

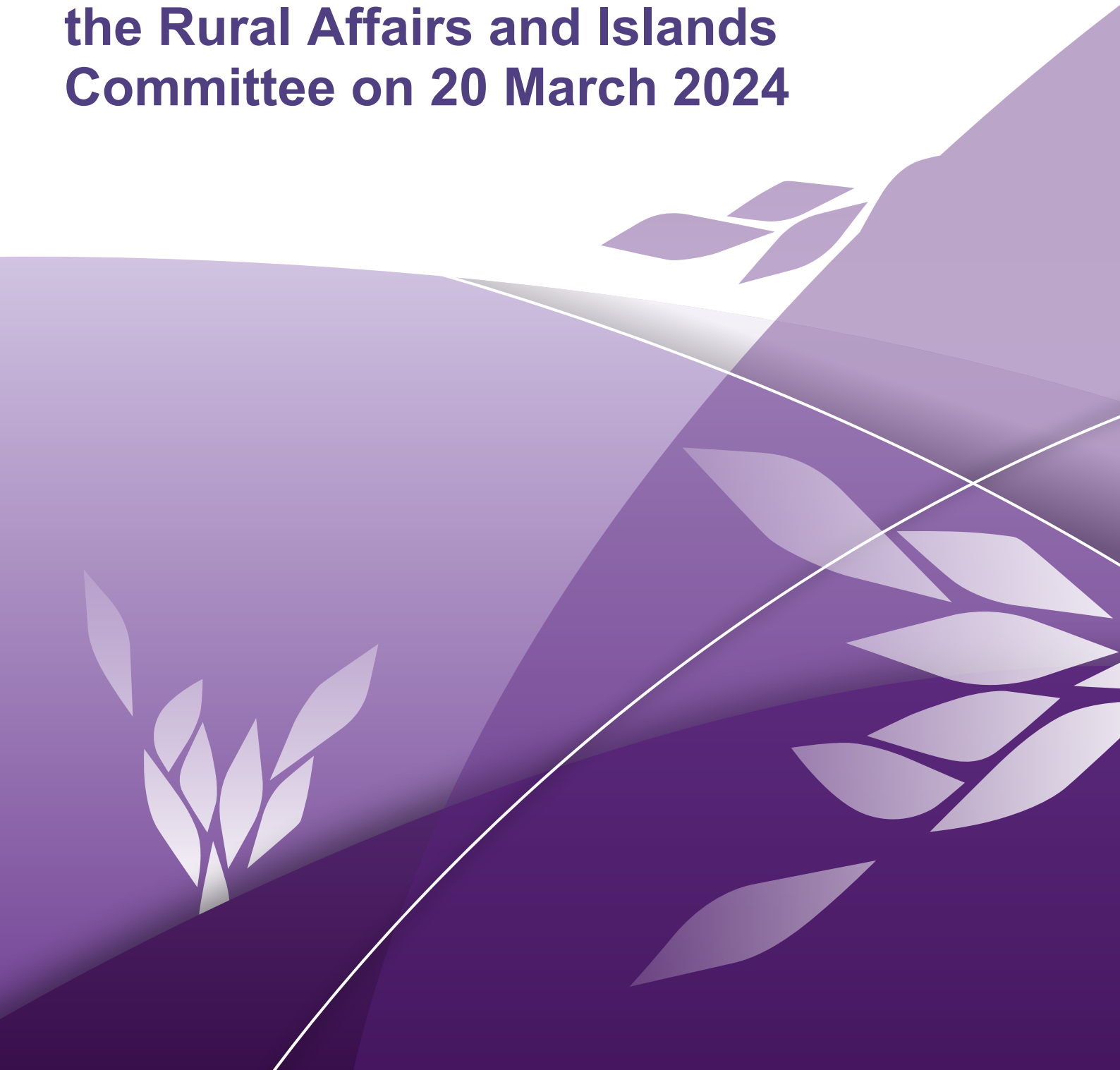


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Rural Affairs and Islands Committee

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Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



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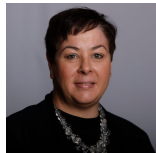
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Executive Summary

1. This report details the Rural Affairs and Island Committee's consideration of [the draft Plant Health \(Import Inspection Fees\) \(Scotland\) Amendment Regulations 2024](#).
2. The Committee agreed to recommend to the Parliament that it approve the instrument.

The Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2024

3. The draft Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2024 were laid in the Scottish Parliament on 19 February 2024 and are subject to the affirmative procedure. The draft instrument was referred to the Rural Affairs and Islands Committee for consideration.
4. The purpose of the regulations is to amend [the Plant Health \(Import Inspections Fees\) \(Scotland\) Regulations 2014](#) to ensure that fees are charged for plant health checks on medium-risk commodities imported into Scotland from third countries, in line with the new [Border Target Operating Model \(BTOM\)](#).

Background

5. This instrument is linked to a UK statutory instrument, [the Plant Health \(Fees\) \(England\) and Official Controls \(Frequency of Checks\) Amendments Regulations 2024](#), the notification for which the Committee considered at its [meeting on 28 February 2024](#). The Committee agreed that the provisions set out in the notification should be included in the UK SI.
6. [The Plant Health \(Fees\) \(England\) and Official Controls \(Frequency of Checks\) \(Amendment\) Regulations 2024](#) (and corresponding secondary legislation in Wales) will implement the second milestone of the BTOM across the UK from 30 April 2024. The BTOM proposes a new approach to sanitary and phytosanitary (SPS) controls at the border. The GB risk-targeted inspection regime was introduced in July 2022, allowing the frequency of plant health checks to be determined for specific trade import pathways based on the level of plant health risk to GB. The regime established new frequency of checks levels for each commodity dependent on the country of origin. The principal legislation governing the controls required on movement into GB of plants and plant products is set out in assimilated EU legislation, Regulation (EU) 2016/2031.
7. The fees in these Regulations align with the Scottish Government's approach to achieve full cost recovery of service delivery from businesses using these services. Reduced fees are applied to consignments eligible for reduced levels of physical checks. The 2024 Regulations set out fees based on the methodology from The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022. Import fees for several commodities have been amended to reflect changes in risk levels, and these changes have also been applied in England and Wales (see schedule 1 of the instrument). Some commodities in Schedule 1 of the 2024 Regulations have had their 'country of origin' entries amended as they are no longer regulated from those countries.
8. Regulation 2(4) of the instrument introduces new fees for documentary checks on certain goods from an EU Member State, Liechtenstein, or Switzerland. This is to align with the introduction of risk-based import checks on medium-risk goods under the BTOM, and the final stages of the transitional staging period. Regulation 2(4) also provides that no fee is payable for checks on certain low-risk goods from these countries, while risk assessments are being conducted.
9. Goods entering through a west coast port from any EU Member State, Liechtenstein, and Switzerland are exempt from fees for physical, identity, and documentary checks. This applies to consignments consisting solely of plants, plant products, and other objects, as detailed in Article 72(1) of Regulation (EU) 2016/2031. The Scottish ports listed under this regulation are Ayr, Greenock, and Cairnryan. This exemption does not apply to consignments from Liechtenstein that contain goods listed in Schedule 1 to the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022 and Schedule 2A of the Import Fees Regulations. This is due to certain low-risk fruit and vegetable goods from Liechtenstein being part of the Northern Ireland Retail Movement Scheme, which requires full inspections.
10. Regulation 2(5) of the instrument clarifies the countries to which additional fees apply for potatoes. Any imports of these potatoes must be checked and will incur an

inspection fee. Regulation 2(6) updates and corrects the import inspection fees for physical and identity checks, bringing medium-risk goods from the EU, Liechtenstein, and Switzerland into the existing fees and charges regime.

11. Regulation 2(8) of the instrument updates the table of fees for documentary checks for certain goods from any EU Member State, Liechtenstein, or Switzerland to account for fees for checks on medium-risk goods.

Consultation

12. DEFRA, representing the UK Plant Health Service, conducted a brief consultation with stakeholders across Great Britain, including the UK Plant Health Advisory Forum, whose members comprise the Fresh Produce Consortium and the Horticultural Trades Association. The Scottish Government informed Scottish importers dealing in plants and plant products about the consultation. The consultation was open for feedback for 10 weeks, during which three responses were received. Two of these responses were from Scottish businesses, and they expressed no objections to the proposals. The third response was received from outwith Scotland.

Impact assessments

13. The policy note states that a full impact assessment was not been prepared for this instrument because it does not set out new policy. Changes introduced by this instrument reflect the impact of EU Exit and the operation of the transitional period in relation to the risk-based control of SPS imports. Physical, identity and documentary fee rates have not been increased and therefore, no significant impact is expected on business as a result of the policy changes introduced under this instrument.
14. Businesses importing goods from the EU and certain other countries will now need to comply with certain import requirements, such as checks and subsequent fees, applied to all existing third countries.

Delegated Powers and Law Reform Committee consideration

15. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [27 February 2024](#) and agreed that no points arose.

Rural Affairs and Islands Committee consideration

16. At its meeting on [20 March 2024](#), the Rural Affairs and Islands Committee took evidence on the instrument from the Minister for Green Skills, Circular Economy and Biodiversity and Scottish Government officials.
17. The Minister made some opening remarks, setting out the purpose and objective of the instrument.
18. The Committee asked for further information on the Scottish businesses that responded to DEFRA's consultation. The Scottish Government [responded in writing on 27 March 2024](#) and stated that one response was from a container grown tree producing nursery and the second was from a wholesale plant supplier. The Scottish Government's letter reiterated that both respondents indicated that they had no objections to the proposals.
19. The Committee also asked how Scottish businesses would be kept updated on future requirements of the BTOM. Officials explained that there has been on-going engagement with horticultural and plant-based businesses to keep them informed of the development and requirements of the BTOM. This has included engagement as each new phase has been introduced, including on the further changes that will come into force at the end of April.
20. The Committee also highlighted concerns raised by the horticultural sector regarding biosecurity and the potential risks to non-native species. In her response, the Minister stated that the Scottish Government was taking a risk-based approach and there had been a phased roll-out of border controls. High-risk goods are already being tracked and managed and the changes introduced by this instrument were bringing medium-risk goods into the regime.
21. Following the evidence session, the Minister moved motion [S6M-12218](#) –

That the Rural Affairs and Islands Committee recommends that the Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2024 [draft] be approved.
22. The motion was agreed to without division.

The Rural Affairs and Islands Committee recommends that the Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2024 [draft] be approved.

