Department for Environment Food & Rural Affairs

Llywodraeth Cymru Welsh Government

Scottish Government
Riaghaltas na h-Alba
gov.scot

Date: 3rd February 2022

Dear Plant Health Licence holder,

Response to the GB stakeholder engagement on plans for revising legislation relating to scientific licensing

Thank you for submitting views on the above consultation. This letter is to notify you of the outcome.

Background

The GB Plant Health Services are finalising plans to make changes to parts of GB legislation governing Scientific Licensing. The proposed policy changes to the area of scientific licensing are designed to improve the scientific licensing regime and remove certain burdens which resulted from changes introduced by the Smarter Rules for Safer Food (SRSF) legislation package in 2019 and which are not appropriate or relevant for the regime moving forward.

We aim to amend Delegated Regulation (retained EU law) 2019/829. This regulation contains the detailed requirements surrounding scientific licensing. The proposed amendments aim to address deficiencies in this regulation and remove unnecessary burdens for licensees, which do not aid biosecurity. Further changes to this regulation and others which impact on scientific licensing may be required in the future.

Summary of Responses

Seven responses were received.

Key Concerns and Government Response

The responses received from SASA Plant Health Licensing Team and an individual licence holder confirmed that they agreed with the proposed changes.

The response from another Licence holder was generally supportive of the changes but raised a concern over the plans to allow multiple introductions of all material from all authorised origins. The concern centred around the ability to collect and record details of individual suppliers/providers if there is not an obligation to record this on the Letter of Authority (LoA).

- Having considered this, we feel it is a valid concern so have amended our approach in response. Box 1 will be amended to "Name and address of consignor/Plant Protection organisation of the country of origin" and Box 5 (authorised material) will also include details of the authorised origins of all licensed material. This will be in line with how LoAs were constructed prior to SRSF, under a regime which ran smoothly for many years.

The response from a different Licence holder was generally positive and supportive but did raise a few points for clarification:

With the removal of Third country endorsements and LOAs being valid for multiple introductions, will the LoA still need to accompany consignments of imported material?

- Yes, the LoA must always accompany imported material and it must be the current valid LoA as all LoAs have an end date. This simply removes the requirement to get it endorsed by the NPPO of the country of origin of the material. The LoA must be in place to allow the material to transit through border control.

Does the person responsible have to maintain full records of the consignor for each import?

- No, the requirements of the legislation are simply that records are maintained of the place of origin of each import and that these are maintained for three years.

The response from another Licence holder, was broadly welcoming of the proposals but did raise a number of concerns with the proposal and with the licensing regime in general since EU exit:

Box numbers in the stakeholder engagement letter do not match with those on existing LoAs.

- Box numbers relate to those in the current Regulation (retained EU law) 2019/829, which are not always consistent with our GB letter of Authority templates which contains a number of additional boxes. These additional boxes will be included in the amended regulation and the numbering will align between legislation and LoAs issued in future.

Concern over compliance with the declared point of entry from Third countries.

- This is a box which already appears on our LoA but is not included in current legislation. This box will be filled out prior to issue and will generally simply say GB. This reflects that material may land in GB but not necessarily in the Nation which issued the LoA (i.e. material imported under a Scottish licence may land in England).

Concern that LoAs being for multiple use may increase the likelihood of receiving unsolicited material.

- We currently issue the majority of LoAs to allow multiple introductions and this change in the legislation should have minimal effect on the workings of LoA in practice.
- Any person sending material to GB would need to have received a valid LoA from the licence holder and can only send material listed on the LoA.
- We do not believe that this should make it any more likely that unsolicited material would be received than at present.

There is not a box for a computerised information system on current LoAs.

- As there is not a computerised information system which covers LoAs we did not include this in our LoA template following SRSF, despite it appearing in legislation, as this would have caused confusion. The amendment will bring the legislation in line with current practice

Other issues were raised with the workings of licensing, LoAs, consistency and training for licensees.

- These issues will be given further consideration and further changes will be consulted on as necessary.
- Licensing inspectors are highly experienced and subject to rigorous training. APHA are reviewing processes to ensure consistency is maintained.

Next steps

The responses received were generally supportive of the plans to amend the secondary legislation governing scientific licensing. A few considered changes are planned in light of these consultation responses as detailed above. Other than these the changes to legislation will go ahead with the intention to lay this legislation in Parliament in mid 2022. Detailed guidance will be issued to licence holders and online guidance amended ahead of legislation changes coming into force. In relation to comments received on the licensing regime in general we are considering the licensing regime as a whole and will consult on any further changes as needed in the future.

I would like to thank those that took the time to respond to this consultation. The comments have been very valuable in helping determine a final position.

If you have any further views, please do get in touch.

Yours sincerely

The Defra licensing team

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