
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 473

**The Invasive Non-native Species (EU Exit)
(Scotland) (Amendment etc.) Regulations 2020**

PART 1

Amendment of the Invasive Alien Species Regulation

Amendment of Chapter 1 (general provisions) of the Invasive Alien Species Regulation

- 3.—**(1) Chapter 1 of the Invasive Alien Species Regulation is amended as follows.
- (2) In Article 2(2), in point (d)**(1)**—
- (a) for the words “pursuant to Article 5(2) or Article 32(3)” substitute “in retained EU law relating to plant health”,
 - (b) for the words “Article 30(1), of Regulation (EU) 2016/2031 of the European Parliament and of the Council” substitute “retained EU law relating to plant health”.
- (3) In Article 3—
- (a) omit point (4),
 - (b) after point (17), insert—
 - “(a) ‘the Scottish list of species of special concern’ means the list of species in the Annex to Commission Implementing Regulation (EU) 2016/1141 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No. 1143/2014 of the European Parliament and of the Council, as amended from time to time,
 - (b) ‘the Committee’ has the meaning given by Article 27,
 - (c) ‘the Scientific Forum’ means the forum referred to in Article 28.”.
- (4) In Article 4—
- (a) in paragraph 1—
 - (i) for the words from “The Commission” to “(‘the Union list’)” substitute “The Scottish Ministers may by regulations amend the Scottish list of species of special concern so as to add or remove species from that list”,
 - (ii) omit the words from “Those implementing acts” to the end,
 - (b) in paragraph 2—
 - (i) for “The Commission” substitute “The Scottish Ministers”,
 - (ii) for “at least every six years” substitute “before 2 August 2022, and before the last anniversary of that date in each subsequent period of six years”,
 - (c) in paragraph 3—

(1) Article 2(2)(d) was amended by OJL 317, 23.11.2016, p.4.

- (i) in point (a)—
 - (aa) for “the Union” substitute “Scotland, England or Wales”,
 - (bb) omit “excluding the outermost regions”,
 - (ii) in point (b), for the words from “one biogeographical region” to “their outermost regions” substitute “Scotland, England or Wales”,
 - (d) in paragraph 4—
 - (i) for “Member States may submit to the Commission” substitute “The Scottish Ministers may consult and have regard to”,
 - (ii) after “requests” insert “from the Committee”,
 - (e) in paragraph 5 omit from the words “indicating the categories of goods” to the end,
 - (f) in paragraph 6—
 - (i) for “adopting or updating” substitute “amending”,
 - (ii) for “Commission” substitute “Scottish Ministers”,
 - (iii) omit “for Member States”,
 - (iv) in point (a) and point (b) for “the Union” substitute “Scotland, England or Wales”
 - (g) omit paragraph 7.
- (5) In Article 5—
- (a) in point (e) for “the Union” substitute “Scotland, England or Wales”,
 - (b) in paragraph 2, for the first subparagraph, substitute—

“When the Scottish Ministers propose to amend the Scottish list of species of special concern under Article 4(1), they must make a request to the Scientific Forum or such other expert as they consider appropriate to carry out the risk assessment referred to in paragraph 1.”,
 - (c) in paragraph 2, in the second subparagraph—
 - (i) for the first sentence substitute “Whenever the Committee submits a request for the inclusion of a species on the Scottish list of species of special concern the Scottish Ministers must make a request for the risk assessment referred to in paragraph 1 to be carried out by the Scientific Forum or such other expert as they consider appropriate.”,
 - (ii) omit the last sentence,
 - (d) in paragraph 3—
 - (i) for the words from “The Commission shall” to “to further” substitute “The Scottish Ministers, after consulting the Secretary of State, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs (as they consider appropriate), may”,
 - (ii) for the last sentence substitute—

“Before taking any action under this paragraph, the Scottish Ministers must consult the Scientific Forum or such other experts as they consider appropriate.”.
- (6) Omit Article 6.