

POLICY NOTE

THE PLANT HEALTH (IMPORT INSPECTION FEES) (SCOTLAND) AMENDMENT REGULATIONS 2018

SSI 2018/22

Introduction

1. The above instrument is made by the Scottish Ministers in exercise of powers conferred by section 56(1) and (2) of the Finance Act 1973. The instrument is subject to negative procedure.

Purpose of the Instrument

2. The purpose of the instrument is to amend the list of reduced rate fees in regulations 3 and 4(2) of, and schedule 2 to, the Plant Health (Import Inspection Fees)(Scotland) Regulations 2014 (“the 2014 Regulations”).

EU Legislative Background

3. Council Directive 2000/29/EC (OJ L 169, 10.7.2007, p.1) (“the Plant Health 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 serious pests and diseases of plants and plant products. The Directive is implemented in Scotland for non-forestry matters by the Plant Health (Scotland) Order 2005 (SSI 2005/613). Similar but separate legislation operates in England, Wales and Northern Ireland.
4. Council Directive 2002/89/EC (OJ L 355, 30.12.2002, p.45) amended the Plant Health Directive to clarify the existing requirement for mandatory examinations on certain plants and plant products being imported into the EU and the obligation to charge fees for these inspections.

Policy Background

5. Scotland regularly imports consignments of plants and plant products from third countries which pose a risk of introducing new plant pests and diseases to European crops and ecosystems. Scottish Government inspectors check these imports to ensure that they comply with EU rules to minimise plant health risks.
6. The 2014 Regulations provide for fees to be charged for these inspections, namely documentary checks, identity checks and physical inspections. On occasion it is also necessary for samples to be examined by the official laboratory.
7. The level of examinations is set at 100%, except for those trades which have a history of compliance under the EU’s arrangements and are thus considered to pose a lower risk. These trades, as decided by the EU, are permitted a reduced level of inspection and a

reduced fee. An EU working group meets annually to consider dossiers of trades for reduced frequency checks and determines what reduced rate, if any, will apply.

8. The notification of products eligible for reduced inspections for period 01.01.2018 – 31.12.2018 has now been published by the Commission: https://ec.europa.eu/food/sites/food/files/plant/docs/ph_biosec_trade-non-eu_prods-recom-reduced-ph-checks_2018.pdf.
9. This instrument amends schedule 2 to the 2014 Regulations (Import Inspection Fees for Applicable Checks (Reduced Rates)) to reflect the changes contained in the 2018 notification and revokes the amended schedule 2 which was inserted by regulation 2(a) of the Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2017.

Timing

10. The instrument will come into force on 19th March 2018.

Business and Regulatory Impact Assessment

11. The instrument will only have a limited impact on businesses in Scotland given that, currently, no plant health imports into Scotland fall within the scope of the reduced checks. We do not expect this to change in the foreseeable future, therefore no business and regulatory impact assessment has been carried out. In any event, we are nevertheless required to reflect the EU reduced check provisions in domestic law.

Scottish Government
Agriculture, Food and Rural Communities Directorate
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