

## POLICY NOTE

### THE PLANT HEALTH (SCOTLAND) AMENDMENT (No. 2) ORDER 2018

SSI 2018/283

#### Introduction

1. The above instrument is made by the Scottish Ministers in exercise of the powers conferred by sections 2, 3 and 4(1) of the Plant Health Act 1967 as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972, and all other powers enabling them to do so. The instrument is subject to negative procedure.

#### Purpose of the instrument

2. The purpose of this instrument is to implement Commission Implementing Decision (EU) 2018/490 repealing Decision 2007/365/EC on emergency measures to prevent the introduction into and spread within the Community of *Rhynchophorus ferrugineus* (Olivier) (“the 2018 Decision”).

#### Legislation

3. Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (“the PH 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 pests and diseases injurious to plants and plant produce which are specified in the Annexes to the PH Directive. The PH Directive is implemented in Scotland by the Plant Health (Scotland) Order 2005 (S.S.I. 2005/613) (“the PH Order”) (and, in relation to forest materials, by the Plant Health (Forestry) Order 2005 (S.I. 2005/2517), which extends to Great Britain). Similar but separate plant health legislation to the PH Order operates in England, Wales and Northern Ireland.

4. This instrument amends the PH Order. Commission Decision 2007/365/EC (“the 2007 Decision”) introduced emergency measures to prevent the introduction and spread within the EU of *Rhynchophorus ferrugineus* (Olivier). The 2007 Decision was implemented in Scotland by way of an amendment to the PH Order by S.S.I 2007/498. Given that, despite those emergency measures, *Rhynchophorus ferrugineus* (Olivier), also known as Red Palm weevil, is nonetheless widespread in the European Union, the 2018 Decision repeals the 2007 Decision. Accordingly, this instrument makes amendments to the PH Order, namely, removing the provisions in the PH Order introduced by S.S.I 2007/498.

#### Policy Background

5. The PH Directive (and therefore the PH Order) is updated frequently, to take account of new or revised risk assessments, pest interceptions, changes in distribution of pests and other developments. This instrument implements the 2018 Decision by revoking specific European Union measures arising from the 2007 Decision.

## **Timing**

6. This Order is necessary to comply with European Union obligations.

## **Consultation**

7. The changes outlined in paragraph 2 are required to implement EU law. These changes are necessary technical updates for this pest and have limited impact on UK business.

## **Consolidation**

8. The PH Order has been amended on a number of occasions and it is likely that further amendments will be required as EU legislation takes account of new or revised risk assessment, pest interceptions, changes in distribution of pest and other developments. The EU has conducted the review of the Plant Health Regime as part of the Smarter Rules for Safer Food package on the agri-food chain and EU Plant Health Regulation EU 2016/2031 has been published. This will come into force on 14 December 2019 however the Commission are still considering issues relating to the implementing/delegating acts to this Regulation and in light of this, there are no immediate plans to consolidate the PH Order.

## **Business and Regulatory Impact**

9. A Business and Regulatory Impact Assessment has not been prepared as the Order has no impact on the costs for business. There is no transition or savings to be made.

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