POLICY NOTE

The Plant Health (Export Certification) (Scotland) Amendment Order 2021

SSI 2021/88

The above instrument was made in exercise of the powers conferred by sections 3(1) and 4A of the Plant Health Act 1967 and of all other powers enabling them to do so. The instrument is subject to negative procedure.

Purpose of the instrument.

To provide an exemption from exportation fees related to the production of phytosanitary certificates for consignments of plants and plant products being transported from Scotland to Northern Ireland.

Policy Objectives

1. To prevent the introduction of harmful pests and diseases, most countries require that consignments of plants and plant products meet certain plant health standards before they are allowed entry. Following on from the end of the transition period, in addition to consignments being exported to what had been known as 'third countries', consignments being exported from Scotland to the EU must be accompanied by a phytosanitary certificate.

2. In addition, under the terms of the Northern Ireland protocol, Northern Ireland remains subject to EU laws relating to sanitary and phytosanitary measures. This requires that exports of regulated consignments of plants, plant products and other objects from Scotland to Northern Ireland also be issued with a phytosanitary certificate.

3. The Scottish Government is responsible for issuing phytosanitary certificates in Scotland. These certificates provide importing countries with the assurance that the consignment meets their plant health standards. Consignments without this certificate are likely to be rejected at the point of entry and destroyed or returned to the exporting country. In most cases, phytosanitary certificates can only be issued following satisfactory official inspection of the material for export. In some circumstances, however, it may also be necessary for a sample to be examined by a laboratory.

4. In Scotland, The Plant Health (Export Certification) (Scotland) Order 2018 ("the 2018 Order") currently prescribes the fees for such services payable by exporters.

5. This instrument amends the 2018 Order to introduce in certain circumstances an exemption from export certification fees in relation to consignments of plants and plant products being transported from Scotland to Northern Ireland. The fees normally attached to producing a phytosanitary certificate, including inspection and testing, would not be payable by exporters in relation to consignments—

(i) destined for delivery to a professional operator (within the meaning of Article 2(9) of the retained Plant Health Regulation - Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants) based in Northern Ireland,

(ii) transported into Northern Ireland by a private individual and which is not intended to be placed on the market, or

(iii) destined for delivery to a private individual who is resident in Northern Ireland and which is not intended to be placed on the market.

6. Funding for the costs incurred in providing the export certification services covered by the exemption is to be provided by the UK Government. This will last for a maximum of two years until 31st December 2022.

Further information

Consultation

7. No formal consultation has been undertaken.

Impact Assessment

8. The proposed amendment does not bring in new fees but instead removes the requirement to pay fees in respect of phytosanitary certification process for exporters to Northern Ireland. Therefore impact assessments were not deemed necessary.

Financial Effects

9. Funding for this is to be provided by the UK Government, and exporters will not be charged, instead reimbursement will be to the Scottish Government. The UK Government confirmed this funding in December 2020, to be applicable from 1st January 2021.

Scottish Government
Agricultural & Rural Economy (ARE) Directorate

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