

POLICY NOTE

THE PLANT HEALTH (FORESTRY) AMENDMENT (SCOTLAND) ORDER 2019

SSI 2019/278

The Scottish Ministers make this Order in exercise of the powers conferred by sections 2 and 3 of the Plant Health Act 1967 and paragraph 1A of schedule 2 of the European Communities Act 1972 and all other powers enabling them to do so.

Purpose of the instrument. To amend the Plant Health (Forestry) Order 2005 which implements EU legislation to ensure relevant plant health measures are in place to protect Scotland from harmful plant pests and diseases.

Policy Objectives

This Order amends, in relation to Scotland, the Plant Health (Forestry) Order 2005 (S.I. 20152517) (“the Principal Order”) which contains measures to prevent the introduction and spread of harmful plant pests and diseases.

Explanation of the law being amended by the Order

This Order amends the Principal Order 2005 in relation to Scotland to implement specific control measures in-

- (a) Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia bungii* (Faldermann) (OJ No. L 254, 10.10.2018,p.9);
- (b) Commission Implementing Decision (EU) 2018/1959 derogating from Council Directive 2000/29/EC as regards measures to prevent the introduction into and the spread within the Union of the harmful organism *Agilus planipennis* (Fairmaire) through wood originating in Canada and in the United States of America (OJ No. L 315, 12.12.2018, p.27); and
- (c) Commission Implementing Directive (EU) 2019/523 amending Annexes I to V to Council 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 (OJ No. L 86, 28.3.2019, p.41).

The Plant Health Directive (Council Directive 2000/29/EC) 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 plant produce. The Directive, and therefore the Principal Order, are 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 specific EU measures arising from technical changes in the assessment of the risks presented by particular pests and diseases.

Statements required by European Union (Withdrawal) Act 2018

This instrument does not relate to withdrawal from the European Union/trigger the statements required under the European (Withdrawal) Act 2018.

Further information

Consultation

The Order introduces technical changes to ensure that relevant plant health measures are in place to protect Scotland from harmful plant pest and diseases. The burden will fall on exporting countries and therefore, consultation on the content was not considered necessary.

Impact Assessments

The amended legislation places additional conditions on exporting countries. Therefore, no impact assessments have been prepared.

Financial Effects

No BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Forestry
29/08/19