

Explanatory Memorandum to The Plant Health (Import Inspection Fees) (Wales) (Amendment) Regulations 2012

This Explanatory Memorandum has been prepared by Sustainable Futures and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with:

Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Plant Health (Import Inspection Fees) (Wales) (Amendment) Regulations 2012.

John Griffiths

Minister for Environment and Sustainable Development

2 February 2012

1. Description

These Regulations amend the Plant Health (Import Inspection Fees) (Wales) Regulations 2010 and will vary some fees that are charged to cover the costs of documentary, identity and plant health checks of certain imports of plants, plant products.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

There are no matters of special interest to the Constitutional and Legislative Affairs Committee.

3. Legislative background

These Regulations amend the Plant Health (Import Inspection Fees) (Wales) Regulations 2010 (S.I. 2010/2917) (“the principal Regulations”).

The principal 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.

This statutory instrument follows a negative resolution timetable.

4. Purpose & intended effect of the legislation

Schedule 2 to the principal Regulations sets out reduced rate fees for certain plants and plant products subject to reduced frequency inspections agreed under the procedure provided for in Articles 13d(2) and 18(2) of the Directive. These Regulations substitute a new Schedule 2 to the principal Regulations to give effect to the latest agreement by the EU Standing Committee on Plant Health in respect of reduced rate fees. The inspection rate for Malus from China has increased from 25% to 50% with a matching increase in fees. Mangifera from Brazil and Citrus from Honduras are no longer eligible for reduced rate fees since these are subject to 100% inspection frequency and accordingly the fees in Schedule 1 to the principal Regulations are applied for these consignments. All other inspection rates and accordingly fees have decreased.

5. Consultation

No consultation on these Regulations has been conducted. These Regulations substitute a new Schedule 2 to the principal Regulations to give effect to the latest agreement by the EU Standing Committee on Plant Health in respect of reduced rate fees.

In addition no importation of plants, plant products and other objects from third countries takes place through Welsh ports, thus industry in Wales will not be

directly affected by these Regulations. Implementation of these changes is required to ensure that Wales is compliant with European Directives.

6. Regulatory Impact Assessment (RIA)

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 they implement annual changes in fees in line with a predetermined level rather than fundamental changes to the regulatory regime itself.

In addition no importation of plants, plant products and other objects from third countries takes place through Welsh ports, thus industry in Wales will not be directly affected by these Regulations