

2019 No. (W.)

PLANT HEALTH, WALES

SEEDS, WALES

**The Plant Health etc.
(Miscellaneous Fees) (Wales)
(Amendment) Regulations 2019**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Health (Export Certification) (Wales) Order 2006 (the “2006 Order”) and the Plant Health etc. (Fees) (Wales) Regulations 2018 (the “2018 Regulations”).

These Regulations amend the 2006 Order to provide for increases in the fees for services in respect of applications for phytosanitary certificates (including phytosanitary certificates for re-export) and related pre-export services, and to increase the maximum amount for services to which the concessionary rate for small exporters applies, from £250 to £750.

These Regulations amend the 2018 Regulations, which specify fees payable to the Welsh Ministers in relation to plant health services and the certification of seed potatoes and fruit plants and fruit plant propagating material, as follows.

Regulation 3(2) amends regulation 3 of the 2018 Regulations to provide the fees payable for phytosanitary certificates (including fees for mixed consignments) and for sample testing.

Regulation 3(3) amends regulation 4 of the 2018 Regulations to provide for a reduced fee for a plant passport authorisation.

Regulation 3(6) amends regulation 9(2) of the 2018 Regulations to provide for an increased fee for certification of fruit plants and its propagating material.

Regulation 3(7) substitutes Schedule 1 to the 2018 Regulations, which sets out import inspection fees payable by the importer of a third country consignment for plant health checks in respect of certain plants and plant products.

Regulation 3(8) substitutes Schedule 2 to the 2018 Regulations, which sets out reduced rate fees for certain plants and plant products which are subject to reduced levels of plant health checks agreed under the procedure in Articles 13a(2) and 18(2) of 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 169, 10.7.2000, p 1). This regulation gives effect to the latest notification published by the European Commission of the reduced plant health checks which are applicable to certain plants and plant products (published on 10 December 2018 and revised on 15 April 2019).

Regulation 3(10) substitutes Schedule 4 of the 2018 Regulations which sets out the fees for plant health licences and includes a change to the fee for monitoring compliance with licence terms and conditions which is being increased over separate periods.

Regulation 3(11) substitutes Schedule 5 of the 2018 Regulations which sets out fees for soil sampling and testing and certification of seed potatoes including the provision of labels.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Plant Health etc.
(Miscellaneous Fees) (Wales)
(Amendment) Regulations 2019**

Made 22 October 2019

Laid before the National Assembly for Wales
24 October 2019

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers, with the consent of the Treasury, make these Regulations in exercise of the powers conferred by—

- (a) in relation to regulation 1, the provisions mentioned in paragraphs (b) and (c);
- (b) in relation to regulation 2, sections 3(1) and 4A of the Plant Health Act 1967⁽¹⁾;
- (c) in relation to regulation 3, section 56(1) and (2) of the Finance Act 1973⁽²⁾ and now vested in them⁽³⁾.

Title, commencement and application

1.—(1) The title of these Regulations is the Plant Health etc. (Miscellaneous Fees) (Wales) (Amendment) Regulations 2019.

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- (1) 1967 c. 8; section 3(1) was amended by paragraph 8(2)(a) and (b) of Schedule 4 to the European Communities Act 1972 (c. 68) and S.I. 2011/1043. Section 4A was inserted by section 3 of the Agriculture Act 1986 (c. 49). The powers conferred by sections 3 and 4A are conferred on a “competent authority”, which is defined in section 1(2). Section 1(2) was amended by paragraph 43 of Schedule 2 to S.I. 2013/755 (W. 90). Section 1(2), as amended, provides that the competent authority for Wales is the Welsh Ministers.
- (2) 1973 c. 51; subsection (1) was amended by S.I. 2011/1043.
- (3) By virtue of section 59(5) of the Government of Wales Act 2006 (c. 32).

- (2) They come into force 21 days after the day on which they are laid.
- (3) They apply in relation to Wales.

Amendment of the Plant Health (Export Certification) (Wales) Order 2006

2.—(1) The Plant Health (Export Certification) (Wales) Order 2006⁽¹⁾ is amended as follows.

(2) In article 5—

(a) in paragraph (2)—

(i) in sub-paragraph (a)—

(aa) for “£250” substitute “£750”;

(bb) for the words from “column 3” to the end substitute “column 2 of that table”;

(ii) in sub-paragraph (b), for the words from “column 4” to the end substitute “column 3 of that table”;

(b) in paragraph (3), for “columns 3 and 4” substitute “columns 2 and 3”;

(c) in paragraph (4)—

(i) in sub-paragraph (a)—

(aa) for “£250” substitute “£750”;

(bb) for “£7.43” substitute “£7.88”;

(ii) in sub-paragraph (b), for “£14.86” substitute “£15.76”.

(3) For Schedule 3 substitute—

“SCHEDULE 3Article 5(1)

**Fees for export certification
services and pre-export services**

<i>(1)</i> <i>Service</i>	<i>(2)</i> <i>Fee (£)</i>	<i>(3)</i> <i>Fee (£)</i>
Inspection of consignment	31.90 for each 15 minutes (or part thereof), subject to a minimum fee of 63.80	63.80 for each 15 minutes (or part thereof), subject to a minimum fee of 127.60
Audit of a grain inspection	13.20 for each 15 minutes (or part thereof),	26.40 for each 15 minutes (or part thereof),

⁽¹⁾ S.I. 2006/1701 (W. 163), amended by S.I. 2013/1658 (W. 156), S.I. 2014/1759 (W. 174), S.I. 2016/1084 (W. 259) and S.I. 2018/772 (W. 156) .

carried out pursuant to article 3(3)	subject to a minimum fee of 26.40	subject to a minimum fee of 52.80
Laboratory examination	16.78 per sample tested	33.56 per sample tested
Issue of certificate	12.76 per certificate	25.52 per certificate
Amendment of a certificate at the request of the exporter	7.88 per certificate	15.76 per certificate”.

Amendment of the Plant Health etc. (Fees) (Wales) Regulations 2018

3.—(1) The Plant Health etc. (Fees) (Wales) Regulations 2018(1) are amended as follows.

(2) In regulation 3—

(a) in paragraph (1)—

- (i) for “which consists of” substitute “insofar as it includes”;
- (ii) at the end insert “or any machinery or vehicles which have been operated for agricultural or forestry purposes”;

(b) in paragraph (2)—

- (i) in sub-paragraph (a), for “£9.71” substitute “£10.51”;
- (ii) for sub-paragraphs (b) and (c) substitute—

“(b) in the case of—

- (i) a Schedule 2 cut flower consignment which includes—

- (aa) one lot of cut flowers, the fee specified in respect of those cut flowers in column 3 of the table in Schedule 2;

- (bb) two or more lots of cut flowers, a fee equal to the amount of the highest of the fees specified in respect of those lots in column 3 of that table;

- (ii) a Schedule 2 fruit or vegetable consignment which includes—

- (aa) one lot of fruit or vegetables, the fee specified in respect of those fruit or vegetables in

column 3 of the table in Schedule 2;

- (bb) two or more lots of fruit or vegetables, a fee equal to the amount of the highest of the fees specified in respect of those lots in column 3 of that table;

(c) in the case of a consignment which—

- (i) includes cut branches of *Phoenix* spp. originating in Costa Rica and no other cut branches to which this regulation applies, the fee specified in respect of those cut branches in column 3 of the table in Schedule 2;

(ii) in the case of any other consignment to which this regulation applies—

- (aa) where the consignment includes any machinery or vehicles that have been operated for agricultural or forestry purposes, a fee of £5.98;

- (bb) where the consignment includes plants, plant products or other objects of a description specified in column 1 of the table in Schedule 1, the fee or fees specified in respect of those plants, plant products or other objects in column 2 of that table;”;

(iii) in sub-paragraph (d), for “£157.08” substitute “£147.35”;

(c) in paragraph (3), after the definition of “controlled plant pest”, insert—

“(aa) “Europe” has the meaning given in article 2(1) of the 2018 Order;

(ab) “lot” means one or more units of a single commodity, identifiable by its homogeneity of composition and origin, which form part of a consignment;

(ac) “Schedule 2 cut flower consignment” means a consignment which includes cut flowers of a

description specified in column 1 of the table in Schedule 2 originating in a country specified in column 2 of that table and does not include any other cut flowers to which this regulation applies;

- (ad) “Schedule 2 fruit or vegetable consignment” means a consignment which includes fruit or vegetables of a description specified in column 1 of the table in Schedule 2 originating in a country specified in column 2 of that table and does not include any other fruit or vegetables to which this regulation applies;”.

(3) In regulation 4—

- (a) in paragraph (2), for “fees specified in the table in Schedule 3 are” substitute “fee specified in paragraph (3) is”;

- (b) for paragraph (3) substitute—

“(3) A fee of £61.58 is payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the relevant premises, subject to a minimum fee of £123.16.”;

- (c) in paragraph (4), for “£18.78” substitute “£20.66”.

- (4) In regulation 6(1) for “£60.40” substitute “£70.83”.

(5) In regulation 8—

- (a) in paragraph (4), for “£14.76” substitute “£15.76”;

- (b) after paragraph (4) insert—

“(4A) Where a person submits an application for the provision of printed labels, the following additional fee is payable—

- (a) in the case of an application submitted online, £11.45;

- (b) in the case of an application submitted in paper form, £15.61.”.

(6) For regulation 9(2) substitute—

“(2) A fee of £26.00 per each 15 minutes (or part thereof) is payable in respect of time spent in carrying out an official examination and any associated activities at the relevant premises

for the purposes of certifying the material,
subject to a minimum fee of £52.00.”.

(7) For Schedule 1 substitute—

“SCHEDULE 1 Regulation 3(1)

Import inspection fees

<i>Column 1</i> <i>Plant, plant product or other object</i>	<i>Column 2</i> <i>Fee (£)</i>
Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	173.91
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	182.38
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	205.04
Seeds, tissue cultures	128.13
Other plants intended for planting, not specified elsewhere in this table	182.38
Cut flowers	42.75
Branches with foliage, parts of conifers (other than cut Christmas trees)	33.99
Cut Christmas trees	119.64
Leaves of plants, such as herbs, spices and leafy vegetables	71.68
Fruits, vegetables (other than leafy vegetables)	53.10
Tubers of potatoes	156.69

Soil and growing medium, bark	119.64
Grain	142.98
Other plants or plant products not specified elsewhere in this table, except forest trees	22.73”.

(8) For Schedule 2 substitute—

“SCHEDULE 2 Regulation 3(2)(c)

Import inspection fees: reduced rates

<i>Column 1</i> <i>Genus</i>	<i>Column 2</i> <i>County of origin</i>	<i>Column 3</i> <i>Fee (£)</i>
Cut flowers		
<i>Aster</i>	Zimbabwe	32.06
<i>Dianthus</i>	Colombia	1.28
	Ecuador	6.41
	Kenya	2.14
	Turkey	6.41
<i>Rosa</i>	Colombia	1.28
	Ecuador	0.43
	Ethiopia	2.14
	Kenya	4.28
	Tanzania	21.38
	Zambia	4.28
Branches with Foliage		
<i>Phoenix</i>	Costa Rica	17.00
Fruit		
<i>Actinidia</i>	Any third country	2.66
<i>Carica papaya</i>	Any third country	2.66
<i>Citrus</i>	Egypt	39.83
	Morocco	1.59
	Peru	5.31
	Turkey	1.59
	USA	13.28
<i>Citrus lemon and citrus aurantifolia</i>	Israel	13.28
<i>Cydonia</i>	Any third country in Europe	2.66

<i>Fragaria</i>	Any third country	2.66
<i>Malus</i>	Argentina	18.59
	Brazil	26.55
	Chile	2.66
	Any third country in Europe	2.66
	New Zealand	5.31
	South Africa	2.66
<i>Mangifera</i>	Brazil	26.55
<i>Passiflora</i>	Colombia	3.72
	Kenya	13.28
	South Africa	18.59
	Vietnam	13.28
	Zimbabwe	26.55
<i>Persea americana</i>	Any third country	2.66
<i>Prunus</i>	Argentina	39.83
	Chile	5.31
	Any third country in Europe	2.66
	Morocco	26.55
	Turkey	18.59
	USA	26.55
<i>Prunus other than prunus persica</i>	South Africa	2.66
<i>Pyrus</i>	Argentina	7.97
	Chile	7.97
	China	26.55
	Any third country in Europe	2.66
	South Africa	5.31
<i>Ribes</i>	Any third country in	2.66

	Europe	
<i>Rubus</i>	Any third country	2.66
<i>Vaccinium</i>	Argentina	13.28
	Any third country in Europe	2.66
<i>Vitis</i>	Any third country	2.66
Vegetables		
<i>Solanum lycopersicon</i>	Canary Islands	2.66
	Morocco	2.66
<i>Solanum melongena</i>	Turkey	13.28".

(9) Omit Schedule 3.

(10) For Schedule 4 substitute—

“SCHEDULE 4^{Regulation 5(1)}

Plant health licence fees

In this Schedule—

“period 1” means the period ending on 31 March 2020;

“period 2” means the period beginning on 1 April 2020 and ending on 30 September 2020.

<i>Column 1</i> <i>Type of application or inspection</i>	<i>Column 2</i> <i>Date of application</i>	<i>Column 3</i> <i>Fee (£)</i>
Application for a licence for scientific or trial purposes, other than— — a licence in respect of the analysis of soil or other growing medium — a licence		995.36

for scientific or trial purposes covering 5 or more items		
Application for a licence for scientific or trial purposes covering 5 or more items		995.36, plus 52.45 per item in excess of 5 items
Application for a licence in respect of the analysis of soil or other growing medium, other than a licence in respect of the analysis of soil or other growing medium covering 5 or more items		745.41
Application for a licence in respect of the analysis of soil or other growing medium covering 5 or more items		745.41, plus 52.45 per item in excess of 5 items
Application for a variation of a licence with changes requiring scientific or technical assessment		380.25
Application for any other licence		42.50
Issue of an annual letter of authority		42.50

Monitoring compliance with licence terms and conditions	In the case of monitoring undertaken during period 1	69.75 for each 15 minutes (or part thereof), subject to a minimum fee of 139.50
	In the case of monitoring undertaken during period 2	81.25 for each 15 minutes (or part thereof), subject to a minimum fee of 162.50
	In the case of monitoring undertaken on or after 1 October 2020	92.67 for each 15 minutes (or part thereof), subject to a minimum fee of 185.34".

(11) For Schedule 5 substitute—

“SCHEDULE 5 Regulation 8(1)

Seed potatoes: fees

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>	<i>Column 3</i> <i>Minimum fee (£)</i>
Soil sampling and testing for Potato Cyst Nematode		
Soil sampling and testing for the purposes of paragraph 4, 7 or 9 of Schedule 1 to the Seed Potatoes (Wales) Regulations 2016(1)	24.75 for each hectare (or part thereof) sampled and tested	
Inspection of growing crop		
Certification	30.39 for	60.78

as pre-basic seed potatoes: Union grade PBTC	each 15 minutes (or part thereof)	
Certification as pre-basic seed potatoes: Union grade PB	12.16 per each 0.1 hectare (or part thereof) inspected	60.75
Certification as basic seed potatoes: Union grade S	10.57 per each 0.1 hectare (or part thereof) inspected	105.70
Certification as basic seed potatoes: Union grade SE	10.57 per each 0.1 hectare (or part thereof) inspected	105.70
Certification as basic seed potatoes: Union grade E	10.33 per each 0.1 hectare (or part thereof) inspected	103.30
Certification as certified seed potatoes: Union grade A or B	9.39 per each 0.1 hectare (or part thereof) inspected	93.90
Inspection of harvested tubers		
Inspection	40.55 for each 15 minutes (or part thereof)	81.10
Provision of labels and seals in respect of application		
Printed labels for bags holding 50 kgs of seed potatoes or less	0.05 per label	
Printed labels and seals for bags holding more than 50 kgs of seed	0.11 per label (including seal)	

potatoes		
Blank labels and seals	0.16 per label (including seal)".	

Lesley Griffiths

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
22 October 2019