POLICY NOTE

THE PLANT HEALTH (SCOTLAND) AMENDMENT ORDER 2013

SSI 2013/5

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.

Purpose of the instrument

2. This instrument amends the Plant Health (Scotland) Order 2005 ('the PH Order') which contains measures to prevent the introduction and spread of harmful plant pests and diseases. It introduces new measures to protect Scotland from the introduction of potato pests and diseases from ware (consumption) potatoes imported from Poland, Portugal, Romania and Spain.

Legislation

3. Council Directive 2000/29/EC on protective measures against the introduction into the European Union of organisms harmful to plants or plant products and against their spread within the Union ("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 pests and diseases injurious to plants and plant produce which are specified in the Annexes of the Directive. The Plant Health Directive is implemented in Scotland by the PH Order (S.I. 2005/613) and, in relation to forest materials, by the Plant Health (Forestry) Order 2005 (S.I. 2005/2517), which extends to Great Britain. Similar but separate legislation operates in, England, Wales and Northern Ireland.

Policy Background

4. In Scotland, the PH Order already requires seed potatoes introduced into Scotland from other parts of the UK, as well as from other Member States, to be notified to Scottish Government inspectors at least 48 hours in advance of import.

5. Similar pre-import notification legislation is also in place to minimise the risk of seed potatoes being contaminated by quarantine pests and diseases being introduced on ware (consumption) potatoes from Poland. These are provided in the Potatoes Originating in Poland (Notification) (Scotland) Order 2004. This recognises the significantly higher incidence of the quarantine disease Potato ring rot in Poland than any other EU Member States. The pre-import notification allows a risk assessment to be undertaken to decide whether a sample of the potatoes should be tested for quarantine diseases prior to planting.

6. Scottish Government recognises that the poor summer weather has had an impact on yield and quality across the country. We have sympathy for Scottish processors and businesses affected but recognise that there is a potential for increased imports to meet demand. **In recognition of this we wrote to Scottish potato stakeholder organisations and related businesses on 1 November 2012 to raise awareness and to urge caution in considering where to source ware potatoes, as there are potential plant health risks in importing from certain countries.**

7. We have much to protect in Scotland's high health reputation for seed potatoes and our freedom from serious quarantine pests. This is a critical factor in the continuing increase and success in the export of Scottish seed potatoes around the world and the economic value this brings to the Scottish rural economy.

8. FERA (The Food and Environment Research Agency) recently reported symptoms of the quarantine disease Potato ring rot on imported ware potatoes from Poland in Wales. As a result of this heightened plant health concern, allied to increased imports, they have introduced new legislation in England that will require the pre-notification of ware potatoes from Poland, Portugal, Romania and Spain.

9. While, unlike the rest of the UK, Scotland already has statutory pre-notification requirements for the import of Polish ware potatoes, Scottish Government believes that it would be proportionate to extend our notification requirements to include Portugal, Romania and Spain. This recognises that:

- Together, Poland and Romania experienced 91% of the ring rot outbreaks in the EU in 2011 (Poland alone experienced 82%). Statutory notification will help to raise awareness and facilitate risk assessment based action.
- *Epitrix* (potato flea beetle) is potentially a very serious plant health threat to the potato industry, as it would be impossible to eradicate and have significant impacts on yield and export opportunities. While emergency EU legislation is now in force, a statutory notification system will back up the voluntary arrangements already in place for Portugal and Spain and facilitate risk assessment based action.

10. The new legislation will also extend the Polish requirements to make it a legal requirement for the Polish ware potatoes to be accompanied by an official Potato ring rot test certificate issued by the Polish Plant Health Authority. This was introduced by the Polish Plant Health Authorities at the time of their accession to the EU in 2004 given other Member States concerns about ring rot in their potato production system. It requires all consignments being despatched to other Member States to be officially tested for the disease and the official test certificate accompanies the material.

Consolidation

11. The Plant Health Directive is currently under review by the EU. There are therefore no immediate plans to consolidate the PH Order. However, the current amendment is focussed on dealing specifically with the urgent need to tackle the plant

health threat posed by increased imports of ware potatoes from Poland, Portugal, Romania and Spain.

Consultation

12. **A short informal consultation has been conducted with the main Scottish and UK potato stakeholder organisations. They have indicated that they are content with the proposals to extend the notification requirements.**

Timing

13. This SSI will come into effect on 9 February 2013.

Business and Regulatory Impact

14. A Business and Regulatory Impact Assessment has been prepared. The outcome was in favour of extending the pre-import notification requirements.

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