

## **Explanatory Memorandum to the Plant Health (Import Inspection Fees) (Wales) (Amendment) (No.2) Regulations 2007**

This Explanatory Memorandum has been prepared by the Department for Rural Affairs and is laid before the National Assembly for Wales.

### **1. Description**

These Regulations amend the Plant Health (Import Inspection Fees) (Wales) Regulations 2006, by amending the fees to be charged for plant health examinations of certain imported material from outside the EU. In addition, they also amend the list of trades eligible for reduced rate inspections.

### **2. Matters of special interest to the Subordinate Legislation Committee**

None. These Regulations were made by the Welsh Minister after having received Treasury Approval on 19 October by e mail.

### **3. Legislative Background**

These Regulations are made with Treasury consent under section 56(1) of the Finance Act 1973. Treasury consent was obtained on 19 October 2007. The Welsh Ministers may exercise powers under the Finance Act 1973 by virtue of section 59(5) of the Government of Wales Act 2006. These Regulations are to be made under the negative resolution procedure.

### **4. Purpose and intended effect of the legislation**

Council Directive 2000/29/EC (“the Plant Health Directive”) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community establishes the Community plant health regime. It contains measures to be taken in order to prevent the introduction into, and spread within, the Community of serious pests and diseases of plants and plant produce. The Directive is implemented in Wales, for non - forestry matters, by the Plant Health (Wales) Order 2006. Similar but separate legislation operates in England, Scotland and Northern Ireland.

The Directive requires mandatory examinations in the form of documentary and identity checks and physical inspections on certain plants and plant produce and obligations to charge fees for these inspections. The required level for inspections is set at 100%, except for certain trades subject to the “reduced checks” provision, which allows lower levels of physical checks to be agreed on the basis of past experience of compliance.

Under the Plant Health Directive, the 2006 Regulations applied reduced checks to 52 trades. Following a review by the European Commission in May 2007, seven trades were removed from the list and the levels of inspection of 25 trades previously agreed under the reduced checks provision were either

increased or decreased to take account of additional data on compliance and come into effect on 1 January, 2008.

The Directive requires that charges be increased to cover the costs of trades' inspections, either through adoption of a scale of minimum charges set out in an Annex, or through a national system based on calculation of specified costs. Where "reduced checks" apply, the Directive states that a proportionally reduced fee should be collected for every imported consignment. Charges for these inspections, based on the minimum charges set out in the Directive, were introduced in Wales in January 2006, by the Plant Health (Import Inspection Fees) (Wales) (No.2) Regulations 2006. These Regulations were subsequently amended by the Plant Health (Import Inspection Fees) (Wales) (Amendment) Regulations 2007. The proposed Regulations further revise the fees for 2008 and bring them into line with the rest of the UK.

## **5. Implementation**

It is intended that these Regulations should come into force on 18 December 2007. Similar legislation has already been implemented in England and came into force on 15 November 2007 and is under consideration in Scotland and Northern Ireland.

## **6. Consultation**

A consultation on these Regulations was not deemed necessary (please see Regulatory Impact Assessment).

## **7. Regulatory Impact Assessment**

The Regulatory Impact Assessment (RIA), which was prepared in respect of the 2007 Regulations, foresaw changes to the fees for plant health import inspections to which these Regulations apply. The previous RIA therefore applies.