

## SCHEDULE 5

### Amendments to secondary legislation

## PART 8

### The Plant Health (Import Inspection Fees) (Scotland) Regulations 2014

**8.—**(1) The Plant Health (Import Inspection Fees) (Scotland) Regulations 2014 <sup>M1</sup> are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) after the definition of “the Directive” insert—

““the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament 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](#);”

(b) omit the definition “intended for planting”,

(c) after the definition of “normal working hours” insert—

““Official Controls Regulation” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations [\(EC\) No 999/2001](#), [\(EC\) No 396/2005](#), [\(EC\) No 1069/2009](#), [\(EC\) No 1107/2009](#), (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations [\(EC\) No 1/2005](#) and [\(EC\) No 1099/2009](#) and Council Directives [98/58/EC](#), [1999/74/EC](#), [2007/43/EC](#), [2008/119/EC](#) and [2008/120/EC](#), and repealing Regulations [\(EC\) No 854/2004](#) and [\(EC\) No 882/2004](#) of the European Parliament and of the Council, Council Directives [89/608/EEC](#), [89/662/EEC](#), [90/425/EEC](#), [91/496/EEC](#), [96/23/EC](#), [96/93/EC](#) and [97/78/EC](#) and Council Decision [92/438/EEC](#), insofar as it applies to rules referred to Article 1(2)(g) of that Regulation <sup>M2</sup>;”

(d) in the definition of “plants”, for the words from “Article 2(1)(a)” to the end substitute “Article 2 (definitions), point (1) of the EU Plant Health Regulation ”,

(e) in the definition of “plant products”, for the words from “Article 2(1)(b)” to the end substitute “Article 2 (definitions), point (2), first sub-paragraph of the EU Plant Health Regulation ”.

(3) In regulation 3 (application of the import inspection fee), in paragraph (2)—

(a) in sub-paragraph (a), in head (i), for the words from “in Annex” to the end substitute “in Part A of Annex 11 or in Annex 12 to 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 Regulation (EU) 2018/2019 <sup>M3</sup>, as amended from time to time; ”,

(b) for sub-paragraph (b) substitute—

“(b) is subject to—

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, Paragraph 8.* (See end of Document for details)

- (i) official controls at a border control post in Scotland pursuant to Article 47(1) of the Official Controls Regulation; or
  - (ii) any agreement made under the provisions of any delegated act that establishes the cases where, and the conditions under which, identity checks and physical checks of transhipped consignments and of animals arriving by air or sea and staying on the same means of transport for onward travel may be performed at a border control post other than the one of first arrival into the Union, adopted by the Commission under Article 51(1) (specific rules for official controls at border inspection posts) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC.”.
- (4) In regulation 5 (additional fees in respect of potatoes originating in Egypt and Lebanon)—
- (a) in paragraph (1), omit “or (3)”,
  - (b) omit paragraph (3).

**Commencement Information**

**I1** Sch. 5 para. 8 in force at 14.12.2019, see **reg. 1(1)**

**Marginal Citations**

**M1** [S.S.I. 2014/338](#), to which there are amendments not relevant to these Regulations.

**M2** OJ L 95, 7.4.2017, p.1, as last amended by Commission Delegated Regulation (EU) 2019/478 (OJ L 82, 25.3.2019, p.4) with effect from 14 December 2019.

**M3** OJ L 319, 10.12.2019, p.1.

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, Paragraph 8.