
WELSH STATUTORY INSTRUMENTS

2013 No. 1700 (W. 164)

PLANT HEALTH, WALES

The Plant Health (Fees) (Wales) Regulations 2013

| | | |
|--|---------|----------------------|
| <i>Made</i> | - - - - | <i>7 July 2013</i> |
| <i>Laid before the National Assembly for Wales</i> | - - | <i>10 July 2013</i> |
| <i>Coming into force</i> | - - | <i>2 August 2013</i> |

The Welsh Ministers make these Regulations, with the consent of the Treasury, in exercise of powers conferred by section 56(1) and (2) of the Finance Act 1973⁽¹⁾ and now vested in them⁽²⁾.

Title, application, commencement and interpretation

1.—(1) The title of these Regulations is the Plant Health (Fees) (Wales) Regulations 2013. They apply in relation to Wales and come into force on 2 August 2013.

(2) In these Regulations—

- (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⁽³⁾; and
- (b) “the PHO” (“*y GIP*”) means the Plant Health (Wales) Order 2006⁽⁴⁾.

(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.

(1) [1973 c.51](#). Subsection (1) was amended by [S.I. 2011/1043](#), article 6(1)(e).

(2) By virtue of section 59(5) of the Government of Wales Act [2006 c.32](#).

(3) [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](#)).

(4) [S.I. 2006/1643 \(W.158\)](#).

(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 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 in Wales under the Banking and Financial Dealings Act 1971⁽⁵⁾.

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 or to any person authorised by the Welsh Ministers to carry out that function under the Seed Potatoes Regulations on behalf of the Welsh Ministers.

(4) In this regulation “the Seed Potatoes Regulations” (“*y Rheoliadau Tatws Hadyd*”) means the Seed Potatoes (Wales) Regulations 2006⁽⁶⁾.

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.

⁽⁵⁾ 1971 c.80; see section 1 and Schedule 1.

⁽⁶⁾ S.I. 2006/2929 (W.264).

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—

- (a) an application for an authority; or
- (b) ensuring compliance with any requirements imposed on the holder of an authority.

(2) The fee is £38.05(7) 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 £76.10(8) 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(9) 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 £117.36(10) 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(11).

Revocation

7. The Plant Health (Fees) (Wales) Regulations 2012(12) are revoked.

Alun Davies
Minister for Natural Resources and Food, one of
the Welsh Ministers

7 July 2013

(7) The equivalent fee payable under regulation 5(2) of the Plant Health (Fees) (Wales) Regulations 2012 (S.I. 2012/1493 (W.191)) before commencement of these Regulations was £31.50.

(8) The equivalent minimum fee payable under regulation 5(2) of the Plant Health (Fees) (Wales) Regulations 2012 (S.I. 2012/1493 (W.191)) before commencement of these Regulations was £63.00.

(9) S.I. 2006/1344 (W.134).

(10) The equivalent fee payable under regulation 6(1) of the Plant Health (Fees) (Wales) Regulations 2012 (S.I. 2012/1493 (W.191)) before commencement of these Regulations was £87.80.

(11) OJ No L 319, 2.12.2011, p.112.

(12) S.I. 2012/1493 (W.191)

SCHEDULE 1

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

Import Inspection Fees

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> | <i>Column 4</i> |
|---|---|---|---|
| <i>Plant, plant product or other object</i> | <i>Quantity</i> | <i>Fee for each consignment (daytime working hours) (£)</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 | 49.66 | 74.50 |
| | each additional 1,000, or part thereof | 1.98, up to a maximum of 397.31 | 2.97, up to a maximum of 595.97 |
| Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed) | up to 1,000 in number | 49.66 | 74.50 |
| | each additional 100, or part thereof | 1.22, up to a maximum of 397.31 | 1.83, up to a maximum of 595.97 |
| Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes) | up to 200 kg | 49.66 | 74.50 |
| | each additional 10 kg, or part thereof | 0.45, up to a maximum of 397.31 | 0.68, up to a maximum of 595.97 |
| Seeds, tissue cultures | up to 100 kg | 21.28 | 31.93 |
| | each additional 10 kg, or part thereof | 0.49, up to a maximum of 397.31 | 0.73, up to a maximum of 595.97 |
| Other plants intended for planting, not specified elsewhere in this Schedule | up to 5,000 in number | 49.66 | 74.50 |
| | each additional 100, or part thereof | 0.49, up to a maximum of 397.31 | 0.73, up to a maximum of 595.97 |
| Cut flowers | up to 20,000 in number | 49.66 | 74.50 |
| | each additional 1,000, or part thereof | 0.38, up to a maximum of 397.31 | 0.57, up to a maximum of 595.97 |
| Branches with foliage, parts of conifers (other than cut Christmas trees) | up to 100 kg | 49.66 | 74.50 |
| | each additional 100 kg, or part thereof | 4.94, up to a maximum of 397.31 | 7.41, up to a maximum of 595.97 |
| Cut Christmas trees | up to 1,000 in number | 49.66 | 74.50 |
| | each additional 100, or part thereof | 4.94, up to a maximum of 397.31 | 7.41, up to a maximum of 595.97 |

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> | <i>Column 4</i> |
|--|--|---|---|
| <i>Plant, plant product or other object</i> | <i>Quantity</i> | <i>Fee for each consignment (daytime working hours) (£)</i> | <i>Fee for each consignment (non-daytime working hours) (£)</i> |
| Leaves of plants, such as herbs, spices and leafy vegetables | up to 100 kg | 49.66 | 74.50 |
| | each additional 10 kg, or part thereof | 4.94, up to a maximum of 397.31 | 7.41, up to a maximum of 595.97 |
| Fruits, vegetables (other than leafy vegetables) | up to 25,000 kg | 49.66 | 74.50 |
| | each additional 1,000 kg, or part thereof | 1.98 | 2.97 |
| Tubers of potatoes | up to 25,000 kg | 148.99 (for each lot) | 223.49 (for each lot) |
| | each additional 25,000 kg, or part thereof | 148.99 (for each lot) | 223.49 (for each lot) |
| Soil and growing medium, bark | up to 25,000 kg | 49.66 | 74.50 |
| | each additional 1,000 kg, or part thereof | 1.89, up to a maximum of 397.31 | 2.97, up to a maximum of 595.97 |
| Grain | up to 25,000 kg | 49.66 | 74.50 |
| | each additional 1,000 kg, or part thereof | 1.98, up to a maximum of 1986.56 | 2.97, up to a maximum of 2979.84 |
| Other plants or plant products not specified elsewhere in this Schedule, except forest trees | each consignment | 49.66 | 74.50 |

SCHEDULE 2

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

Import Inspection Fees: Reduced Rates

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> | <i>Column 4</i> | <i>Column 5</i> |
|--------------------|------------------------|--------------------------|---|---|
| <i>Genus</i> | <i>Quantity</i> | <i>Country of origin</i> | <i>Fee for each consignment (daytime working hours) (£)</i> | <i>Fee for each consignment (non-daytime working hours) (£)</i> |
| Cut Flowers | | | | |
| Aster | up to 20,000 in number | Zimbabwe | 37.24 | 55.87 |

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| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> | <i>Column 4</i> | <i>Column 5</i> |
|-----------------|---------------------------------------|--------------------------|---|---|
| <i>Genus</i> | <i>Quantity</i> | <i>Country of origin</i> | <i>Fee for each consignment (daytime working hours) (£)</i> | <i>Fee for each consignment (non-daytime working hours) (£)</i> |
| | each additional 1,000 or part thereof | Zimbabwe | 1.48, up to a maximum of 297.98 | 2.22, up to a maximum of 446.97 |
| Dianthus | up to 20,000 in number | Colombia | 2.48 | 3.72 |
| | | Ecuador | 4.96 | 7.45 |
| | | Kenya | 2.48 | 3.72 |
| | | Turkey | 12.42 | 18.62 |
| | each additional 1,000 or part thereof | Colombia | 0.02, up to a maximum of 19.87 | 0.03, up to a maximum of 29.80 |
| | | Ecuador | 0.04, up to a maximum of 39.72 | 0.07, up to a maximum of 59.58 |
| | | Kenya | 0.02, up to a maximum of 19.87 | 0.03, up to a maximum of 29.80 |
| | | Turkey | 0.10, up to a maximum of 99.36 | 0.16, up to a maximum of 149.04 |
| Rosa | up to 20,000 in number | Colombia | 1.43 | 2.14 |
| | | Ecuador | 1.43 | 2.14 |
| | | Ethiopia | 4.96 | 7.41 |
| | | Kenya | 2.48 | 3.72 |
| | | Tanzania | 4.96 | 7.42 |
| | | Uganda | 12.42 | 18.62 |
| | | Zambia | 12.42 | 18.62 |
| | each additional 1,000 or part thereof | Colombia | 0.01, up to a maximum of 11.89 | 0.01, up to a maximum of 17.84 |
| | | Ecuador | 0.01, up to a maximum of 11.89 | 0.01, up to a maximum of 17.84 |
| | | Ethiopia | 0.04, up to a maximum of 39.72 | 0.06, up to a maximum of 59.58 |

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> | <i>Column 4</i> | <i>Column 5</i> |
|------------------------------|--|--------------------------|---|---|
| <i>Genus</i> | <i>Quantity</i> | <i>Country of origin</i> | <i>Fee for each consignment (daytime working hours) (£)</i> | <i>Fee for each consignment (non-daytime working hours) (£)</i> |
| | | Kenya | 0.02, up to a maximum of 19.87 | 0.03, up to a maximum of 29.80 |
| | | Tanzania | 0.04, up to a maximum of 39.72 | 0.07, up to a maximum of 59.58 |
| | | Uganda | 0.07, up to a maximum of 99.36 | 0.10, up to a maximum of 149.04 |
| | | Zambia | 0.07, up to a maximum of 99.36 | 0.10, up to a maximum of 149.04 |
| Branches with foliage | | | | |
| Phoenix | up to 100 kg | Costa Rica | 17.35 | 26.03 |
| | each additional 100 kg or part thereof | Costa Rica | 1.70, up to a maximum of 139.05 | 2.56, up to a maximum of 208.57 |
| Fruit | | | | |
| Citrus | up to 25,000 kg | Egypt | 7.45 | 11.17 |
| | | Israel | 4.96 | 7.41 |
| | | Mexico | 7.45 | 11.17 |
| | | Morocco | 2.48 | 3.72 |
| | | Peru | 12.42 | 18.62 |
| | | Tunisia | 12.42 | 18.62 |
| | | Turkey | 1.46 | 2.19 |
| | | Uruguay | 7.45 | 11.17 |
| | | USA | 7.45 | 11.17 |
| | each additional 1,000 kg or part thereof | Egypt | 0.28 | 0.42 |
| | | Israel | 0.21 | 0.31 |
| | | Mexico | 0.28 | 0.42 |
| | | Morocco | 0.07 | 0.10 |
| | | Peru | 0.49 | 0.73 |
| | | Tunisia | 0.49 | 0.73 |
| | | Turkey | 0.03 | 0.05 |

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|-----------------|--|--------------------------|---|---|
| <i>Genus</i> | <i>Quantity</i> | <i>Country of origin</i> | <i>Fee for each consignment (daytime working hours) (£)</i> | <i>Fee for each consignment (non-daytime working hours) (£)</i> |
| | | Uruguay | 0.28 | 0.42 |
| | | USA | 0.28 | 0.42 |
| Malus | up to 25,000 kg | Argentina | 4.96 | 7.41 |
| | | Brazil | 12.42 | 18.62 |
| | | Chile | 2.47 | 3.70 |
| | | New Zealand | 4.96 | 7.41 |
| | | South Africa | 2.47 | 3.70 |
| | | USA | 17.38 | 26.07 |
| | each additional 1,000 kg or part thereof | Argentina | 0.21 | 0.31 |
| | | Brazil | 0.49 | 0.74 |
| | | Chile | 0.07 | 0.10 |
| | | New Zealand | 0.21 | 0.31 |
| | | South Africa | 0.07 | 0.10 |
| | | USA | 0.69 | 1.03 |
| Passiflora | up to 25,000 kg | Colombia | 4.94 | 7.41 |
| | | Kenya | 4.94 | 7.41 |
| | | South Africa | 24.83 | 37.25 |
| | | Zimbabwe | 24.83 | 37.25 |
| | each additional 1,000 kg or part thereof | Colombia | 0.17 | 0.26 |
| | | Kenya | 0.17 | 0.26 |
| | | South Africa | 0.97 | 1.46 |
| | | Zimbabwe | 0.97 | 1.46 |
| Prunus | up to 25,000 kg | Argentina | 24.83 | 37.25 |
| | | Chile | 4.96 | 7.41 |
| | | Morocco | 24.83 | 37.25 |
| | | South Africa | 4.96 | 7.41 |
| | | Turkey | 7.44 | 11.17 |
| | | USA | 7.44 | 11.17 |

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> | <i>Column 4</i> | <i>Column 5</i> |
|-------------------|--|--------------------------|---|---|
| <i>Genus</i> | <i>Quantity</i> | <i>Country of origin</i> | <i>Fee for each consignment (daytime working hours) (£)</i> | <i>Fee for each consignment (non-daytime working hours) (£)</i> |
| | each additional 1,000 kg or part thereof | Argentina | 0.97 | 1.46 |
| | | Chile | 0.17 | 0.26 |
| | | Morocco | 0.97 | 1.46 |
| | | South Africa | 0.17 | 0.26 |
| | | Turkey | 0.29 | 0.44 |
| | | USA | 0.29 | 0.44 |
| Pyrus | up to 25,000 kg | Argentina | 4.96 | 7.41 |
| | | Chile | 12.42 | 18.62 |
| | | China | 24.83 | 37.25 |
| | | South Africa | 4.96 | 7.41 |
| | each additional 1,000 kg or part thereof | Argentina | 0.17 | 0.26 |
| | | Chile | 0.49 | 0.73 |
| | | China | 0.97 | 1.46 |
| | | South Africa | 0.17 | 0.26 |
| Vaccinium | up to 25,000 kg | Argentina | 11.74 | 17.61 |
| | each additional 1,000 kg or part thereof | Argentina | 0.47 | 0.71 |
| Vegetables | | | | |
| Momordica | up to 25,000 kg | Surinam | 24.83 | 37.25 |
| | each additional 1,000 kg or part thereof | Surinam | 0.97 | 1.46 |
| Solanum melongena | up to 25,000 kg | Kenya | 4.96 | 7.41 |
| | | Turkey | 4.96 | 7.41 |
| | each additional 1,000 kg or part thereof | Kenya | 0.17 | 0.26 |
| | | Turkey | 0.17 | 0.26 |

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SCHEDULE 3

Regulation 2(2)(b)

Import Inspection Fees: Documentary and Identity Checks

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|-----------------|---|-----------------|
| <i>Check</i> | <i>Quantity</i> | <i>Fee (£)</i> |
| Documentary | each consignment | 4.31 |
| Identity | each consignment up to the size of a truck load, a railway wagon load or the load of a container of comparable size | 4.31 |
| | each consignment bigger than the above size | 8.62 |

SCHEDULE 4

Regulation 3

Seed Potatoes: Fees

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|---|------------------------|
| <i>Function</i> | <i>Fee⁽¹⁾ (£)</i> | <i>Minimum fee (£)</i> |
| Inspection of growing crops and provision of labels and seals in respect of applications | | |
| Certification as pre-basic seed potato | 129.84* | n/a |
| Certification as basic seed potato, classified as: | super elite 1, super elite 2 or super elite 3 | 129.84 |
| | elite 1, elite 2 or elite 3 | 129.84 |
| | A | 123.43 |
| Certification as certified seed potato | 56.10 | 112.20 |
| Authorisation to market seed potatoes | 129.84* | n/a |
| Inspection of harvested tubers | | |
| Up to two inspections | 19.24 | 38.47 |
| Third and subsequent inspections | 129.84* | 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</i> <i>Item</i> | <i>Column 2</i> <i>Type of application or inspection</i> | <i>Column 3</i> <i>Fee (£)</i> |
|--------------------------------|--|---|
| 1 | Application for a licence other than a licence covered by item 2 or 3 | 793.03 |
| 2 | Application for a licence in respect of soil or other growing medium for analysis | 572.02 |
| 3 | Application for a licence for scientific or trial purposes covering 5 or more types of article | 793.03, plus 31.20 per type of article in excess of 5 |
| 4 | Application for renewal or variation of a licence with changes requiring scientific or technical assessment | 260.01 |
| 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 | 31.20 |
| 6 | Inspection and associated activities (including travelling time and office time) for monitoring compliance with licence terms and conditions | 42.75 per hour or part of an hour |

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. They revoke and replace the Plant Health (Fees) (Wales) Regulations 2012 (S.I. 2012/1493 (W.191)) (the “2012 Regulations”) (regulation 7). They do not introduce any new types of fee which were not provided for in the 2012 Regulations.

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 Council Directive 2000/29/EC.

The fee levels provided for in these Regulations form the second part of a phased move towards full cost recovery of fees over a period of three years. These Regulations provide for average increases on the fees specified in the 2012 Regulations as follows:

- (1) import inspection fees (other than documentary and identity checks) by 5% (regulation 2 and Schedules 1 and 2);
- (2) fees relating to seed potato inspections by 5% (regulation 3 and Schedule 4);
- (3) licensing fees by 1.6% (regulation 4 and Schedule 5);
- (4) fees for plant passporting services by 20% (regulation 5); and
- (5) fees for inspections of potatoes originating in Egypt by 25% (regulation 6).

These Regulations also provide for decreases by 19% on the fees specified in the 2012 Regulations for import inspection documentary and identity checks (regulation 2 and Schedule 3). Further details are provided in the Explanatory Memorandum.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, 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 from the Department of Environment and Sustainable Development, Welsh Government, Cathays Park, Cardiff CF10 3NQ.