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19 May 2025

Dear Finlay,

**EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT
THE PHYTOSANITARY CONDITIONS (AMENDMENT) REGULATIONS 2025 – DEFRA
PH/057**

The Scottish Parliament agreed on 1 May 2025 that it was content for Scottish Ministers to give their consent to the Phytosanitary Conditions (Amendment) Regulations 2025 – “Defra PH/057” including Scottish devolved matters, as set out in the notifications to the Parliament.

Defra PH/057 was laid on 9 May 2025 and the coming into force date is split between 30 May 2025 and 8 November 2025. It is subject to a negative resolution procedure and its enabling powers are conferred by Articles 5(3), 30(1), 37(5) and (5A), 41(3), 72(3) and 105(6) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants (“the Plant Health Regulation” (PHR)). I can now confirm that Defra PH/057 varies in one respect from the original proposal, but it is considered that the variation is not so significant as to require any further process.

The variation concerns how the UK Plant Health Services are managing the pest *Pochazia shantungensis* (brown-winged cicada/plant hopper). The original notification stated this pest was to be added to Annex 2A (list of provisional GB quarantine pests) of the Phytosanitary Conditions Regulations (PCR) from the 30 May 2025, pending pest risk analysis (PRA). However, a [PRA](#) was completed earlier than anticipated and concluded that this pest is not expected to establish or cause unacceptable economic impacts in any part of the UK. This means it does not meet the criteria to be a GB Quarantine Pest. As a result, it is no longer necessary to regulate this pest, and it was omitted from being added to Annex 2A of the PCR. Stakeholders were supportive of the PRA and this decision and were advised of this outcome. The World Trade Organization will also be informed.

The omission of this pest from Annex 2A of the PCR was a necessary operational revision, based on the PRA and no other changes were made to the notifications.

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

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

Yours sincerely,



JIM FAIRLIE

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