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Convener, Rural Affairs and Islands Committee
The Scottish Parliament
EDINBURGH
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16 April 2024

Dear Finlay

**THE OFFICIAL CONTROLS (MISCELLANEOUS AMENDMENTS) REGULATIONS 2024
DEFRA PH/050/R
EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

I am writing to provide the further details requested by the Committee on 15 April in its consideration of the above SI, relating to the stakeholder responses to the Defra-led engagement on the technical review of plant health regulated goods in Annex 11 of Regulation (EU) 2019/2072 (the Phytosanitary Conditions Regulation), to re-categorise certain plants and plant products on the basis of technical assessments according to the risk they pose to GB biosecurity. The outcome of this review, setting out the changes to the categorisation of risk for these plants and plant products and the resulting reduced or enhanced import checks, was set out in Annex 1 of the notification provided to the Committee for the above SI. Defra and the Scottish and Welsh Governments plan to implement the changes from 30 April 2024.

The consultation on this technical review was GB-wide and led by Defra with agreement from the Scottish and Welsh Governments. It was held for six weeks from January 2024. Defra received four responses to this engagement: two from outside the UK (a European trade association Freshfel Europe, which has UK members, and a Dutch trade association, the Fresh Produce Centre) and two from UK stakeholders (the Fresh Produce Consortium (FPC), and a business based in England & Wales). As this stakeholder engagement was conducted on a domestic platform, the details below focus specifically on comments from UK representatives.

The FPC highlighted confusion as to how Parts A-C of Annex 11 and the risk categorisations align, requesting simple communication on the Plant Health Portal to be made available. The FPC also raised a concern on the evidence behind some of the proposed measures on goods in Part A or Part B of Annex 11 (including avocados, grapes, apples etc.). They pointed out that without published data on total consignment numbers from Rest of World

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countries, the pest interception numbers could not be put into context. Freshfel were also concerned about a lack of transparency in determining the risk profiles for different commodities and urged Defra to conduct a detailed impact assessment of the measures.

FPC, Freshfel and the business based in England & Wales all noted that the inclusion of goods into Part A of Annex 11, requiring a phytosanitary certificate, pre-notification, and physical inspection, would have a significant impact on trade. The FPC recommended that these goods be kept in Part B of Annex 11. The business based in England & Wales suggested that instead they provide records at regular intervals to provide full traceability and biosecurity assurances, or that some of their consignments complete inspections whilst the remainder move without additional paperwork or checks.

The FPC, Freshfel and the business based in England & Wales raised operational concerns including the impact of this proposal on the food supply chain and market access, groupage, and the lack of clarity regarding the end date for the easement currently in place for medium-risk fruit and vegetables from the EU, Switzerland, and Liechtenstein, under which those are temporarily being treated as low risk. The FPC stated that more than four months' notice concerning the latter would be needed for businesses to effectively plan.

A full summary of these responses and a response to each of the above points will be published before the end of April on the UK Plant Health Portal. My officials are liaising with Defra on the consultation response, and we will share a copy with the Committee for information.

I hope that the Committee will find these additional details helpful and wish to thank you once again for considering the SI in such a restricted timeframe, which I very much regret having to ask of the Committee.



MAIRI GOUGEON