* subsp. *sepedonicus* which occurs in Lebanon.
6. Commission Implementing Decision 2011/787/EC and Commission Decision 2013/413/EU permit imports of potatoes from Egypt and Lebanon respectively, providing that certain requirements are adhered to, including sampling of the potatoes and testing to ensure that they are not infected with the bacterium noted in paragraph 6.

Policy Background

7. Scotland regularly imports consignments of plants and plant products from third countries which pose a risk of introducing new plant pests and diseases to European crops and ecosystems. Scottish Government inspectors check these imports to ensure that they comply with EU rules to minimise plant health risks.
8. The 2014 Regulations provide for fees to be charged for these inspections, namely documentary checks, identity checks and physical inspections. On occasion it is also necessary for samples to be examined by the official laboratory.
9. The level of examinations is set at 100%, except for those trades which have a history of compliance under the EU's arrangements and thus considered to pose a lower risk. These trades, as decided by the EU, are permitted a reduced level of inspection and a reduced fee. An EU working group meets annually to consider dossiers of trades for reduced frequency checks and determines what reduced rate, if any, will apply.
10. The notification of products eligible for reduced inspections for period 01.11.2015 – 31.12.2016 has now been published by the Commission (http://ec.europa.eu/food/plant/plant_health_biosafety/trade_non_eu/docs/recommended_products_plant_checks_2015-2016_en.pdf). This instrument amends Schedule 2 of the 2014 Regulations (Import Inspection Fees for Applicable Checks (Reduced Rates)) in accordance with the notification.
11. This instrument also amends Schedule 3 (Additional fees) of the 2014 Regulations to increase the charge for sampling and testing of potatoes from Egypt and Lebanon from £152 to £158 to reflect the true cost of providing the service in 2015.

Timing

12. The instrument will come into force on 1st January 2016.

Business and Regulatory Impact Assessment

13. The instrument has only a limited impact on businesses in Scotland given that, currently, no plant health imports into Scotland fall within the scope of the reduced checks or concern imports of potatoes originating in Egypt or Lebanon from areas subject to quarantine control. We do not expect this to change in the foreseeable future, therefore no business and regulatory impact assessment has been carried out. In any event, we are nevertheless required to reflect the EU reduced check provisions in domestic law.

Scottish Government
Agriculture, Food and Rural Communities Directorate
November 2015