
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

**The Plant Health (EU Exit) (Scotland)
(Amendment etc.) Regulations 2020**

PART 3

Amendment of secondary legislation relating to withdrawal from the European Union

Part 1

12.—(1) In regulation 2 (interpretation: general)—

(a) in paragraph (1)—

(i) in the definition of “controlled consignment”—

(aa) for the words “the Union territory”, in each place they occur, substitute “Great Britain”,

(bb) in head (i) of sub-paragraph (a) omit “EU”,

(cc) at the end of head (i) insert “or”,

(dd) omit head (ii) of sub-paragraph (a),

(ee) in head (iii) of sub-paragraph (a) omit “EU” in each place it appears,

(ii) in the definition of “controlled plant pest”—

(aa) in sub-paragraph (a) for “3 or 4 to Regulation (EU) 2019/2072” substitute “2A, 3 or 4 to the Phytosanitary Conditions Regulation”,

(bb) at the end of sub-paragraph (a) insert “or”

(cc) omit sub-paragraph (b),

(dd) in sub-paragraph (c) omit “EU”,

(iii) omit the definition of “EU emergency decision”,

(iv) in the definition of “EU Plant Health Regulation”, at the end, insert “as it has effect in EU law”,

(v) omit the definition of “EU plant health rule”,

(vi) in the definition of “Official Controls Regulation” omit “EU” where it occurs before “plant health rule”,

(vii) after the definition of “plant health inspector”, insert—

““Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and

repealing Council Directives [69/464/EEC](#), [74/647/EEC](#), [93/85/EEC](#), [98/57/EC](#), [2000/29/EC](#), [2006/91/EC](#) and [2007/33/EC](#)(1),

“plant health rule” means a rule within the meaning given in Article 1(2)(g) of the Official Controls Regulation,”

(viii) in the definition of “plant pest” omit “EU”,

(ix) after the definition of “plant pest”, insert—

““the Phytosanitary Conditions Regulation” means Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing [Commission Regulation \(EC\) No 690/2008](#) and amending Commission Implementing Regulations (EU) 2018/2019(2),”

(x) in the definition of “regulated item”, for “an EU” substitute “a”,

(xi) omit the definition of “Regulation (EU) 2019/2072”.

(b) in paragraph (2) omit “EU” in both places it occurs.

(2) In regulation 3 (interpretation: EU instruments)—

(a) omit paragraph (1),

(b) for paragraph (2), substitute—

“(2) References to the Phytosanitary Conditions Regulation are to be construed as references to that instrument as amended from time to time.”.

(3) Omit regulation 3A (measures adopted pursuant to article 30(1) of the EU Plant Health Regulation).

(4) In regulation 4 (Article 82 of the EU Plant Health Regulation: meaning of “close proximity”)

(a) in the heading omit “EU”,

(b) in paragraphs (1) and (2) omit “EU” in each place it occurs.

(1) EUR 2016/2031.

(2) EUR 2019/2072.