

2010 No. 2917(W. 242)

PLANT HEALTH, WALES

**The Plant Health (Import Inspection
Fees) (Wales) Regulations 2010**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and remake the Plant Health (Import Inspection Fees) (Wales) (No. 2) Regulations 2006 (S.I. 2006/2832 (W.253)).

These Regulations implement Article 13d of Council Directive 2000/29/EC (OJ No L 169, 10.7.2000, p1) (“the Directive”) which requires Member States to charge fees to cover the costs of documentary, identity and plant health checks of certain imports of plants, plant products and other objects from third countries set out in Annex V, Part B of the Directive. Regulation 3 describes the consignments to which these Regulations apply.

An importer is required to pay to the Welsh Ministers, upon import of a consignment to which these Regulations apply, the fee for the plant health check in Schedule 1 or the reduced rate fee for the plant health check in Schedule 2 (regulation 4(1)(a)). Schedule 2 includes reduced rate fees due to come into effect on 1 January 2011. Higher fees are payable where checks are carried out outside daytime working hours. In addition, an importer is required to pay the fees specified in Schedule 3 for documentary and identity checks (regulation 4(1)(b)).

It is foreseen that these Regulations will have an impact on the private or voluntary sectors, but no regulatory impact assessment has been produced as the effect of the Regulations is to change the level of fees to bring them into line with standard fees specified in or agreed in accordance with the Directive.

2010 No. 2917(W.242)

PLANT HEALTH, WALES

**The Plant Health (Import Inspection
Fees) (Wales) Regulations 2010**

Made 7 December 2010

Laid before the National Assembly for Wales

9 December 2010

Coming into force 1 January 2011

The Welsh Ministers with the consent of the Treasury make these Regulations in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(1) and now vested in them by virtue of section 59(5) of the Government of Wales Act 2006(2).

Title, application and commencement

1.—(1) The title of these Regulations is the Plant Health (Import Inspection Fees) (Wales) Regulations 2010;

(2) they come into force on 1 January 2011; and

(3) they apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“daytime working hours” (“*oriau gwaith yn ystod y dydd*”) means any time between the hours of 8.30 a.m. to 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(3) in Wales; and

“the Directive” (“*y Gyfarwyddeb*”) means Council Directive 2000/29/EC on protective measures against the introduction into the Community of

(1) 1973 c.51.

(2) 2006 c 32

(3) 1971 c.80. In relation to bank holidays, see section 1 of and Schedule 1 to that Act.

organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾.

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

Consignments to which these Regulations apply

3. These Regulations apply 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 Annex V, Part B of the Directive, and
- (b) seeds of *Solanaceae* whether or not listed in Annex V, Part B of the Directive,

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 Plant Health (Wales) Order 2006⁽²⁾.

Fees

4.—(1) An importer must pay to the Welsh Ministers upon import of a consignment to which these Regulations apply—

- (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 subparagraph (a)(ii) 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.

(2) 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 (1)(a) in respect of that consignment is—

(1) OJ No L 169, 10.7.2000, p1, as last amended by Commission Directive 2010/1/EU, OJ No L 7, 12.1.2010, p17.

(2) S.I. 2006/1643 (W.158), to which there are amendments not relevant to these Regulations.

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

Revocations

5. The following Regulations are revoked—

- (a) the Plant Health (Import Inspection Fees) (Wales) (No. 2) Regulations 2006**(1)**;
- (b) the Plant Health (Import Inspection Fees) (Wales) (Amendment) Regulations 2007**(2)**;
- (c) the Plant Health (Import Inspection Fees) (Wales) (Amendment) (No. 2) Regulations 2007**(3)**;
- (d) the Plant Health (Import Inspection Fees) (Wales) (Amendment) Regulations 2009**(4)**;
- (e) the Plant Health (Import Inspection Fees) (Wales) (Amendment) (No. 2) Regulations 2009**(5)**.

Elin Jones

Minister for Rural Affairs, one of the Welsh Ministers

7 December 2010

(1) S.I. 2006/2832 (W.253).
(2) S.I. 2007/1763 (W.153).
(3) S.I. 2007/3306 (W.293).
(4) S.I. 2009/398 (W.43).
(5) S.I. 2009/3140 (W.273).

SCHEDULE 1 Regulation 4(1)(a)(i) and 4(2)(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 | 14.28 | 21.42 |
| | —for each additional 1,000 units, or part thereof | 0.57 Up to a maximum of 114.24 | 0.85 Up to a maximum of 171.36 |
| Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forestry reproductive material (other than seed) | —up to 1,000 in number | 14.28 | 21.42 |
| | —for each additional 100 units, or part thereof | 0.35 Up to a maximum of 114.24 | 0.52 Up to a maximum of 171.36 |
| Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes) | —up to 200 kg in weight | 14.28 | 21.42 |
| | —for each additional 10 kg, or part thereof | 0.13 Up to a maximum of 114.24 | 0.19 Up to a maximum of 171.36 |
| Seeds, tissue cultures | —up to 100 kg in weight | 6.12 | 9.18 |
| | —for each additional 10 kg, or part thereof | 0.14 Up to a maximum of 114.24 | 0.21 Up to a maximum of 171.36 |
| Other plants intended for planting, not specified elsewhere in this Schedule | —up to 5,000 in number | 14.28 | 21.42 |
| | —for each additional 100 units, or part thereof | 0.14 Up to a maximum of 114.24 | 0.21 Up to a maximum of 171.36 |
| Cut flowers | —up to 20,000 in number | 14.28 | 21.42 |
| | —for each additional 1,000 units, or part thereof | 0.11 Up to a maximum of 114.24 | 0.16 Up to a maximum of 171.36 |
| Branches with foliage, parts of conifers (other than cut Christmas trees) | —up to 100 kg in weight | 14.28 | 21.42 |
| | —for each additional 100 kg, or part thereof | 1.42 Up to a maximum of 114.24 | 2.13 Up to a maximum of 171.36 |

| <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> |
|--|---|--|--|
| Cut Christmas trees | —up to 1,000 in number | 14.28 | 21.42 |
| | —for each additional 100 units, or part thereof | 1.42 Up to a maximum of 114.24 | 2.13 Up to a maximum of 171.36 |
| Leaves of plants, such as herbs, spices and leafy vegetables | —up to 100 kg in weight | 14.28 | 21.42 |
| | —for each additional 10 kg, or part thereof | 1.42 Up to a maximum of 114.24 | 2.13 Up to a maximum of 171.36 |
| Fruits, vegetables (other than leafy vegetables) | —up to 25,000 kg in weight | 14.28 | 21.42 |
| | —for each additional 1,000 kg, or part thereof | 0.57 | 0.85 |
| Tubers of potatoes | —up to 25,000 kg in weight | 42.84 (for each lot) | 64.26 (for each lot) |
| | —for each additional 25,000 kg, or part thereof | 42.84 (for each lot) | 64.26 (for each lot) |
| Soil and growing medium, bark | —up to 25,000 kg in weight | 14.28 | 21.42 |
| | —for each additional 1,000 kg, or part thereof | 0.57 Up to a maximum of 114.24 | 0.85 Up to a maximum of 171.36 |
| Grain | —up to 25,000 kg in weight | 14.28 | 21.42 |
| | —for each additional 1,000 kg, or part thereof | 0.57 Up to a maximum of 571.20 | 0.85 Up to a maximum of 856.80 |
| Other plants or plant products not specified elsewhere in this Schedule, except forest trees | For each consignment | 14.28 | 21.42 |

SCHEDULE 2 Regulation 4(1)(a)(ii) and 4(2)(b)

Import Inspection Fees (Reduced Rates)

| <i>Column 1</i> Genus | <i>Column 2</i> Quantity | <i>Column 3</i> Country of Origin | <i>Column 4</i> Fee for each consignment (daytime working hours) (£) | | | <i>Column 5</i> Fee for each consignment (non-daytime working hours) (£) | | |
|--------------------------|--|--------------------------------------|---|----------------------------|------------------|---|----------------------------|------------------|
| | | | <i>Until 1 January 2011</i> | <i>From 1 January 2011</i> | <i>1 January</i> | <i>Until 1 January 2011</i> | <i>From 1 January 2011</i> | <i>1 January</i> |
| Cut Flowers | | | | | | | | |
| <i>Dianthus</i> | —up to 20,000 in number | Colombia | 0.42 | 0.71 | | 0.63 | 1.06 | |
| | | Ecuador | 2.14 | 2.14 | | 3.21 | 3.21 | |
| | | Israel | 7.12 | 14.28 | | 10.68 | 21.42 | |
| | | Kenya | 3.57 | 0.71 | | 5.35 | 1.06 | |
| | | Turkey | 3.57 | 3.57 | | 5.35 | 5.35 | |
| | —for each additional 1,000 units or part thereof | Colombia | 0.003 | 0.005 | | 0.004 | 0.007 | |
| | | | Up to a maximum of 3.42 | Up to a maximum of 5.71 | | Up to a maximum of 5.13 | Up to a maximum of 8.56 | |
| | | Ecuador | 0.01 | 0.01 | | 0.02 | 0.02 | |
| | | | Up to a maximum of 17.14 | Up to a maximum of 17.14 | | Up to a maximum of 25.71 | Up to a maximum of 25.71 | |
| | | Israel | 0.06 | 0.57 | | 0.08 | 0.85 | |
| | | | Up to a maximum of 58.17 | Up to a maximum of 114.28 | | Up to a maximum of 87.25 | Up to a maximum of 171.42 | |
| | | Kenya | 0.02 | 0.005 | | 0.04 | 0.007 | |
| | | | Up to a maximum of 28.57 | Up to a maximum of 5.71 | | Up to a maximum of 42.85 | Up to a maximum of 8.56 | |

| | | | | | | |
|-------------|--|----------|--|-------------------------------------|--------------------------------------|-------------------------------------|
| | | Turkey | 0.03 Up to a maximum of 28.57 | 0.03 Up to a maximum of 28.57 | 0.04 Up to a maximum of 42.85 | 0.04 Up to a maximum of 42.85 |
| <i>Rosa</i> | —up to 20,000 in number | Colombia | 0.71 | 0.42 | 1.06 | 0.63 |
| | | Ecuador | 0.42 | 0.42 | 0.63 | 0.63 |
| | | Ethiopia | 1.42 | 0.71 | 2.13 | 1.06 |
| | | Kenya | 1.42 | 0.71 | 2.13 | 1.06 |
| | | Tanzania | 2.14 | 1.42 | 3.21 | 2.13 |
| | | Uganda | 14.28 | 3.57 | 21.42 | 5.35 |
| | | Zambia | 7.14 | 3.57 | 10.41 | 5.35 |
| | —for each additional 1,000 units or part thereof | Colombia | 0.005 Up to a maximum of 5.71 | 0.003 Up to a maximum of 3.42 | 0.007 Up to a maximum of 8.56 | 0.004 Up to a maximum of 5.13 |
| | | Ecuador | 0.003 Up to a maximum of 3.42 | 0.003 Up to a maximum of 3.42 | 0.004 Up to a maximum of 5.13 | 0.004 Up to a maximum of 5.13 |
| | | Ethiopia | 0.01 Up to a maximum of 11.42 | 0.005 Up to a maximum of 5.71 | 0.015 Up to a maximum of 17.13 | 0.007 Up to a maximum of 8.56 |
| | | Kenya | 0.01 Up to a maximum of 11.42 | 0.005 Up to a maximum of 5.71 | 0.015 Up to a maximum of 17.13 | 0.007 Up to a maximum of 8.56 |
| | | Tanzania | 0.01 Up to a maximum of 17.14 | 0.01 Up to a maximum of 11.42 | 0.02 Up to a maximum of 25.71 | 0.02 Up to a maximum of 17.13 |
| | | Uganda | 0.11 | 0.02 | 0.16 | 0.03 |

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|---------------|---|-------------|---------------------------|--------------------------|---------------------------|--------------------------|
| | | | Up to a maximum of 114.28 | Up to a maximum of 28.57 | Up to a maximum of 171.42 | Up to a maximum of 42.85 |
| | | Zambia | 0.05 | 0.02 | 0.07 | 0.03 |
| | | | Up to a maximum of 57.14 | Up to a maximum of 28.57 | Up to a maximum of 85.71 | Up to a maximum of 42.85 |
| Fruit | | | | | | |
| <i>Citrus</i> | —up to 25,000 kg in weight | Egypt | 3.57 | 2.14 | 5.35 | 3.21 |
| | | Honduras | 7.14 | 10.71 | 10.71 | 16.06 |
| | | Israel | 2.14 | 2.14 | 3.21 | 3.21 |
| | | Mexico | 3.57 | 3.57 | 5.35 | 5.35 |
| | | Morocco | 0.71 | 0.71 | 1.06 | 1.06 |
| | | Peru | 4.99 | 4.99 | 7.48 | 7.48 |
| | | Turkey | 0.42 | 0.42 | 0.63 | 0.63 |
| | | Uruguay | 2.14 | 2.14 | 3.21 | 3.21 |
| | | USA | 2.14 | 2.14 | 3.21 | 3.21 |
| | —for each additional 1,000 kg or part thereof | Egypt | 0.14 | 0.08 | 0.21 | 0.12 |
| | | Honduras | 0.28 | 0.42 | 0.42 | 0.63 |
| | | Israel | 0.08 | 0.08 | 0.12 | 0.12 |
| | | Mexico | 0.14 | 0.14 | 0.21 | 0.21 |
| | | Morocco | 0.02 | 0.02 | 0.03 | 0.03 |
| | | Peru | 0.19 | 0.19 | 0.28 | 0.28 |
| | | Turkey | 0.01 | 0.01 | 0.02 | 0.02 |
| | | Uruguay | 0.08 | 0.08 | 0.12 | 0.12 |
| | | USA | 0.08 | 0.08 | 0.12 | 0.12 |
| <i>Malus</i> | —up to 25,000 kg in weight | Argentina | 1.42 | 1.42 | 2.13 | 2.13 |
| | | Brazil | 2.14 | 2.14 | 3.21 | 3.21 |
| | | Chile | 0.99 | 0.99 | 1.48 | 1.48 |
| | | China | 3.57 | 3.57 | 5.35 | 5.35 |
| | | New Zealand | 1.42 | 1.42 | 2.13 | 2.13 |

| | | | | | | |
|-------------------|---|--------------|------|------|-------|-------|
| | | South Africa | 1.42 | 1.42 | 2.13 | 2.13 |
| | | USA | 3.57 | 3.57 | 5.35 | 5.35 |
| | —for each additional 1,000 kg or part thereof | Argentina | 0.05 | 0.05 | 0.07 | 0.07 |
| | | Brazil | 0.08 | 0.08 | 0.12 | 0.12 |
| | | Chile | 0.03 | 0.03 | 0.04 | 0.04 |
| | | China | 0.14 | 0.14 | 0.21 | 0.21 |
| | | New Zealand | 0.06 | 0.06 | 0.08 | 0.08 |
| | | South Africa | 0.06 | 0.06 | 0.08 | 0.08 |
| | | USA | 0.14 | 0.14 | 0.21 | 0.21 |
| <i>Mangifera</i> | —up to 25,000 kg in weight | Brazil | 1.42 | 7.14 | 2.13 | 10.71 |
| | —for each additional 1,000 kg or part thereof | Brazil | 0.05 | 0.28 | 0.07 | 0.42 |
| <i>Passiflora</i> | —up to 25,000 kg in weight | Columbia | 1.42 | 1.42 | 2.13 | 2.13 |
| | | Kenya | 1.42 | 1.42 | 2.13 | 2.13 |
| | | South Africa | 7.14 | 7.14 | 10.71 | 10.71 |
| | | Zimbabwe | 4.99 | 4.99 | 7.48 | 7.48 |
| | —for each additional 1,000 kg or part thereof | Columbia | 0.05 | 0.05 | 0.07 | 0.07 |
| | | Kenya | 0.05 | 0.05 | 0.07 | 0.07 |
| | | South Africa | 0.28 | 0.28 | 0.42 | 0.42 |
| | | Zimbabwe | 0.19 | 0.19 | 0.28 | 0.28 |
| <i>Prunus</i> | —up to 25,000 kg in weight | Argentina | 4.99 | 4.99 | 7.48 | 7.48 |
| | | Chile | 1.42 | 1.42 | 2.13 | 2.13 |
| | | South Africa | 1.42 | 1.42 | 2.13 | 2.13 |
| | | Turkey | 1.42 | 1.42 | 2.13 | 2.13 |
| | | USA | 7.14 | 3.57 | 10.71 | 5.35 |
| | —for each additional 1,000 kg or part thereof | Argentina | 0.19 | 0.19 | 0.28 | 0.28 |
| | | Chile | 0.05 | 5.08 | 0.07 | 0.07 |
| | | South Africa | 0.05 | 0.05 | 0.07 | 0.07 |
| | | Turkey | 0.05 | 0.05 | 0.07 | 0.07 |

| | | | | | | |
|--------------------------|---|-------------------|-------|-------|-------|-------|
| | | USA | 0.28 | 0.14 | 0.42 | 0.21 |
| <i>Psidium</i> | —up to 25,000 kg in weight | Brazil | 10.71 | 14.28 | 16.06 | 21.42 |
| | —for each additional 1,000 kg or part thereof | Brazil | 0.42 | 0.57 | 0.63 | 0.85 |
| <i>Pyrus</i> | —up to 25,000 kg in weight | Argentina | 2.14 | 2.14 | 3.21 | 3.21 |
| | | Chile | 4.99 | 4.99 | 7.48 | 7.48 |
| | | China | 4.99 | 4.99 | 7.48 | 7.48 |
| | | South Africa | 2.14 | 1.42 | 3.21 | 2.13 |
| | —for each additional 1,000 kg or part thereof | Argentina | 0.08 | 0.08 | 0.12 | 0.12 |
| | | Chile | 0.19 | 0.19 | 0.28 | 0.28 |
| | | China | 0.19 | 0.19 | 0.28 | 0.28 |
| | | South Africa | 0.08 | 0.05 | 0.12 | 0.07 |
| | | Vegetables | | | | |
| <i>Solanum melongena</i> | —up to 25,000 kg in weight | Turkey | 1.42 | 1.42 | 2.13 | 2.13 |
| | —for each additional 1,000 kg or part thereof | Turkey | 0.05 | 0.05 | 0.07 | 0.07 |

Where the total amount of any fee comprises an amount less than £0.01, that amount is to be excluded.

SCHEDULE 3

Regulation 4(1)(b)

Import Inspection Fees for Documentary Checks and Identity Checks

| <i>Column 1 Check</i> | <i>Column 2 Quantity</i> | <i>Column 3 Fee (£)</i> |
|---------------------------|--|-----------------------------|
| Documentary | For each consignment | 5.71 |
| Identity | For each consignment | |
| | —up to a size of a truck load, a railway wagon load or the load of a container of comparable size | 5.71 |
| | —bigger than the above size | 11.42 |