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WELSH STATUTORY INSTRUMENTS

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**2018 No. 1179 (W. 238)**

**PLANT HEALTH, WALES  
SEEDS, WALES**

**The Plant Health etc. (Fees) (Wales) Regulations 2018**

<i>Made</i>	- - - -	<i>13 November 2018</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>15 November 2018</i>
<i>Coming into force</i>	- -	<i>10 December 2018</i>

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 <sup>M1</sup> and now vested in them <sup>M2</sup>.

**Marginal Citations**

**M1** 1973 c. 51: subsection (1) was amended by [S.I. 2011/1043](#).

**M2** By virtue of section 59(5) of the [Government of Wales Act 2006 \(c.32\)](#).

**PART 1**

General

**Title, commencement and application**

- 1.—(1) The title of these Regulations is the Plant Health etc. (Fees) (Wales) Regulations 2018.
- (2) They come into force on 10 December 2018.
- (3) They apply in relation to Wales.

**Interpretation**

[<sup>F1</sup>2.—(1) In these Regulations, “the <sup>F2</sup>... Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants.

(2) Words and expressions which are not defined in these Regulations and appear in the <sup>F3</sup>... Plant Health Regulation or in Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed

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law, rules on animal health and welfare, plant health and plant protection products have the same meaning in these Regulations as they have in the <sup>F3</sup>... instrument in question.]

#### Textual Amendments

- F1** Reg. 2 substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(2)**
- F2** Word in reg. 2(1) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **2(2)(a)**
- F3** Word in reg. 2(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **2(2)(b)**

## PART 2

### Fees relating to plant health

#### Import inspection fees

3.—(1) This regulation applies in relation to a third country consignment [<sup>F4</sup>insofar as it includes] plants, plant products or other objects of a description specified in column 1 of the table in Schedule 1 that [<sup>F5</sup>fall within][<sup>F6</sup>Part A of Annex 11, or Annex 12, to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants]<sup>F7</sup>....

[<sup>F8</sup>(2) The fee payable by the importer of a third country consignment in respect of a documentary check of each phytosanitary certificate or phytosanitary certificate for re-export accompanying the consignment, is £5.25. ]

[<sup>F9</sup>(2A) Subject to paragraphs (2B), (2C) and (2E), the fees payable by the importer of a third country consignment in respect of liability to a physical check and identity check that may be carried out on the consignment (whether or not any such check is carried out) are, where a consignment includes plants, plant products or other objects of a description specified in column 1 of the table, which originate in a country specified in the corresponding entry in column 2 of the table—

- (a) the fee specified in column 3 of the table in respect of a physical check of plants, plant products or other objects of each such description included in the consignment; and
- (b) the fee specified in column 4 of the table in respect of an identity check of plants, plant products or other objects of each such description included in the consignment.]

[<sup>F10</sup>(2B) The fees specified under paragraph (2A) in respect of liability to a physical check and identity check of cut flowers, fruit, vegetables or leaves are payable in respect of a single lot of the kind in question.]

[<sup>F11</sup>(2C) Where a consignment includes two or more plants, plant products or other objects falling within a single category specified in column 1 of the table, the fee payable under paragraph (2A) in respect of liability to a physical check or identity check of the plants, plant products or other objects within the category in question is—

- (a) so far as the consignment includes two or more lots either of cut flowers or of fruit, vegetables or leaves—
  - (i) the fee payable in respect of a single lot of cut flowers or of fruit, vegetables or leaves (as the case may be); or

- (ii) where different amounts are specified in relation to the lots in question, a fee equal to the highest of the fees relating to liability to a physical check or identity check (as the case may be);
- (b) so far as the consignment includes any other plants, plant products or other objects which originate in the same country—
  - (i) the fee payable in respect of a single plant, plant product or other object of any of the descriptions in question; or
  - (ii) where different amounts are specified in relation to those plants, plant products or other objects, a fee equal to the highest of the fees relating to liability to a physical check or identity check (as the case may be).]

<sup>F12</sup>(2D) .....

[<sup>F13</sup>(2E) No fee is payable under paragraph (2A) in respect of any consignment originating in an EU Member State, Liechtenstein or Switzerland that is imported before the end of the transitional staging period, in respect of any plants or plant products specified in Schedule 2A that are contained in the consignment.]

[<sup>F14</sup>(2F) Where an inspector suspects that a third country consignment is infected with a controlled plant pest and takes a sample from the consignment for laboratory testing to confirm whether the pest is present, the fee payable by the importer of the third country consignment is £147.35 for each sample tested.

- (2G) For the purposes of this regulation, the table and Schedule 2A—
  - (a) “leaves” means vegetables, herbs and spices, so far as they take the form of leaves with or without stems or stalks attached, and the loose leaves of any other plants;
  - (b) “vegetables”, except in sub-paragraph (a), means vegetables other than in so far as they take the form of leaves.]

- [<sup>F15</sup>(3) In this regulation—
- (a) “category”, in relation to anything specified in column 1 of the table in Schedule 1, means a grouping which is listed in column 1 in bold typeface;
  - (b) “controlled plant pest” means a GB quarantine pest, a provisional GB quarantine pest, a PFA quarantine pest or a GB regulated non-quarantine pest;
  - (c) “description”, in relation to anything specified in column 1 of the table in Schedule 1, means the specific description in respect of which a fee is specified;
  - (d) “lot” means one or more units of a single commodity, identifiable by its homogeneity of composition and origin, which form part of a consignment;
  - (e) “the table” means the table in Schedule 1;
  - (f) “third country consignment” means a consignment that is introduced into Wales from a third country;
  - (g) “the transitional staging period” has the meaning given in Annex 6 to Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.]

**Textual Amendments**

**F4** Words in reg. 3(1) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(2)(a)(i)**

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- F5** Words in reg. 3(1) substituted (22.7.2022) by The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022 (S.I. 2022/804), regs. 1, **2(2)(a)(i)**
- F6** Words in reg. 3(1) substituted (31.12.2020) by The Plant Health (Amendment etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1628), regs. 1(2)(b), **2(3)(a)**
- F7** Words in reg. 3(1) omitted (22.7.2022) by virtue of The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022 (S.I. 2022/804), regs. 1, **2(2)(a)(ii)**
- F8** Reg. 3(2) substituted (17.6.2021) by The Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2021 (S.I. 2021/713), regs. 1, **2(2)(a)**
- F9** Reg. 3(2A) substituted (22.7.2022) by The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022 (S.I. 2022/804), regs. 1, **2(2)(b)**
- F10** Reg. 3(2B) substituted (22.7.2022) by The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022 (S.I. 2022/804), regs. 1, **2(2)(c)**
- F11** Reg. 3(2C) substituted (22.7.2022) by The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022 (S.I. 2022/804), regs. 1, **2(2)(d)**
- F12** Reg. 3(2D) omitted (22.7.2022) by virtue of The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022 (S.I. 2022/804), regs. 1, **2(2)(e)**
- F13** Reg. 3(2E) substituted (22.7.2022) by The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022 (S.I. 2022/804), regs. 1, **2(2)(f)**
- F14** Reg. 3(2F)(2G) inserted (22.7.2022) by The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022 (S.I. 2022/804), regs. 1, **2(2)(g)**
- F15** Reg. 3(3) substituted (22.7.2022) by The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022 (S.I. 2022/804), regs. 1, **2(2)(h)**

### Plant passport authorisation fees

4.—(1) This regulation applies in relation to a plant passport authorisation.

(2) The [<sup>F16</sup>fee specified in paragraph (3) is] payable in respect of an inspection and any associated activities which are carried out [<sup>F17</sup>by, or on behalf of, the Welsh Ministers]—

- (a) in connection with an application for a plant passport authorisation;
- (b) for the purpose of monitoring compliance with any requirements imposed on the holder of a plant passport authorisation.

[<sup>F18</sup>(3) A fee of £61.58 is payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the relevant premises, subject to a minimum fee of £123.16.]

(4) An additional fee of [<sup>F19</sup>£20.66] is payable where a person submits an application for a plant passport authorisation in paper form (and not online).

(5) Any fees payable under this regulation are payable by the person applying for a plant passport authorisation or the holder of a plant passport authorisation (as the case may be).

(6) In this regulation—

- (a) “plant passport authorisation” means an authorisation to issue [<sup>F20</sup>UK]plant passports <sup>F21</sup>...;
- (b) “relevant premises”, in relation to an application for a plant passport authorisation or a plant passport authorisation, means the premises which are subject to the application or the authorisation.

### Textual Amendments

- F16** Words in reg. 4(2) substituted (14.11.2019) by The Plant Health etc. (Miscellaneous Fees) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1378), regs. 1(2), **3(3)(a)**

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- F17** Words in reg. 4(2) inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(4)(a)**
- F18** Reg. 4(3) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(3)(b)**
- F19** Sum in reg. 4(4) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(3)(c)**
- F20** Word in reg. 4(6)(a) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **2(4)**
- F21** Words in reg. 4(6)(a) omitted (31.1.2020) by virtue of [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(4)(b)**

### Plant health licence fees

5.—(1) The fees specified in the table in Schedule 4 are payable in respect of—

- (a) an application for a licence [<sup>F22</sup>made to the Welsh Ministers];
- (b) any other activity specified in column 1 of that table which is carried out in connection with a licence [<sup>F23</sup>granted by the Welsh Ministers].

(2) The amount of any fee payable in respect of an application for a licence or any other activity specified in column 1 of the table in Schedule 4 is the amount specified in the corresponding entry in column 3 of that table, determined in accordance with the entries in respect of that service (if any) in column 2 of that table.

(3) The fee payable in respect of the monitoring of licence terms and conditions is payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the premises which are subject to the licence, subject to the minimum fee specified.

(4) Any fee payable under this regulation is payable by the person who submits an application for a licence or the licence holder (as the case may be).

(5) In this regulation, “licence” means [<sup>F24</sup>an authorisation [<sup>F25</sup>described in regulation 20(1)(a) or (b)(i) or 21(1)(b) of the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020]].

#### Textual Amendments

- F22** Words in reg. 5(1)(a) inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(5)(a)(i)**
- F23** Words in reg. 5(1)(b) inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(5)(a)(ii)**
- F24** Words in reg. 5(5) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(5)(b)**
- F25** Words in reg. 5(5) substituted (13.11.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/1134\)](#), regs. 1, **3**

### [<sup>F26</sup>Export certification services and pre-export services: fees

5A.—(1) [<sup>F27</sup>Subject to paragraph (4A),] the fees specified in the table in Schedule 4A are payable in respect of the services described in column 1 of the table by a person who applies to the Welsh Ministers for a certificate or a pre-export service.

(2) The amount of the fee in respect of any service described in column 1 of the table in Schedule 4A is—

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- (a) in the case of a small exporter who, at the date of the application, has only been liable during the financial year in which the application is made to pay fees of £750 or less in respect of the services described in column 1 of the table, the amount specified in the corresponding entry in column 2 of that table;
  - (b) in any other case, the amount specified in the corresponding entry in column 3 of that table.
- (3) The fees specified in columns 2 and 3 of the table in Schedule 4A in respect of an inspection of a consignment or an audit of a grain inspection are payable for each 15 minutes (or part thereof) spent in carrying out the inspection or audit and any associated activities, subject to the minimum fees specified in those entries.
- (4) Where a person submits an application for a certificate or a pre-export service or a request to amend a certificate in paper form (and not online), the following additional fee is payable in respect of the application or the request—
- (a) in the case of a small exporter who, at the date of the application or request, has only been liable during the financial year in which the application or request is made to pay fees of £750 or less in respect of the services described in column 1 of the table in Schedule 4A, £7.88;
  - (b) in any other case, £15.76.

<sup>F28</sup>(4A) The fees specified in Schedule 4A are not payable in respect of a consignment to be transported to Northern Ireland—

- (a) by a person acting otherwise than in the course of a business, where the consignment is not to be placed on the market; or
- (b) for delivery to—
  - (i) a professional operator whose principal place of business is in Northern Ireland; or
  - (ii) any person resident in Northern Ireland, where the consignment is not to be placed on the market or used for the purposes of any business.

(4B) Paragraph (4A) ceases to have effect at the end of 31 December [<sup>F29</sup>2023].]

(5) In this regulation—

“certificate” (“*tystysgrif*”) means either a phytosanitary certificate for export or a phytosanitary certificate for re-export;

“pre-export service” (“*gwasanaeth cyn-allforio*”) means any plant health inspection or examination, including by the taking of samples, which is required to be carried out in relation to a plant, plant product or other object which is to be exported <sup>F30</sup>... in order to satisfy the [<sup>F31</sup>relevant phytosanitary import requirements within the meaning of Article 99a of the Plant Health Regulation], other than any such inspection or examination required for the issue of a certificate;

[<sup>F32</sup>“professional operator” means any person, governed by public or private law, involved professionally in, and legally responsible for, one or more of the following activities concerning plants, plant products and other objects—

- (a) planting;
- (b) breeding;
- (c) production, including growing, multiplying and maintaining;
- (d) introduction into, and movement within and out of Northern Ireland;
- (e) making available on the market;
- (f) storage, collection, dispatching and processing.]

- “small exporter” (“*allforiwr bach*”), means a person who—
- (a) in the financial year in which the application or request is made—
    - (i) is not a taxable person for the purposes of the Value Added Tax Act 1994, or
    - (ii) does not make a taxable supply of plants, plant products, seeds, soil or agricultural machinery for the purposes of the Value Added Tax Act 1994, or
  - (b) in the financial year preceding the year in which the application or request is made, exported goods which were accompanied by a certificate the total value of which was less than £5,000.]

**Textual Amendments**

- F26** Reg. 5A inserted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), **34(6)**
- F27** Words in reg. 5A(1) inserted (17.6.2021) by The Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2021 (S.I. 2021/713), regs. 1, **2(3)(a)**
- F28** Reg. 5A(4A)(4B) inserted (17.6.2021) by The Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2021 (S.I. 2021/713), regs. 1, **2(3)(b)**
- F29** Word in reg. 5A(4B) substituted (22.7.2022) by The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) Regulations 2022 (S.I. 2022/804), regs. 1, **2(3)**
- F30** Words in reg. 5A(5) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1628), regs. 1(2)(b), **2(5)(a)**
- F31** Words in reg. 5A(5) substituted (31.12.2020) by The Plant Health (Amendment etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1628), regs. 1(2)(b), **2(5)(b)**
- F32** Words in reg. 5A(5) inserted (17.6.2021) by The Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2021 (S.I. 2021/713), regs. 1, **2(3)(c)**

**Potatoes originating in Egypt: fee**

6.—(1) Where an [<sup>F33</sup>official plant health inspector] takes a sample of potatoes originating in Egypt in order to ascertain whether <sup>F34</sup>... those potatoes are infected with *Ralstonia solanacearum* (Smith) Yabuuchi et al., the importer must pay a fee of [<sup>F35</sup>£70.83] in respect of each lot sampled.

<sup>F36</sup>(2) .....

**Textual Amendments**

- F33** Words in reg. 6(1) substituted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), **34(7)**
- F34** Words in reg. 6(1) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1628), regs. 1(2)(b), **2(6)(a)**
- F35** Sum in reg. 6(1) substituted (14.11.2019) by The Plant Health etc. (Miscellaneous Fees) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1378), regs. 1(2), **3(4)**
- F36** Reg. 6(2) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1628), regs. 1(2)(b), **2(6)(b)**

**Potatoes originating in Lebanon: fee**

<sup>F37</sup>**6A.** .....

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#### Textual Amendments

- F37** Reg. 6A omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **2(7)**

#### Potatoes originating in Lebanon: fee

**F38** 7. ....

#### Textual Amendments

- F38** Reg. 7 omitted (31.1.2020) by virtue of [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(8)**

## PART 3

### Fees relating to the certification of seed potatoes and fruit plants and fruit plant propagating material

#### Seed potatoes: fees

8.—(1) The fees specified in the table in Schedule 5 are payable in respect of the activities specified in column 1 of that table which relate to an application for the certification of seed potatoes in accordance with regulation 10 of the Seed Potatoes (Wales) Regulations 2016 <sup>M3</sup>.

(2) The fees specified in column 2 of the table in Schedule 5 are payable subject to the minimum fees (if any) specified in the corresponding entries in column 3 of that table.

(3) The fees specified in column 2 of the table in Schedule 5 in respect of an inspection of growing crops for certification as Union grade PBTC and an inspection of harvested tubers are payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the relevant premises.

(4) An additional fee of [<sup>F39</sup>£15.76] is payable where a person submits an application for the certification of seed potatoes in paper form (and not online).

[<sup>F40</sup>(4A) Where a person submits an application for the provision of printed labels, the following additional fee is payable—

- (a) in the case of an application submitted online, £11.45;
- (b) in the case of an application submitted in paper form, £15.61.]

(5) Any fees payable under this regulation are payable by the applicant.

(6) In paragraph (3), “relevant premises” means the premises at which the growing crops for certification as Union grade PBTC or the harvested tubers to be inspected are located.

#### Textual Amendments

- F39** Sum in reg. 8(4) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(5)(a)**
- F40** Reg. 8(4A) inserted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(5)(b)**



**Marginal Citations**

M3 S.I. 2016/106 (W. 52), to which there are amendments not relevant to these Regulations.

**Fruit plants and fruit plant propagating material: fees**

9.—(1) The fee specified in paragraph (2) is payable in connection with an application for the certification of fruit plants and fruit plant propagating material in accordance with regulation 9 of the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017<sup>M4</sup>.

[<sup>F41</sup>(2) A fee of £26.00 per each 15 minutes (or part thereof) is payable in respect of time spent in carrying out an official examination and any associated activities at the relevant premises for the purposes of certifying the material, subject to a minimum fee of £52.00.]

(3) Any fees payable under this regulation are payable by the applicant.

(4) In paragraph (2), “relevant premises” means the premises at which the material to be certified is located.

**Textual Amendments**

F41 Reg. 9(2) substituted (14.11.2019) by The Plant Health etc. (Miscellaneous Fees) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1378), regs. 1(2), 3(6)

**Marginal Citations**

M4 S.I. 2017/691 (W. 163).

**PART 4**

Payment of fees

**Payment of fees**

10. Fees payable under these Regulations are payable to the Welsh Ministers on demand.

**Suspension of registration**

11.—(1) Where any sum due by way of, or on account of, any fee or any part of a fee payable by a [<sup>F42</sup>registered professional operator] under Part 2 of these Regulations remains unpaid, the Welsh Ministers may—

- (a) recover the sum as a civil debt, or
- (b) after giving one month's written notice, suspend the [<sup>F43</sup>operator's] registration until such sum has been paid.

<sup>F44</sup>(2) .....

**Textual Amendments**

F42 Words in reg. 11(1) substituted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), 34(9)(a)(i)

F43 Word in reg. 11(1)(b) substituted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), 34(9)(a)(ii)

**Status:** Point in time view as at 22/07/2022.

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**F44** Reg. 11(2) omitted (31.1.2020) by virtue of The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), **34(9)(b)**

## **PART 5**

### Revocations

#### **Revocations**

**12.** The instruments listed in Schedule 6 are revoked.

*Hannah Blythyn*  
Minister for Environment under authority of  
the Cabinet Secretary for Energy, Planning and  
Rural Affairs, one of the Welsh Ministers

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health etc. (Fees) (Wales) Regulations 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

## [F45] SCHEDULE 1

Regulation 3(2A) and (2C)

## Import inspection fees

**Textual Amendments**

**F45** Sch. 1 substituted (22.7.2022) by The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022 (S.I. 2022/804), regs. 1, 2(4), **Sch. 1**

<i>Column 1</i> <i>Category and description of plant, plant product or other object</i>	<i>Column 2</i> <i>Country of origin</i>	<i>Column 3</i> <i>Fee: Physical check (£)</i>	<i>Column 4</i> <i>Fee: Identity check (£)</i>
<b>Bulbs, corms, rhizomes, tubers (other than tubers of potatoes), onions, shallots, garlic, leeks and other alliaceous vegetables, dormant, not in substrate</b>			
<i>All genera</i> intended for planting, other than commercial flower production, and not intended for final users <sup>(1)</sup>	Any third country	205.04	5.25
<i>All genera</i> intended for planting, and intended for commercial flower production, or for final users <sup>(1)</sup>	Any third country	20.50	0.52
<b>Cuttings, seedlings, intended for planting, not specified or included elsewhere in this table</b>			
<i>All genera</i>	Any third country	32.15	1.57
<b>Woody plants<sup>(2)</sup> (other than any specified or included elsewhere in this table), intended for planting</b>			
<i>All genera</i>	Any third country	32.15	1.57
<b>Non-woody plants<sup>(3)</sup> (other than any specified or included elsewhere in this table), intended for planting, and intended for final users<sup>(1)</sup></b>			
<i>All genera</i>	Any third country	32.15	1.57
<b>Indoor plants<sup>(4)</sup></b>			
<i>All genera</i>	Any third country	32.15	1.57

(1) “Intended for final users” means intended, by evidence from the packaging, labelling or by other means, for direct supply to final users.

(2) “Woody plants” means plants which have a woody or partly woody stem, and includes all trees, forest reproductive material (other than seed), shrubs and palms, and those vines and perennial herbs with woody or partly woody stems; and for this purpose “perennial herbs” means herbs for which the average life exceeds two years.

(3) “Non-woody plants” means plants which are not woody plants.

(4) “Indoor plants” means plants which appear from their packaging, labelling or by other means to be intended for direct supply to final consumers for indoor use or use in aquaria.]

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<i>Column 1</i> <i>Category and description of plant, plant product or other object</i>	<i>Column 2</i> <i>Country of origin</i>	<i>Column 3</i> <i>Fee: Physical check (£)</i>	<i>Column 4</i> <i>Fee: Identity check (£)</i>
<b>Other plants intended for planting, not specified or included elsewhere in this table</b>			
<i>All genera</i>	Any third country	32.15	1.57
<b>Cut flowers</b>			
<i>Dendranthema</i> (DC.) Des Moul. ( <i>Chrysanthemum</i> L.)	Any EU Member State, Liechtenstein or Switzerland	1.28	0.15
	Columbia or Ecuador	21.37	2.62
	Any third country other than an EU Member State, Columbia, Ecuador, Liechtenstein or Switzerland	2.13	0.26
<i>Eryngium</i> Tournier ex Linnaeus.	Any EU Member State, Liechtenstein or Switzerland	1.28	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	4.27	0.52
<i>Lisianthus</i> L.	Any third country	4.27	0.52
<i>Rosa</i> L.	Any EU Member State, Colombia, Ecuador, Liechtenstein or Switzerland	1.28	0.15
	Canada, India, Mexico or the USA	21.37	2.62
	Any third country other than an EU Member State, Canada, Colombia,	2.13	0.26

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- (3) “Non-woody plants” means plants which are not woody plants.
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<i>Column 1</i> <i>Category and description of plant, plant product or other object</i>	<i>Column 2</i> <i>Country of origin</i>	<i>Column 3</i> <i>Fee: Physical check (£)</i>	<i>Column 4</i> <i>Fee: Identity check (£)</i>
	Ecuador, India, Liechtenstein, Mexico, Switzerland or the USA		
<i>Solidago L.</i>	Any EU Member State, Liechtenstein or Switzerland	1.28	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	4.27	0.52
<i>Other genera not specified or included elsewhere in this table</i>	Any EU Member State, Liechtenstein or Switzerland	1.28	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	2.13	0.26
<b>Branches with foliage, parts of Conifers (other than bark or cut Christmas trees)</b>			
<i>All genera</i>	Any EU Member State, Liechtenstein or Switzerland	1.01	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	1.69	0.26
<b>Fruit, vegetables, leaves</b>			
<i>Momordica L.</i>	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an	26.55	2.62

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<i>Column 1</i> <i>Category and description of plant, plant product or other object</i>	<i>Column 2</i> <i>Country of origin</i>	<i>Column 3</i> <i>Fee: Physical check (£)</i>	<i>Column 4</i> <i>Fee: Identity check (£)</i>
	EU Member State, Liechtenstein or Switzerland		
<i>Ocimum L.</i>	Any EU Member State, Liechtenstein or Switzerland	2.15	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	35.84	2.62
<i>Solanaceae Juss. (other than Solanum tuberosum L.)</i>	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	26.55	2.62
<i>Solanum melongena L.</i>	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Turkey	15.93	1.57
	Any third country other than an EU Member State, Liechtenstein, Switzerland or Turkey	2.65	0.26
<i>Other genera or species of fruit or vegetables not specified or included elsewhere in this table</i>	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State,	2.65	0.26

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- (2) “Woody plants” means plants which have a woody or partly woody stem, and includes all trees, forest reproductive material (other than seed), shrubs and palms, and those vines and perennial herbs with woody or partly woody stems; and for this purpose “perennial herbs” means herbs for which the average life exceeds two years.
- (3) “Non-woody plants” means plants which are not woody plants.
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<i>Column 1 Category and description of plant, plant product or other object</i>	<i>Column 2 Country of origin</i>	<i>Column 3 Fee: Physical check (£)</i>	<i>Column 4 Fee: Identity check (£)</i>
	Liechtenstein or Switzerland		
<i>Other leaves not specified or included elsewhere in this table</i>	Any EU Member State, Liechtenstein or Switzerland	2.15	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	3.58	0.26
<b>Seeds (for sowing), tissue cultures</b>			
<i>All genera, for trials or testing</i>	Any third country	12.81	0.52
<i>Brassicaceae (other than for trials or testing)</i>	Argentina, Australia, Bolivia, Brazil, Chile, New Zealand or Uruguay	128.13	5.25
	Any third country other than Argentina, Australia, Bolivia, Brazil, Chile, New Zealand or Uruguay	6.40	0.26
<i>Capsicum spp. L. (other than for trials or testing)</i>	Any third country	128.13	5.25
<i>Poaceae (other than for trials or testing)</i>	Argentina, Australia, Bolivia, Brazil, Chile, New Zealand or Uruguay	128.13	5.25
	Any third country other than Argentina, Australia, Bolivia, Brazil, Chile, New Zealand or Uruguay	6.40	0.26
<i>Secale L. (other than for trials or testing)</i>	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan,	128.13	5.25

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<i>Column 1</i> <i>Category and description of plant, plant product or other object</i>	<i>Column 2</i> <i>Country of origin</i>	<i>Column 3</i> <i>Fee: Physical check (£)</i>	<i>Column 4</i> <i>Fee: Identity check (£)</i>
	South Africa or the USA		
	Any third country other than Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	6.40	0.26
<i>Solanum lycopersicum</i> L. (other than for trials or testing)	Any third country	128.13	5.25
<i>Solanum tuberosum</i> L. (True seed) (other than for trials or testing)	Any third country	128.13	5.25
<i>Trifolium</i> spp. (other than for trials or testing)	Argentina, Australia, Bolivia, Brazil, Chile, New Zealand or Uruguay	128.13	5.25
	Any third country other than Argentina, Australia, Bolivia, Brazil, Chile, New Zealand or Uruguay	6.40	0.26
<i>Triticum</i> L. (other than for trials or testing)	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	128.13	5.25
	Any third country other than Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	6.40	0.26
X <i>Triticosecale</i> Wittm. ex A. Camus (other than for trials or testing)	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan,	128.13	5.25

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<i>Column 1</i> <i>Category and description of plant, plant product or other object</i>	<i>Column 2</i> <i>Country of origin</i>	<i>Column 3</i> <i>Fee: Physical check (£)</i>	<i>Column 4</i> <i>Fee: Identity check (£)</i>
	South Africa or the USA		
	Any third country other than Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	6.40	0.26
<i>Other genera or species not specified or included elsewhere in this table</i>	Any third country	6.40	0.26
<b>Grain (other than seeds for sowing)</b>			
<i>Secale L.</i>	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	142.98	5.25
<i>Triticum L.</i>	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	142.98	5.25
X <i>Triticosecale</i> Wittm. ex A. Camus	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	142.98	5.25
<b>Tubers of potatoes</b>			
<i>Solanum tuberosum L.</i> (seed potatoes)	Any third country	156.69	5.25
<i>Solanum tuberosum L.</i> (ware potatoes)	Egypt, Poland, Portugal or Romania	78.34	2.62
	Spain	156.69	5.25
	Any third country other than Egypt,	4.70	0.15

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<i>Column 1</i> <i>Category and description of plant, plant product or other object</i>	<i>Column 2</i> <i>Country of origin</i>	<i>Column 3</i> <i>Fee: Physical check (£)</i>	<i>Column 4</i> <i>Fee: Identity check (£)</i>
	Poland, Portugal, Romania or Spain		
<b>Cut Christmas trees (less than 3 metres in height)</b>			
<i>All genera</i>	Any EU Member State, Liechtenstein or Switzerland	3.58	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	5.98	0.26
<b>Machinery or vehicles which have been operated for agricultural or forestry purposes</b>	Any third country	5.98	0.26

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- (3) “Non-woody plants” means plants which are not woody plants.
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F<sup>46</sup>SCHEDULE 1A

Regulation 3(2A)(a)

Import inspection fees: consignments originating in an EU Member State, Liechtenstein or Switzerland

**Textual Amendments**

**F46** Sch. 1A omitted (22.7.2022) by virtue of [The Plant Health etc. \(Fees\) \(Amendment\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2022 \(S.I. 2022/804\)](#), regs. 1, 2(5)

**Status:** Point in time view as at 22/07/2022.

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<sup>F47</sup>SCHEDULE 2

Regulation 3(2A)(b)(i) to (v) and (3)

Import inspection fees: Reduced rates for consignments originating in countries other than an EU Member State, Liechtenstein or Switzerland

**Textual Amendments**

**F47** Sch. 2 omitted (22.7.2022) by virtue of [The Plant Health etc. \(Fees\) \(Amendment\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2022 \(S.I. 2022/804\)](#), regs. 1, **2(5)**

<sup>F48</sup>SCHEDULE 2A

Regulation 3(2E)

List of plants and plant products originating in an EU Member State, Liechtenstein or Switzerland subject to fees for physical checks and identity checks from the end of the transitional staging period

**Textual Amendments**

**F48** Sch. 2A substituted (22.7.2022) by [The Plant Health etc. \(Fees\) \(Amendment\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2022 \(S.I. 2022/804\)](#), regs. 1, 2(6), **Sch. 2**

1. Branches with foliage, parts of Conifers other than bark or cut Christmas trees.
2. Cut Christmas trees.
3. Cut flowers.
4. Fruit.
5. Grain, other than seeds for sowing.
6. Leaves.
7. Seeds other than—
  - (a) seeds of—
    - (i) *Allium cepa* L.,
    - (ii) *Allium porrum* L.,
    - (iii) *Castanea* Mill.,
    - (iv) *Capsicum* spp. L.,
    - (v) *Helianthus annuus* L.,
    - (vi) *Medicago sativa* L.,
    - (vii) *Phaseolus cocineus*.,
    - (viii) *Phaseolus vulgaris* L.,
    - (ix) *Solanum lycopersicum* L.,
    - (x) *Solanum tuberosum* L. (True potato seed).
  - (b) Vegetable seeds of *Pisum sativum* L. and *Vicia faba* L.
  - (c) Seeds of oil and fibre plants of—

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- (i) *Brassica napus* L.,
- (ii) *Brassica rapa* L.,
- (iii) *Sinapis alba* L.,
- (iv) *Glycine max* (L.) Merrill,
- (v) *Linum usitatissimum* L.

**8. Vegetables.]**

<sup>F49</sup>SCHEDULE 3

Regulation 4(2)

**Textual Amendments**

**F49** Sch. 3 omitted (14.11.2019) by virtue of [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(9)**

<sup>F50</sup>SCHEDULE 4

Regulation 5(1)

Plant health licence fees

**Textual Amendments**

**F50** Sch. 4 substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(10)**

In this Schedule—

“period 1” means the period ending on 31 March 2020;

“period 2” means the period beginning on 1 April 2020 and ending on 30 September 2020.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Type of application or inspection</i>	<i>Date of application</i>	<i>Fee (£)</i>
Application for a licence for scientific or trial purposes, other than— <ul style="list-style-type: none"> <li>— a licence in respect of the analysis of soil or other growing medium</li> <li>— a licence for scientific or trial purposes covering 5 or more items</li> </ul>		995.36

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Type of application or inspection</i>	<i>Date of application</i>	<i>Fee (£)</i>
Application for a licence for scientific or trial purposes covering 5 or more items		995.36, plus 52.45 per item in excess of 5 items
Application for a licence in respect of the analysis of soil or other growing medium, other than a licence in respect of the analysis of soil or other growing medium covering 5 or more items		745.41
Application for a licence in respect of the analysis of soil or other growing medium covering 5 or more items		745.41, plus 52.45 per item in excess of 5 items
Application for a variation of a licence with changes requiring scientific or technical assessment		380.25
Application for any other licence		42.50
Issue of an annual letter of authority		42.50
Monitoring compliance with licence terms and conditions	In the case of monitoring undertaken during period 1	69.75 for each 15 minutes (or part thereof), subject to a minimum fee of 139.50
	In the case of monitoring undertaken during period 2	81.25 for each 15 minutes (or part thereof), subject to a minimum fee of 162.50
	In the case of monitoring undertaken on or after 1 October 2020	92.67 for each 15 minutes (or part thereof), subject to a minimum fee of 185.34]

[<sup>F51</sup>SCHEDULE 4A

Regulation 5A

## Fees for export certification services and pre-export services

**Textual Amendments**

**F51** Sch. 4A inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(10)**

**Status:** Point in time view as at 22/07/2022.

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(1)	(2)	(3)
<i>Service</i>	<i>Fee - small exporter (£)</i>	<i>Fee – other exporter (£)</i>
Inspection of consignment	31.90 for each 15 minutes (or part thereof), subject to a minimum fee of 63.80	63.80 for each 15 minutes (or part thereof), subject to a minimum fee of 127.60
Audit of a grain inspection	13.20 for each 15 minutes (or part thereof), subject to a minimum fee of 26.40	26.40 for each 15 minutes (or part thereof), subject to a minimum fee of 52.80
Laboratory examination (including laboratory testing)	16.78 per sample tested	33.56 per sample tested
Issue of certificate	12.76 per certificate	25.52 per certificate
Amendment of a certificate at the request of the exporter	7.88 per certificate	15.76 per certificate]

[<sup>F52</sup>SCHEDULE 5

Regulation 8(1)

Seed potatoes: fees

**Textual Amendments**

**F52** Sch. 5 substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(11)**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Activity</i>	<i>Fee (£)</i>	<i>Minimum fee (£)</i>
<b>Soil sampling and testing for Potato Cyst Nematode</b>		
Soil sampling and testing for the purposes of paragraph 4, 7 or 9 of Schedule 1 to the Seed Potatoes (Wales) Regulations 2016	24.75 for each hectare (or part thereof) sampled and tested	
<b>Inspection of growing crop</b>		
Certification as pre-basic seed potatoes: Union grade PBTC	30.39 for each 15 minutes (or part thereof)	60.78
Certification as pre-basic seed potatoes: Union grade PB	12.16 per each 0.1 hectare (or part thereof) inspected	60.75
Certification as basic seed potatoes: Union grade S	10.57 per each 0.1 hectare (or part thereof) inspected	105.70
Certification as basic seed potatoes: Union grade SE	10.57 per each 0.1 hectare (or part thereof) inspected	105.70
Certification as basic seed potatoes: Union grade E	10.33 per each 0.1 hectare (or part thereof) inspected	103.30

**Status:** Point in time view as at 22/07/2022.

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Activity</i>	<i>Fee (£)</i>	<i>Minimum fee (£)</i>
Certification as certified seed potatoes: Union grade A or B	9.39 per each 0.1 hectare (or part thereof) inspected	93.90
<b>Inspection of harvested tubers</b>		
Inspection	40.55 for each 15 minutes (or part thereof)	81.10
<b>Provision of labels and seals in respect of application</b>		
Printed labels for bags holding 50 kgs of seed potatoes or less	0.05 per label	
Printed labels and seals for bags holding more than 50 kgs of seed potatoes	0.11 per label (including seal)	
Blank labels and seals	0.16 per label (including seal)]	

[<sup>F52</sup>SCHEDULE 6

Regulation 12

## Revocations

- The Plant Health (Fees) (Wales) Regulations 2014 <sup>M5</sup>.
- The Plant Health (Fees) (Wales) (Amendment) Regulations 2015 <sup>M6</sup>.]

**Marginal Citations**

**M5** [S.I. 2014/1792](#) (W. 185), amended by [S.I. 2015/777](#) (W. 61).

**M6** [S.I. 2015/777](#) (W. 61).

**Marginal Citations**

**M5** [S.I. 2014/1792](#) (W. 185), amended by [S.I. 2015/777](#) (W. 61).

**M6** [S.I. 2015/777](#) (W. 61).

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which apply to Wales, specify fees payable to the Welsh Ministers in relation to plant health services and the certification of seed potatoes, fruit plants and fruit plant

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propagating material. They revoke and replace the Plant Health Fees (Wales) Regulations 2014 (S.I. 2014/1792 (W. 185)).

The fees specified in regulations 3, 6 and 7 are payable in relation to imports of plants, plant products and other objects from third countries pursuant to the requirements of Article 13 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 fees specified in regulations 4 and 5 are payable in relation to other inspections and activities carried out pursuant to Council Directive [2000/29/EC](#).

The fees specified in regulation 8 are payable in relation to certain inspections and other activities carried out pursuant to Council Directive [2002/56/EC](#) on the marketing of seed potatoes (OJ No L 193, 20.7.2002, p. 60).

The fees specified in regulation 9 are payable in relation to certain inspections and other activities carried out pursuant to Council Directive [2008/90/EC](#) on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ No L 267, 8.10.2008, p. 8).

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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