

2015 No. 777 (W. 61)

PLANT HEALTH, WALES

**The Plant Health (Fees) (Wales)
(Amendment) Regulations 2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Health (Fees) (Wales) Regulations 2014 (S.I. 2014/1792 (W. 185)) (“the principal Regulations”).

The principal Regulations implement Article 13d 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 L 169, 10.7.2000, p. 1) (“the Directive”). Article 13d of the Directive 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 amends regulation 2(3) of the principal Regulations to clarify the fees that are payable in respect of plant health checks which are carried out on consignments (or parts of consignments) outside daytime working hours.

Schedule 2 to the principal Regulations 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 provided for in Articles 13a(2) and 18(2) of the Directive. Regulation 4 of these Regulations amends Schedule 2 to give effect to the notification published by the European Commission on 30 September 2014 of the reduced levels of plant health checks which are applicable to certain plants and plant products.

The inspection rates for *Citrus* from Tunisia and Uruguay have increased (from 25% to 75% and 15% to 75% respectively) with matching increases in fees.

Fruit of *Mangifera* from Brazil are no longer eligible for reduced rate fees since this commodity is subject to

an inspection rate of 100%. Accordingly, the relevant entry is removed from Schedule 2 and the fees in Schedule 1 to the principal Regulations are applied to these consignments.

The inspection rates for the following have decreased with matching decreases in fees: *Rosa* from Zambia (from 25% to 15%), *Citrus* from Mexico and Peru (from 15% to 10%), *Prunus* from Turkey and the USA (15% to 10%), *Psidium* from Brazil (from 100% to 75%) and *Pyrus* from Chile (from 25% to 15%).

Fruit of *Capsicum* from Morocco are eligible for a reduced rate fee corresponding to its inspection rate of 10%. The reduced rate fee for this commodity is added to Schedule 2.

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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PLANT HEALTH, WALES

**The Plant Health (Fees) (Wales)
(Amendment) Regulations 2015**

Made 17 March 2015

*Laid before the National Assembly for
Wales* 19 March 2015

Coming into force 9 April 2015

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

Title, application and commencement

1. The title of these Regulations is the Plant Health (Fees) (Wales) (Amendment) Regulations 2015. They apply in relation to Wales and come into force on 9 April 2015.

Amendment of the Plant Health (Fees) (Wales) Regulations 2014

2. The Plant Health (Fees) (Wales) Regulations 2014⁽³⁾ are amended as follows.

Regulation 2(3)

3. For paragraph (3) of regulation 2 (import inspection fees), substitute—

“(3) But where an importer or any other person responsible for a consignment requests that the plant health check in respect of the consignment be carried out outside daytime working hours and the whole of the plant health check is

(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) S.I. 2014/1792 (W. 185).

carried out on the consignment outside daytime working hours, the fee payable under paragraph (2)(a) in respect of the consignment is—

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

Schedule 2

4. For Schedule 2 (import inspection fees: reduced rates), substitute—

“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 or relevant part of a consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
Cut Flowers				
<i>Dianthus</i>	up to 20,000 in number	Colombia	1.43	2.15
		Ecuador	7.18	10.77
		Kenya	2.39	3.59
		Turkey	11.96	17.95
	each additional 1,000 or part thereof	Colombia	0.01, up to a maximum of 11.48	0.01, up to a maximum of 17.23
		Ecuador	0.05, up to a maximum of 57.43	0.08, up to a maximum of 86.15
		Kenya	0.02, up to a maximum of 19.14	0.03, up to a maximum of 28.71
		Turkey	0.09, up to a maximum of 95.73	0.13, up to a maximum of 143.59
<i>Rosa</i>	up to 20,000 in number	Colombia	1.43	2.15
		Ecuador	1.43	2.15
		Ethiopia	4.78	7.18
		Kenya	2.39	3.59
		Tanzania	7.18	10.77
		Zambia	7.18	10.77
	each additional 1,000 or part thereof	Colombia	0.01, up to a maximum of 11.48	0.01, up to a maximum of 17.23
		Ecuador	0.01, up to a maximum of 11.48	0.01, up to a maximum of 17.23
		Ethiopia	0.04, up to a maximum of 38.29	0.06, up to a maximum of 57.43
		Kenya	0.02, up to a maximum of 19.14	0.03, up to a maximum of 28.71
	Tanzania	0.05, up to a maximum of	0.08, up to a maximum of	

			57.43	86.15
		Zambia	0.05, up to a maximum of 57.43	0.08, up to a maximum of 86.15

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
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Branches with foliage

<i>Phoenix</i>	up to 100 kg	Costa Rica	16.75	25.13
	each additional 100 kg or part thereof	Costa Rica	1.66, up to a maximum of 134.02	2.49, up to a maximum of 201.03

Fruit

<i>Citrus</i>	up to 25,000 kg	Egypt	7.18	10.77
		Israel	4.78	7.18
		Mexico	4.78	7.18
		Morocco	2.39	3.59
		Peru	4.78	7.18
		Tunisia	35.90	53.85
		Turkey	1.43	2.15
		Uruguay	35.90	53.85
		USA	7.18	10.77
	each additional 1,000 kg or part thereof	Egypt	0.28	0.43
		Israel	0.19	0.28
		Mexico	0.19	0.28
		Morocco	0.09	0.14
		Peru	0.19	0.28
		Tunisia	1.43	2.15
		Turkey	0.05	0.08
<i>Malus</i>	up to 25,000 kg	Argentina	11.96	17.95
		Brazil	11.96	17.95
		Chile	2.39	3.59
		New Zealand	4.78	7.18
		South Africa	2.39	3.59
		USA	23.93	35.90
	each additional 1,000 kg or part thereof	Argentina	0.47	0.71
		Brazil	0.47	0.71
		Chile	0.09	0.14
		New Zealand	0.19	0.28
		South Africa	0.09	0.14
		USA	0.95	1.43

<i>Passiflora</i>	up to 25,000 kg	Colombia	4.78	7.18
		Kenya	4.78	7.18
		South Africa	16.75	25.13
		Zimbabwe	35.90	53.85
	each additional 1,000 kg or part thereof	Colombia	0.19	0.28
		Kenya	0.19	0.28
		South Africa	0.66	1.00
		Zimbabwe	1.43	2.15

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
<i>Prunus</i>	up to 25,000 kg	Argentina	23.93	35.90
		Chile	4.78	7.18
		Morocco	23.93	35.90
		South Africa	4.78	7.18
		Turkey	4.78	7.18
		USA	4.78	7.18
	each additional 1,000 kg or part thereof	Argentina	0.95	1.43
		Chile	0.19	0.28
		Morocco	0.95	1.43
		South Africa	0.19	0.28
		Turkey	0.19	0.28
		USA	0.19	0.28
<i>Psidium</i>	up to 25,000 kg	Brazil	35.90	53.85
	each additional 1,000 kg or part thereof	Brazil	1.43	2.15
<i>Pyrus</i>	up to 25,000 kg	Argentina	4.78	7.18
		Chile	7.18	10.77
		China	23.93	35.90
		South Africa	4.78	7.18
	each additional 1,000 kg or part thereof	Argentina	0.19	0.28
		Chile	0.28	0.43
		China	0.95	1.43
		South Africa	0.19	0.28
<i>Vaccinium</i>	up to 25,000 kg	Argentina	11.96	17.95
	each additional 1,000 kg or part thereof	Argentina	0.47	0.71
Vegetables				
<i>Capsicum</i>	up to 25,000 kg	Israel	2.39	3.59
		Morocco	4.78	7.18
	each additional	Israel	0.09	0.14

	1,000 kg or part thereof	Morocco	0.19	0.28
<i>Momordica</i>	up to 25,000 kg	Surinam	16.75	25.13
	each additional 1,000 kg or part thereof	Surinam	0.66	1.00
<i>Solanum melongena</i>	up to 25,000 kg	Kenya	4.78	7.18
		Turkey	4.78	7.18
	each additional 1,000 kg or part thereof	Kenya	0.19	0.28
		Turkey	0.19	0.28”.

Rebecca Evans

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17 March 2015