

T: 0300 244 4000
E: scottish.ministers@gov.scot

Finlay Carson MSP
Convener
Rural Affairs and Islands Committee
Scottish Parliament
EDINBURGH
EH99 1SP
By email: Rural.committee@parliament.scot
Copied to: UKSIs@parliament.scot and
DPLR.Committee@parliament.scot

01 December 2025

Dear Convener,

**EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT
THE PHYTOSANITARY CONDITIONS (AMENDMENT) (No.2) REGULATIONS 2025 –
DEFRA PH/058**

Thank you for your letter of 29 October confirming that the Rural Affairs and Islands Committee are content to consent to the above UK SI, the Phytosanitary Conditions (Amendment) (No.2) Regulations 2025 – Defra PH/058. I have made the UK Government aware of the Committee's decision.

In your letter, the Committee also sought further clarity on a few issues relating to the SI. I have set out a response to each question below which I hope is helpful.

In relation to removing pest-free areas, the notification states “additional stakeholder engagement has been undertaken by Scottish Government with forestry sector stakeholders in Scotland” but does not detail the outcome of this engagement and, for example, whether stakeholders were in favour.

Scottish Forestry attended active meetings of the Pest Free Area (PFA) User Group to inform them of the changes. The User Group were accepting of the change and recognised it was down to a change of pest status i.e. pest absence could no longer be guaranteed.

The section on stakeholder engagement refers to engagement on changes in relation to several specific pests, but the summary of changes made by the SI do not detail the same specific pests. It would be helpful if you could clarify what pests were included in the engagement and what, if any, pests were consulted on but for whom no changes were made.

My officials have noted that two incorrect references to pests covered in an earlier SI were unfortunately included in the Notification i.e. *Psuedomonas avellanae* and *Neodipron albetis*. All the other pest references in the Notification and all those in the SI are correct. The

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

reference to those pests in the Notification should instead have corresponded to the changes to Annex 2 and 2A for the pests *Agrilus horni*, *Heterobasidion occidentale*, *Homona magnanima*. There was full consultation on those changes, as set out in the Notification. As set out in PH/058, the effect of the changes is to move the pests, *Agrilus horni* (known as the aspen root girdler), *Heterobasidion occidentale* (a fungal pathogen of conifers), from the list of provisional GB Quarantine Pests to the list of GB Quarantine Pests (QP), following further risk analysis, and to add the pest *Homona magnanima* (the oriental tea tortrix) to the provisional GB Quarantine Pest list, after it was assessed as meeting the criteria to be a QP, based on a preliminary assessment.

I have also provided a summary of the changes in PH/058 as an Annex to this letter.

The summary of stakeholder engagement refers to concerns from one stakeholder about the 'deregulation' of *Helicoverpa armigera* (the other three stakeholders were supportive of the change). It would be helpful if you could detail if there are other pests which are being 'deregulated' and, if so, stakeholders' comments in relation to this/these.

There are no immediate plans to deregulate any further pests, however the phytosanitary import regime is not static and is kept under continuous review by the UK Plant Health Risk Group.

In accordance with Paragraph 34 of the EU Exit Legislation – Protocol with the Scottish Parliament, I would also like to take this opportunity to confirm that the Statutory Instrument, the Phytosanitary Conditions (Amendment) (No.2) Regulations 2025, was laid on 7 November and aligns with the consent the Committee granted on 29 October.

I am copying this letter to to the Convener of the Delegated Powers and Law Reform Committee.

Yours sincerely



JIM FAIRLIE

Summary of amendments to Commission Implementing Regulation (EU) 2019/2072 – Defra PH/058

All provisions/amendments to come into force on 30 November 2025 unless stated otherwise.

Planned measure	Why is this measure needed?	Changes
<i>Annex 2</i> Moving <i>Agrilus horni</i> (aspen root girdler) and <i>Heterobasidion occidentale</i> (tree root-rotting pathogenic fungus) to the Quarantine Pest (QP) list.	UK rolling horizon scanning and risk analysis process has highlighted that these pests now meet the criteria to be GB QPs.	These pests would be subject to increased awareness raising, surveillance and action on detection within Great Britain to protect biosecurity. Stakeholder engagement on the PRAs for <i>Agrilus horni</i> and <i>Heterobasidion occidentale</i> have already been completed.
Moving <i>Toumeyella parvicornis</i> (the pine tortoise scale) to the QP list, alongside associated import requirements.	UK rolling horizon scanning and risk analysis process has highlighted that this pest now meets the criteria to be a GB QP. We can apply specific import requirements to listed QPs to address the risk of introduction.	This pest would be subject to increased awareness raising, surveillance and action on detection within Great Britain to protect biosecurity. Plants for planting of <i>Pinus</i> (pine), other than seeds, pollen and plants in tissue culture, imported into Great Britain would also need to be compliant with the associated import requirements.
The removal of the pest <i>Helicoverpa armigera</i> (cotton bollworm) from the QP list, alongside associated import requirements.	A recent policy review indicated that the pest no longer meets the criteria to be regulated as a GB Quarantine Pest.	All imported host material would no longer need to be free from this pest. The associated import requirements on plants for planting, of <i>Chrysanthemum</i> , <i>Dianthus</i> and <i>Pelargonium</i> would be withdrawn.
<i>Annex 2A</i> The addition of <i>Homona magnanima</i> to the provisional QP list.	UK rolling horizon scanning and risk analysis process has highlighted that this pest may meet the criteria to be a GB QP, pending a full risk analysis.	UK intention to take action on this pest would be clarified in legislation A full risk analysis will be carried out in future to determine how this pest should be regulated.

<p>Name change of the pest <i>Ennomos subsignarius</i> (Elm spanworm moth)</p>	<p>Changes need to be made to update a pest's taxonomic name to ensure consistency with the internationally recognised name.</p> <p>New scientific name is <i>Ennomos subsignaria</i>.</p>	<p>No impacts on trade are anticipated. This change aids understanding for domestic and international stakeholders.</p>
<p>Annex 3</p> <p>Removal of the bark beetles <i>Dendroctonus micans</i> (Great spruce bark beetle) and <i>Ips cembrae</i> (Large larch bark beetle), and their respective areas, from the list of PFA quarantine pests and GB pest-free areas</p>	<p>These beetles are regulated as Pest Free Area QPs, on the basis that they are not found in a defined region (known as a PFA) that may be found elsewhere in GB. Recent evidence no longer supports the absence of these beetles in the PFA (in the west of Scotland).</p>	<p>These pests need to be removed from the legislation as they are now present in the PFA.</p> <p>The presence of these pests would impact the export of conifer roundwood, bark and conifers over 3 metres from the west of Scotland to countries that maintain a PFA for these pests (Greece, Northern Ireland, and the Republic of Ireland)</p>
<p>Annex 7</p> <p>Applying the existing import requirements for <i>Bursaphelenchus xylophilus</i> (pinewood nematode (PWN)) on Armenia.</p>	<p>This pest has now been found in Armenia.</p> <p>To address the risk of this pest from spreading on imports, the existing import requirements need to be updated so that they apply to the relevant imports of wood from Armenia.</p>	<p>Wood and bark of conifers imported from Armenia would need to meet the associated import requirements.</p>
<p>Clarifying an import requirement for the medium-risk host plants of <i>Xylella fastidiosa</i>.</p>	<p>A typo needs correcting on the existing import requirements for <i>Xylella fastidiosa</i>, on the medium-risk host plants for planting.</p> <p>A single asterisk was incorrectly placed in option (c) of that specific entry against <i>Xylella fastidiosa</i>, rather than option (b) as intended.</p>	<p>Making this correction would require countries utilising option (b) to include the name of the PFA on the phytosanitary certificate, rather than countries utilising option (c).</p> <p>This change to take effect from 26 May 2026.</p>

<p><i>Annex 13</i></p> <p>Adding <i>Solanum sisymbriifolium</i> (sticky nightshade) to the list of seeds</p>	<p>This was omitted as a consequential change when the seed was regulated as a regulated non quarantine pest host of Potato spindle tuber viroid</p>	<p>The change corrects this error, and these require a UK plant passport for movement within GB.</p>
--	--	--