

Rob Gibson MSP

Convenor

Rural Affairs, Climate Change and Environment Committee

The Scottish Parliament

Edinburgh

EH99 1SP



21 January 2015

Dear Rob

Plant Health (Import Inspection Fees) (Scotland) Regulations 2014 (SSI 2014/338)

Thank you for your letter dated 8 January 2015 in relation to the Plant Health (Import Inspection Fees) (Scotland) Regulations 2014 (SSI 2014/338) following the Rural Affairs, Climate Change and Environment committee meeting on 17 December 2014.

I welcome the comments from the Committee and acknowledge the points made in relation to those involved in Fairtrade activities when making Scottish legislation. I can reassure you and Committee members that the Scottish Government continues to support Scotland's commitment to Fairtrade and will develop it wherever it is competent and appropriate to do so.

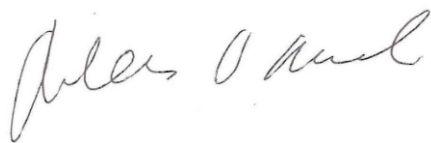
European Council Directive 2000/29/EC (the Plant Health Directive) requires member States to carry out compulsory plant health checks on certain plants and plants products coming from third countries and to collect a fee to cover the cost of these checks. The Plant Health (Import Inspection Fees) (Scotland) Regulations 2014 is the instrument which implements the requirement to collect such fees. In line with Scottish Government policy on recovering the cost of government services, the legislation prescribes a new fee structure which would achieve full cost recovery on these compulsory checks.

As you will be aware, the Scottish Ministers have no power to make subordinate legislation, or to do any act, which is incompatible with EU law (section 57(2) of the Scotland Act 1998). The nature and needs of the grower or importer, whether Fairtrade or not, are not factors which the Plant Health Directive permits member States to take into account when setting the level of plant health import inspection fees. Accordingly, the Scottish Government was not able to specifically consider the needs of, or impacts on, Fairtrade growers or importers when drafting this particular legislation.



I hope this response is helpful and that it provides the Committee with reassurance that, where the Scottish Government has the power to do so, it does consider the needs of, and impacts on, as many stakeholders as possible when drafting SSIs.

Kind regards



AILEEN MCLEOD