

EXECUTIVE NOTE

THE PLANT HEALTH (SCOTLAND) AMENDMENT ORDER 2006 SSI/2006/474

Introduction

1. The above instrument is made by the Scottish Ministers in exercise of 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. The instrument is subject to negative resolution procedure.

Policy Objective

2. The Plant Health (Scotland) Amendment Order 2006 amends the Plant Health (Scotland) Order 2005 which contains measures to prevent the introduction and spread of harmful plant pests and diseases. It transposes changes to the Plant Health Directive (2000/29/EC) introduced by a number of Decisions and Directives since the 2005 Order came into force. The Amendment Order also makes other minor changes to the principal Order.

Background

3. 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 (“the Plant Health Directive”) establishes the Community plant health regime. It contains measures to prevent the introduction into, and spread within, the Community of serious pests and diseases of plants and plant produce. The Directive is implemented in Scotland, for non-forestry matters, by the Plant Health (Scotland) Order 2005 which revoked and consolidated with amendments the Plant Health (Great Britain) Order 1993 in its application to Scotland. Similar but separate legislation operates in England, Wales and Northern Ireland.

4. Since the introduction of the 2005 Order, a number of Community instruments have been adopted amending the annexes of the Directive as a result of technical changes in the assessment of risks presented by particular pests and diseases. Details of the Commission legislation amending the Plant Health Directive are as follows:

- (i) **Decision 2005/870** recognises Bulgaria as free from *Clavibacter michiganensis*.
- (ii) **Directive 2005/77** amends an error in Annex V of Directive 2000/29 which required a plant passport for moving only ‘certified’ seed of *Helianthus annuus* L., *Lycopersicon lycopersicum* (L). and *Phaseolus* L. within the Community. Following the amendment all seed of these species requires a plant passport for movement within the Community.

(iii) The Plant Health Directive provides for certain areas, where pests which occur elsewhere within the Community are not present, to be recognised as protected zones. **Directive 2006/35** amends the protected zone arrangements for Slovenia, Slovakia and Italy in respect of *Erwinia amylovora*, Portugal in respect of *Bemisia tabaci* and Lithuania in respect of Beet necrotic yellow vein virus.

(iv) **Decision 2006/464** introduces provisional emergency measures to prevent the introduction and spread within the Community of *Dryocosmus kuriphilus* – a pest of *Castanea* Mill. (Chestnut trees and fruit).

(v) **Decision 2006/473** recognises certain third countries as being free from the citrus pests *Xanthomonas campestris*, *Cercospora angolensis* and *Guignardia citricarpa*.

5. The Order also makes minor changes to the provisions for the movement of material within the Community using plant passports. It removes the automatic exemption for material moved locally and replacing it with a discretionary exemption taking account of plant health risk and extends to certain commercial users of plant material the requirement to retain plant passports so as to assist with the traceability of material in the event of a pest or disease outbreak.

Impact

6. The impact on Scottish businesses arising from implementation of the new Order is negligible. In the circumstances no Regulatory Impact Assessment is necessary.

Scottish Executive Environment and Rural Affairs Department
EPHAS – Plant Health

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