

2020 No. (W.)

PLANT HEALTH, WALES

**The Plant Health etc. (Fees) (Wales)
(Amendment) Regulations 2020**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Health etc. (Fees) (Wales) Regulations 2018 (“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.

Regulation 2(2) inserts regulation 6A into the 2018 Regulations to provide for the fee payable by an importer of potatoes originating in Lebanon where an inspector samples a potato lot for the purposes of Commission Implementing Decision (EU) 2019/1614 authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon (OJ No L 250, 30.9.2019, p. 85).

Regulation 2(3) substitutes Schedule 2 to the 2018 Regulations, which sets out reduced rate fees payable by the importer of a third country consignment for plant health checks in respect of certain plant and plant products which are subject to reduced levels of checks agreed under the procedure provided for 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 L 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 19 November 2019).

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. (Fees) (Wales)
(Amendment) Regulations 2020**

Made 28 January 2020

Laid before the National Assembly for Wales
29 January 2020

Coming into force 24 February 2020

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

Title and commencement

1. The title of these Regulations is the Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2020 and they come into force on 24 February 2020.

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

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

(2) After regulation 6 insert—

“Potatoes originating in Lebanon: fee

6A.—(1) Where an inspector takes a sample of potatoes originating in Lebanon in order to ascertain whether, for the purposes of Article 4 of the Decision, those potatoes are infected with

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- (1) 1973 c. 51; section 56(1) was amended by S.I. 2011/1043, and is prospectively amended by paragraph 17 of Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16) from a date and time to be appointed.
- (2) By virtue of section 59(5) of the Government of Wales Act 2006 (c. 32).
- (3) S.I. 2018/1179 (W. 238), amended by S.I. 2019/1378 (W. 244).

Clavibacter michiganensis subspecies (Spieckermann and Kotthoff) Davis et al., the importer must pay a fee of £70.83 in respect of each lot sampled.

(2) In paragraph (1), “the Decision” means Commission Implementing Decision (EU) 2019/1614 authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon(1).”

(3) For Schedule 2 substitute—

“**SCHEDULE 2** Regulation 3(2) and (3)

Import inspection fees: reduced rates

<i>Genus</i>	<i>Country of Origin</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
	Mexico	26.55
	Morocco	1.59
	Peru	5.31
	Turkey	1.59
	USA	13.28
<i>Cydonia</i>	Any third country in Europe ⁽¹⁾	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	2.66

(1) OJ No. L 250, 30.9.2019, p. 85.

	in Europe ⁽¹⁾	
	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	26.55
	Vietnam	13.28
	Zimbabwe	39.83
<i>Persea americana</i>	Any third country	2.66
<i>Prunus</i>	Argentina	39.83
	Chile	5.31
	Any third country	2.66
	in Europe ⁽¹⁾	
	Morocco	26.55
	Turkey	18.59
<i>Prunus other than prunus persica</i>	South Africa	5.31
<i>Pyrus</i>	Argentina	7.97
	Chile	7.97
	China	26.55
	Any third country	2.66
	in Europe ⁽¹⁾	
	South Africa	5.31
<i>Ribes</i>	Any third country	2.66
	in Europe ⁽¹⁾	
<i>Rubus</i>	Any third country	2.66
<i>Vaccinium</i>	Argentina	13.28
	Chile	5.31
	Peru	5.31
	Any third country	2.66
	in Europe ⁽¹⁾	
<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	7.97

⁽¹⁾ “Third country in Europe” includes Albania, Andorra, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canary Islands, Faeroe Islands, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, North Macedonia, Norway, Russia (only the following parts: Central Federal District (Tsentralny federalny okrug), Northwestern Federal District (Severo-Zapadny federalny okrug), Southern Federal District (Yuzhny federalny okrug), North Caucasian Federal District (Severo-Kavkazsky federalny okrug) and Volga Federal District (Privolzhsky federalny okrug), San Marino, Serbia, Turkey and Ukraine.”

Lesley Griffiths
Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
28 January 2020