

POLICY NOTE

THE MARKETING OF FRUIT PLANT AND PROPAGATING MATERIAL (FEES) (SCOTLAND) REGULATIONS 2018

SSI 2018/175

Introduction

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

Policy Objective

2. The instrument prescribes fees payable in respect of official inspections and associated work relating to the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017.

Legislative Background

3. Council Directive 2008/90/EC, on the marketing of fruit plant propagating material and fruit plants intended for fruit production, aims to provide harmonised conditions across the EU to ensure that propagators and their customers within all Member States receive propagating material and fruit plants which are consistently healthy and of good quality.
4. The Marketing of Fruit Plant Propagating Material (Scotland) Regulations 2017 transposes the requirements of Council Directive 2008/90/EC and three associated implementing directives:
 - 2014/96/EU requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production
 - 2014/97/EU regarding the registration of suppliers and of varieties and the common list of varieties
 - 2014/98/EU specific requirements for the genus and species of fruit plants, specific requirements to be met by suppliers and detailed rules concerning official.
5. Together Council Directive 2008/90/EC and its Implementing Directives create an EU statutory certification scheme for fruit plant propagating material and fruit plants intended for fruit production. The Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017 transpose the requirements of Council Directive 2008/90/EC and its implementing directives. It came into force on 1 July 2017.

Policy Background

6. Scotland has a long history of soft fruit production, particularly of raspberries, and due to commercial demand the Scottish Plant Health Service introduced a voluntary certification scheme for soft fruit plants in the 1930s.
7. From 1 July 2017, the statutory EU scheme replaced the voluntary scheme that operated in Scotland. The aim of the scheme is to provide fruit producers and propagators across the EU with planting material of a known health standard and purity and provide a means of preventing the spread of harmful pests and diseases. With the regular introduction of pathogen tested nuclear stock material, an unbroken history of certification and by

limiting the time stocks can remain eligible for certification, the health of fruit stocks can be maintained.

8. Propagating material and fruit plants must be officially certified through the certification scheme before they can be marketed. Scottish Government inspectors carry out official inspections to ensure that the requirements of the scheme are met.

Fees

9. Fees were charged to producers entering stock for certification under the voluntary soft fruit certification scheme.
10. This instrument introduces a statutory fee structure for the EU certification scheme. The fee structure is similar to that of the previous voluntary fees.

Field Grown Stock

11. **Pre-basic:** Pre-basic mother plants and pre-basic material should be maintained by suppliers in designated facilities, which are insect proof and ensure freedom from infection through aerial vectors and any other possible sources. It is not produced in the field, therefore no fee is listed for pre-basic field-grown stock.
12. **Basic:** Basic material constitutes the next stage of the production process after pre-basic material. Basic material is permitted to be produced in open fields to facilitate its effective propagation into the next generations and categories.
A fee of £95 for up to 0.5 hectares and £20 for each additional 0.1 hectare (or part thereof) of basic material will be charged.
13. **Certified:** Certified material may constitute the next stage of the production process after pre-basic material or basic material. A fee of £75 for up to 0.5 hectares plus £15 for each additional 0.1 hectare (or part thereof) of certified material will be charged.

Micropropogated Material

14. For plants and material produced by micropropagation (all grades), the fee is prescribed by the number of plants inspected. Up to the first 10,000 plants incurs a cost of £85. An additional fee of £35 is included for each additional unit of 5000 plants, up to a maximum of 8 full units of 5,000 and £15 for each additional unit of 20,000 plants thereafter.

Soil Sampling and Testing

15. The presence of certain pests, and in particular nematodes, in the soil may cause unacceptable damage to the health and usefulness of the plants concerned, those pests host viruses affecting the genera or species concerned. If the grower cannot demonstrate that a soil sample is not required (i.e. that no host plants have been grown in the soil for at least five years prior to planting), then sampling and testing will show whether those pests or the relevant viruses are present. A fee of £95 will be charged for soil sampling and testing.

Timing

11. The instrument will come into force on 1st July 2018.

Business and Regulatory Impact Assessment

12. The instrument has a very limited impact on businesses in Scotland as it simply transfers existing voluntary soft fruit certification scheme fees on to a statutory footing, therefore no impact assessment has been produced.

Scottish Government
Agriculture and Rural Economy Directorate
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