

2012 No. 1493 (W. 191)

PLANT HEALTH, WALES

**The Plant Health (Fees) (Wales)
Regulations 2012**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales specify fees payable to the Welsh Ministers in the field of plant health.

The fees are payable in relation to specified inspections and other operations carried out pursuant to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 169, 10.7.2000, p.1).

The fees for documentary, identity and plant health checks in relation to certain imports of plants, plant products and other objects from third countries (regulation 2 and Schedules 1, 2 and 3) are specified pursuant to the requirement in Article 13d of Directive 2000/29/EC.

The Regulations consolidate several previous instruments which dealt separately with particular fees in relation to plant health; those previous instruments are revoked (regulation 7). These Regulations do not introduce any new types of fee.

The fee levels provided for in this instrument form part of a phased move towards full cost recovery of fees over a period of three years. Most fees are substantially increased: import inspection fees by 229%, fees in relation to seed potatoes by 52%, licensing fees by 160%, fees for inspection of Egyptian potatoes by 184% and fees for plant passporting services by 55%. Further details are provided in the Explanatory Memorandum.

Regulatory impact assessments of the effect that this instrument will have on the costs of business, in relation to each of the five types of fees covered by this instrument, have been prepared and are available

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2012 No. 1493 (W. 191)

PLANT HEALTH, WALES

**The Plant Health (Fees) (Wales)
Regulations 2012**

Made 5 June 2012

Laid before the National Assembly for Wales
12 June 2012

Coming into force 6 July 2012

The Welsh Ministers are designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Union.

The Welsh Ministers make regulation 7(a), (b) and (c) in exercise of powers conferred by section 2(2) of the European Communities Act 1972.

The Welsh Ministers make these Regulations, with the exception of regulation 7(a), (b) and (c), with the consent of the Treasury, in exercise of powers conferred by section 56(1) and (2) of the Finance Act 1973⁽³⁾ and now vested in them.⁽⁴⁾

Title, application, commencement and interpretation

1.—(1) The title of these Regulations is the Plant Health (Fees) (Wales) Regulations 2012. They apply in relation to Wales and come into force on 6 July 2012.

(2) In these Regulations—

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- (1) By virtue of Article 3 of the European Communities (Designation) (No.5) Order 2010, S.I. 2010/2690.
- (2) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a), and the European Union (Amendment) Act 2008 (c.7), Part 1 of the Schedule.
- (3) 1973 c.51. Subsection (6) of section 56 was repealed by the Statute Law (Repeals) Act 1977 (c.18).
- (4) By virtue of section 59(5) of the Government of Wales Act 2006 c32.

- (a) “the Directive” (“y Gyfarwydddeb”) means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾; and
- (b) “the PHO” (“y GIP”) means the Plant Health (Wales) Order 2006⁽²⁾.

(3) Terms used in these Regulations which are also used in the Directive have the meaning they have in the Directive.

Import inspection fees

2.—(1) This regulation applies in relation to consignments of—

- (a) plants, plant products and other objects of a description specified in column 1 of Schedule 1 that are listed in Part B of Annex V to the Directive, and
- (b) seeds of *Solanaceae* whether or not listed in that Part,

that are introduced into Wales from a country or territory other than one within the European Union or are the subject of an agreement made under article 12(6) of the PHO.

(2) Upon import of a consignment to which this regulation applies, an importer must pay to the Welsh Ministers—

- (a) the fee specified—
 - (i) in column 3 of Schedule 1 in respect of a consignment of a plant, plant product or other object listed in column 1 of that Schedule, other than a consignment of a plant or plant product to which paragraph (ii) of this sub-paragraph applies, or
 - (ii) in column 4 of Schedule 2 in respect of a consignment of a plant or plant product listed in column 1 of that Schedule and originating from a country listed in column 3 of that Schedule; and
- (b) the fees specified in column 3 of Schedule 3 for a documentary check and an identity check.

(3) But where, at the request of an importer or any other person responsible for the consignment, a plant health check is carried out on a consignment outside

(1) OJ No L 169, 10.7.2000, p.1, as last amended by Commission Directive 2010/1/EU (OJ No L 7, 12.1.2010, p.17).
 (2) S.I. 2006/1643 (W.158).

daytime working hours, the fee payable under paragraph (2)(a) in respect of that consignment is—

- (a) the fee specified in column 4 of Schedule 1 if the consignment is a consignment to which paragraph (2)(a)(i) applies; or
- (b) the fee specified in column 5 of Schedule 2 if the consignment is a consignment to which paragraph (2)(a)(ii) applies.

(4) In this regulation “daytime working hours” (“*oriau gwaith yn ystod y dydd*”) means any time between the hours of 8.30 a.m. and 5.00 p.m. on any day except a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(1) in Wales.

Seed potatoes: fees

3.—(1) The fees specified in Schedule 4 are payable in respect of the functions specified in column 1 of that Schedule, which relate to an application for—

- (a) certification of seed potatoes in accordance with regulation 9 of the Seed Potatoes Regulations;
- (b) an authorisation to market seed potatoes in accordance with regulation 8 of those Regulations.

(2) The fee payable in respect of a function is subject to any minimum fee specified in column 3 of Schedule 4 in relation to that function.

(3) The fee in respect of a function specified in Schedule 4 must be paid to the Welsh Ministers.

(4) In this regulation “the Seed Potatoes Regulations” (“*y Rheoliadau Tatws Hadyd*”) means the Seed Potatoes (Wales) Regulations 2006(2).

Plant health licence fees

4.—(1) Fees payable under this regulation relate to a licence described in article 40 or 41 of the PHO.

(2) In respect of an application or inspection of a type described in column 2 of Schedule 5, a person must pay to the Welsh Ministers the fee specified in column 3 of that Schedule in relation to that type of application or inspection.

Plant passport authorisation fees

5.—(1) The fee specified in paragraph (2) must be paid to the Welsh Ministers in respect of an inspection (which may include an inspection of business records) carried out in connection with—

(1) 1971 c.80; see section 1 and Schedule 1.
(2) S.I. 2006/2929 (W.264).

- (a) an application for an authority; or
- (b) ensuring compliance with any conditions subject to which an authority was granted.

(2) The fee is £31.50 for each quarter of an hour or part of quarter of an hour (including time spent on an inspection, on travelling and on associated administration), subject to a minimum fee of £63.00 per visit.

(3) In this regulation “authority” (“*awdurdod*”) means an authority to issue plant passports conferred under article 8 of the Plant Health (*Phytophthora ramorum*) (Wales) Order 2006(1) or article 29 of the PHO.

Potatoes originating in Egypt: fees

6.—(1) Where an inspector takes a sample of potatoes originating in Egypt in order to ascertain whether, for the purposes of paragraph 5 of the Annex to the Decision, those potatoes are infected with *Ralstonia solanacearum* (Smith) Yabuuchi et al., the importer must pay to the Welsh Ministers £87.80 in respect of each lot sampled.

(2) In this regulation “the Decision” (“*y Penderfyniad*”) means Commission Implementing Decision 2011/787/EU authorising member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al. as regards Egypt(2).

Revocations

7. The following are revoked—

- (a) the Plant Health (Licence Fees) (England and Wales) Regulations 1996(3), in relation to Wales only;
- (b) regulation 6 of the Potatoes Originating in Egypt (Wales) Regulations 2004(4);
- (c) the Seed Potatoes (Fees) (Wales) (No. 2) Regulations 2006(5);
- (d) the Plant Health (Plant Passport Fees) (Wales) Regulations 2007(6);
- (e) the Plant Health (Import Inspection Fees) (Wales) Regulations 2010(7); and
- (f) the Plant Health (Import Inspection Fees) (Wales) (Amendment) Regulations 2012(8).

(1) S.I. 2006/1344 (W.134).
 (2) OJ No L 319, 2.12.2011, p.112.
 (3) S.I. 1996/26.
 (4) S.I. 2004/2245 (W.209).
 (5) S.I. 2006/2961 (W.267).
 (6) S.I. 2007/1765 (W.154).
 (7) S.I. 2010/2917 (W.242), amended by S.I. 2012/285 (W.49).
 (8) S.I. 2012/285 (W.49).

John Griffiths

Minister for Environment and Sustainable
Development, one of the Welsh Ministers

5 June 2012

SCHEDULE 1 Regulation 2(1)(a), (2)(a)(i) and (3)(a)

Import Inspection Fees

<i>Column 1</i> <i>Plant, plant product or other object</i>	<i>Column 2</i> <i>Quantity</i>	<i>Column 3</i> <i>Fee for each consignment (daytime working hours) (£)</i>	<i>Column 4</i> <i>Fee for each consignment (non-daytime working hours) (£)</i>
Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	up to 10,000 in number	46.98	70.47
	each additional 1,000, or part thereof	1.88, up to a maximum of 375.84	2.81, up to a maximum of 563.76
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	up to 1,000 in number	46.98	70.47
	each additional 100, or part thereof	1.15, up to a maximum of 375.84	1.73, up to a maximum of 563.76
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	up to 200 kg	46.98	70.47
	each additional 10 kg, or part thereof	0.43, up to a maximum of 375.84	0.64, up to a maximum of 563.76
Seeds, tissue cultures	up to 100 kg	20.13	30.20
	each additional 10 kg, or part thereof	0.46, up to a maximum of 375.84	0.69, up to a maximum of 563.76
Other plants intended for planting, not specified elsewhere in this Schedule	up to 5,000 in number	46.98	70.47
	each additional 100, or part thereof	0.46, up to a maximum of 375.84	0.69, up to a maximum of 563.76
Cut flowers	up to 20,000 in number	46.98	70.47
	each additional 1,000, or part thereof	0.36, up to a maximum of 375.84	0.54, up to a maximum of 563.76
Branches with foliage, parts of conifers (other than cut Christmas trees)	up to 100 kg	46.98	70.47
	each additional 100 kg, or part thereof	4.67, up to a maximum of 375.84	7.01, up to a maximum of 563.76
Cut Christmas trees	up to 1,000 in number	46.98	70.47
	each additional 100, or part thereof	4.67, up to a maximum of 375.84	7.01, up to a maximum of 563.76

<i>Column 1 Plant, plant product or other object</i>	<i>Column 2 Quantity</i>	<i>Column 3 Fee for each consignment (daytime working hours) (£)</i>	<i>Column 4 Fee for each consignment (non- daytime working hours) (£)</i>
Leaves of plants, such as herbs, spices and leafy vegetables	up to 100 kg	46.98	70.47
	each additional 10 kg, or part thereof	4.67, up to a maximum of 375.84	7.01, up to a maximum of 563.76
Fruits, vegetables (other than leafy vegetables)	up to 25,000 kg	46.98	70.47
	each additional 1,000 kg, or part thereof	1.88	2.81
Tubers of potatoes	up to 25,000 kg	140.94 (for each lot)	211.41 (for each lot)
	each additional 25,000 kg, or part thereof	140.94 (for each lot)	211.41 (for each lot)
Soil and growing medium, bark	up to 25,000 kg	46.98	70.47
	each additional 1,000 kg, or part thereof	1.88, up to a maximum of 375.84	2.81, up to a maximum of 563.76
Grain	up to 25,000 kg	46.98	70.47
	each additional 1,000 kg, or part thereof	1.88, up to a maximum of 1879.19	2.81, up to a maximum of 2818.78
Other plants or plant products not specified elsewhere in this Schedule, except forest trees	each consignment	46.98	70.47

SCHEDULE 2 Regulation 2(2)(a)(ii) and (3)(b)

Import Inspection Fees: Reduced Rates

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment (non-daytime working hours) (£)</i>
Cut Flowers				
<i>Dianthus</i>	up to 20,000 in number	Colombia	2.35	3.52
		Ecuador	4.70	7.05
		Kenya	2.35	3.52
		Turkey	11.74	17.62
	each additional 1,000 or part thereof	Colombia	0.02, up to a maximum of 18.79	0.03, up to a maximum of 28.19
		Ecuador	0.04, up to a maximum of 37.58	0.07, up to a maximum of 56.38
		Kenya	0.02, up to a maximum of 18.79	0.03, up to a maximum of 28.19
		Turkey	0.10, up to a maximum of 93.96	0.15, up to a maximum of 140.94
<i>Rosa</i>	up to 20,000 in number	Colombia	1.41	2.11
		Ecuador	1.41	2.11
		Ethiopia	2.35	3.52
		Kenya	2.35	3.52
		Tanzania	4.70	7.05
		Uganda	11.74	17.62
		Zambia	11.74	17.62
	each additional 1,000 or part thereof	Colombia	0.01, up to a maximum of 11.28	0.01, up to a maximum of 16.91
		Ecuador	0.01, up to a maximum of 11.28	0.01, up to a maximum of 16.91
		Ethiopia	0.02, up to a	0.03, up to a

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment (non-daytime working hours) (£)</i>
			maximum of 18.79	maximum of 28.19
		Kenya	0.02, up to a maximum of 18.79	0.03, up to a maximum of 28.19
		Tanzania	0.04, up to a maximum of 37.58	0.07, up to a maximum of 56.38
		Uganda	0.07, up to a maximum of 93.96	0.10, up to a maximum of 140.94
		Zambia	0.07, up to a maximum of 93.96	0.10, up to a maximum of 140.94
Branches with foliage				
<i>Phoenix</i>	up to 100 kg	Costa Rica	16.44	24.66
	each additional 100 kg or part thereof	Costa Rica	1.63, up to a maximum of 131.54	2.45, up to a maximum of 197.32
Fruit				
<i>Citrus</i>	up to 25,000 kg	Egypt	7.05	10.57
		Israel	4.70	7.05
		Mexico	7.05	10.57
		Morocco	2.35	3.52
		Peru	11.74	17.62
		Turkey	1.41	2.11
		Uruguay	7.05	10.57
		USA	7.05	10.57
	each additional 1,000 kg or part thereof	Egypt	0.26	0.39
		Israel	0.19	0.28
		Mexico	0.26	0.39
		Morocco	0.07	0.10
		Peru	0.47	0.70
		Turkey	0.03	0.05
		Uruguay	0.26	0.39

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment (non-daytime working hours) (£)</i>
		USA	0.26	0.39
<i>Malus</i>	up to 25,000 kg	Argentina	4.70	7.05
		Brazil	7.05	10.57
		Chile	2.35	3.52
		China	23.49	35.23
		New Zealand	4.70	7.05
		South Africa	2.35	3.52
		USA	11.74	17.62
	each additional 1,000 kg or part thereof	Argentina	0.19	0.28
		Brazil	0.28	0.42
		Chile	0.09	0.14
		China	0.94	1.40
		New Zealand	0.19	0.28
		South Africa	0.09	0.14
		USA	0.47	0.70
<i>Passiflora</i>	up to 25,000 kg	Colombia	4.70	7.05
		Kenya	4.70	7.05
		South Africa	23.49	35.23
		Zimbabwe	16.44	24.66
	each additional 1,000 kg or part thereof	Colombia	0.16	0.25
		Kenya	0.16	0.25
		South Africa	0.92	1.38
		Zimbabwe	0.63	0.94
<i>Prunus</i>	up to 25,000 kg	Argentina	16.44	24.66
		Chile	4.70	7.05
		South Africa	4.70	7.05
		Turkey	4.70	7.05
		USA	4.70	7.05
	each additional 1,000 kg or part	Argentina	0.63	0.94
		Chile	0.16	0.25

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment (non-daytime working hours) (£)</i>
	thereof	South Africa	0.16	0.25
		Turkey	0.16	0.25
		USA	0.16	0.25
<i>Pyrus</i>	up to 25,000 kg	Argentina	4.70	7.05
		Chile	11.74	17.62
		China	16.44	24.66
		South Africa	4.70	7.05
	each additional 1,000 kg or part thereof	Argentina	0.16	0.25
		Chile	0.47	0.70
		China	0.66	0.98
		South Africa	0.16	0.25
Vegetables				
<i>Solanum melongena</i>	up to 25,000 kg	Turkey	4.70	7.05
	each additional 1,000 kg or part thereof	Turkey	0.16	0.25

SCHEDULE 3

Regulation 2(2)(b)

Import Inspection Fees: Documentary and Identity Checks

<i>Column 1 Check</i>	<i>Column 2 Quantity</i>	<i>Column 3 Fee (£)</i>
Documentary	each consignment	5.36
Identity	each consignment up to the size of a truck load, a railway wagon load or the load of a container of comparable size	5.36
	each consignment bigger than the above size	10.71

SCHEDULE 4

Regulation 3

Seed Potatoes: Fees

<i>Column 1 Function</i>	<i>Column 2 Fee⁽¹⁾ (£)</i>	<i>Column 3 Minimum fee (£)</i>
Inspection of growing crops and provision of labels and seals in respect of applications		
Certification as pre-basic seed potato	122.57*	n/a
Certification as basic seed potato, classified as:	super elite 1, super elite 2 or super elite 3	122.57
	elite 1, elite 2 or elite 3	122.57
	A	116.52
Certification as certified seed potato	52.96	105.93
Authorisation to market seed potatoes	122.57*	n/a
Inspection of harvested tubers		
Up to two inspections	18.16	36.32
Third and subsequent inspections	122.57*	n/a

⁽¹⁾ Of the rates listed in this column and in column 3, those that are marked with an asterisk are per hour or part of an hour, and those not so marked are per half-hectare or part of half-hectare.

SCHEDULE 5

Regulation 4(2)

Plant Health Licence Fees

<i>Column 1 Item</i>	<i>Column 2 Type of application or inspection</i>	<i>Column 3 Fee (£)</i>
1	Application for a licence other than a licence covered by item 2 or 3	781.27
2	Application for a licence in respect of soil or other growing medium for analysis	563.54
3	Application for a licence for scientific or trial purposes covering 5 or more types of article	781.27, plus 30.74 per type of article in excess of 5
4	Application for renewal or variation of a licence with changes requiring scientific or technical assessment	256.15
5	Application for renewal of a licence with no changes, or for renewal or variation of a licence with only minor changes requiring no scientific or technical assessment	30.74
6	Inspection and associated activities (including travelling time and office time) for monitoring compliance with licence terms and conditions	42.06 per hour or part of an hour

