

## 1995 No. 372

## PESTICIDES

## FEES AND CHARGES

**Plant Protection Products (Fees) Regulations  
(Northern Ireland) 1995**

*Made* . . . . . 22nd September 1995

*Coming into operation* . . . . . 6th November 1995

The Department of Agriculture, in exercise of the powers conferred on it by section 56(1), (2) and (5) of the Finance Act 1973(a) and Article 3(1), (2) and (4) of the Repayment of Fees and Charges (Northern Ireland) Order 1991(b) and of every other power enabling it in that behalf and with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Plant Protection Products (Fees) Regulations (Northern Ireland) 1995 and shall come into operation on 6th November 1995.

*Interpretation*

2.—(1) In these Regulations—

“Annex I” means Annex I to the Directive;

“Annex I application” means either of the following—

- (a) an application under regulation 4(1) of the principal Regulations for the inclusion of an active substance in Annex I; or
- (b) an application under regulation 4(2) of the principal Regulations for a variation of the conditions subject to which an active substance is included in Annex I;

“biocontrol agent or pheromone application”—

- (a) in relation to an Annex I application, means an application relating to an active substance which is a biocontrol agent or a pheromone; and
- (b) in relation to an application for provisional approval, means an application relating to a plant protection product which includes active substances all of which are biocontrol agents or pheromones or an application the preliminary examination of which has revealed that no evaluation is required of the active

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(a) 1973 c. 51

(b) S.I. 1991/764 (N.I. 8)

substances included in it which are not biocontrol agents or pheromones;

“data” means scientific evidence submitted in support of an application for approval under regulation 5 of the principal Regulations or in compliance with a requirement or condition specified in a provisional approval;

“the Department” means the Department of Agriculture for Northern Ireland;

“evaluation”, in relation to an Annex I application, an application for approval under regulation 5, 7, 8, 9 or 11 of the principal Regulations or an application for extension of use under regulation 10 of those Regulations, means an examination of an application and the information (including data) accompanying it leading to the granting or refusal of that application or, in the event of withdrawal of an application after the evaluation starts, leading to a discontinuance of the processing of that application;

“preliminary examination”, in relation to an Annex I application, an application under regulation 5, 7, 8, 9 or 11 of the principal Regulations or an application for extension of use under regulation 10 of those Regulations, means an examination of the documents included in an application to determine whether the evaluation of that application can proceed;

“principal Regulations” means the Plant Protection Products Regulations (Northern Ireland) 1995(a);

“provisional approval” means an approval under regulation 7 of the principal Regulations;

“resubmitted application” means an application relating to an active substance or plant protection product made following the making of an unsuccessful application relating to the same substance or product;

“saving in costs”, in relation to a resubmitted application, means the saving in costs arising because, in evaluating the application, work done on the previous unsuccessful application does not have to be repeated and, where such saving is expressed as a percentage, the reference is to the saving as a percentage of the full costs of evaluating the application which would have been incurred had it been an original application; and

“active substance”, “approval”, “approved”, “the Directive”, “EEA State”, “plant protection product” and “substance” shall have the same respective meanings as in the principal Regulations.

(2) The Interpretation Act (Northern Ireland) 1954(b), shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

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(a) S.R. 1995 No. 371

(b) 1954 c. 33 (N.I.)

*Prescription of fees*

3.—(1) Subject to paragraph (2), the fees specified in column 2 of the Schedule are hereby prescribed in connection with the services or approvals specified opposite thereto in column 1 of the Schedule, being services provided or approvals granted by the Department in pursuance of the Community obligations of the United Kingdom (as regards Northern Ireland) under the Directive.

(2) The Department may, if it sees fit, provide a service or grant an approval specified in column 1 of the Schedule for the payment of a smaller fee than that prescribed in connection therewith by paragraph (1).

(3) The Schedule shall have effect subject to the Notes thereto.

*Payment of fees*

4.—(1) The relevant fee shall be paid at the same time as the application is made to the Department for any service or approval but the Department may process an application which is not accompanied by the relevant fee.

(2) Where under paragraph (1) the Department processes an application which is not accompanied by the relevant fee, that fee shall be payable forthwith upon service upon the applicant by the Department of a written demand for payment and shall be recoverable as a civil debt.

(3) Regulation 25 of the principal Regulations shall have effect in relation to the service of a written demand under paragraph (2) as if in that regulation any reference to any document required or authorised to be served under those Regulations included a reference to such a written demand.

(4) In this regulation “the relevant fee” in relation to any application for a service or approval means the fee prescribed or determined under regulation 3 in connection with that service or approval.

*Payment into the Consolidated Fund*

5. Fees paid to the Department under these Regulations shall be paid into the Consolidated Fund.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 21st September 1995.

(L.S.)

*L. G. McKibben*

Assistant Secretary

The Department of Finance and Personnel hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 22nd September 1995.

(L.S.)

*D. W. Thomson*

Assistant Secretary

## Prescribed Fees

Column 1 <i>Description of Service or Approval</i>	Column 2 <i>Fee</i>
1. Evaluation of an Annex I application or evaluation of an application for provisional approval—	
(a) where the application is a biocontrol agent or pheromone application .....	£13,400 (Note (c))
(b) where the application is not a biocontrol agent or pheromone application .....	£60,000 (Note (c))
2. Preliminary examination and evaluation of a resubmitted Annex I application or preliminary examination and evaluation of a resubmitted application for provisional approval—	
(1) where it appears to the Department that there is no saving in costs or that such saving is less than 50%—	
(a) where the application is a biocontrol agent or pheromone application .....	£17,800 (Note (c))
(b) where the application is not a biocontrol agent or pheromone application .....	£64,400 (Note (c))
(2) where it appears to the Department that the saving in costs is not less than 50% but is less than 75% but the work which has to be done in relation to the application is significant—	
(a) where the application is a biocontrol agent or pheromone application .....	£8,900 (Note (c))
(b) where the application is not a biocontrol agent or pheromone application .....	£32,200 (Note (c))
(3) where it appears to the Department that the saving in costs is not less than 75% but the work which has to be done in relation to the application is significant—	
(a) where the application is a biocontrol agent or pheromone application .....	£4,450 (Note (c))
(b) where the application is not a biocontrol agent or pheromone application .....	£16,100 (Note (c))
(4) where it appears to the Department that the saving in costs is so great that the work which has to be done in relation to the application is not significant ...	£2,300 (Note (c))
3. Preliminary examination and evaluation of an application under regulation 5 of the principal Regulations for approval of a plant protection product which is not already approved in another EEA State—	
(1) where the application is accompanied by data.....	£2,300 (Note (a))
(2) where the application is not accompanied by data—	

Column 1 <i>Description of Service or Approval</i>	Column 2 <i>Fee</i>
<p>(a) where scientific examination is involved—</p> <p>(i) where the application relates to the intended importation into Northern Ireland of a plant protection product for use by the importer only and the product differs from another product already approved under regulation 5 of the principal Regulations in form only and not in substance .....</p> <p>(ii) any other case .....</p> <p>(b) where no scientific examination is involved—</p> <p>(i) where the application relates to one product only .....</p> <p>(ii) for each further product included in the same application .....</p>	<p>£285 (Note (a))</p> <p>£620 (Note (a))</p> <p>£285 (Note (a))</p> <p>£10 (Note (b))</p>
<p>4. Preliminary examination of an Annex I application or of an application for provisional approval (not being in either case a resubmitted application) .....</p>	<p>£4,400 (Note (c))</p>
<p>5. Notification to an applicant following a preliminary examination that the application (an Annex I application or an application for any approval under the principal Regulations) was incomplete .....</p>	<p>£100</p>
<p>6. Evaluation of data submitted in compliance with a requirement or condition specified in a provisional approval, on each occasion data is submitted .....</p>	<p>£2,300 (Note (a))</p>
<p>7. Extending the period of a provisional approval under regulation 7(5) of the principal Regulations .....</p>	<p>£620</p>
<p>8. Preliminary examination and evaluation of an application for an emergency approval under regulation 8 of the principal Regulations .....</p>	<p>£2,300 (Note (a))</p>
<p>9. Preliminary examination and evaluation of an application for approval of a plant protection product for trial purposes under regulation 9 of the principal Regulations—</p> <p>(a) where the application is a first application .....</p> <p>(b) where the application is for the renewal of an approval previously granted where the period for which it was granted has expired .....</p>	<p>£1,600 (Note (a))</p> <p>£285 (Note (a))</p>
<p>10. Preliminary examination and evaluation of an application under regulation 10 of the principal Regulations for an extension of approved use of a plant protection product already approved under regulation 5 of the principal Regulations—</p>	

Column 1 <i>Description of Service or Approval</i>	Column 2 <i>Fee</i>
(a) where the application is a first application for the new use .....	£460 (Note (a))
(b) where the application is for the renewal of an extension where the period for which the extension was granted has expired .....	£145 (Note (a))
11. Preliminary examination and evaluation of an application under regulation 11 of the principal Regulations for approval of a plant protection product, where the application relates to a plant protection product already approved in another EEA State .....	£1,600 (Note (a))
12. Renewal under regulation 5(2) or (3) of the principal Regulations of an approval granted under that regulation—	
(a) where the application is accompanied by data .....	£2,300 (Note (a))
(b) where the application is not accompanied by data ...	£620 (Note (a))
13. Modification under regulation 13(7) of the principal Regulations of any approval granted under those Regulations or of an extension of use granted under regulation 10 of the principal Regulations—	
(a) where the application is for one product only .....	£285 (Note (a))
(b) for each further product included in the same application .....	£10 (Note (b))

**Notes**

- (a) If the application is withdrawn before evaluation starts the Department shall retain an amount equal to 10% of the fee or £100 whichever is the greater and shall refund the balance.
- (b) This reduced fee is payable only where the evidence supporting the application is the same for all products included in the application.
- (c) Where an application is made for provisional approval of a plant protection product not already approved in another member State which contains an active substance not included in Annex I and that application is accompanied by an Annex I application relating to that active substance no fee is payable in relation to the first mentioned application.

## EXPLANATORY NOTE

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

These Regulations prescribe fees to be paid to the Department of Agriculture, in connection with services provided and approvals granted by the Department in pursuance of the Community obligations of the United Kingdom (as regards Northern Ireland) under Council Directive 91/414/EEC (O.J. No. L230, 19.8.91, p. 1 to be read with corrigenda published in O.J. No. L170, 25.6.92, p. 40) concerning the placing of plant protection products on the market ("the Directive"), as amended by Commission Directive 93/71/EEC (O.J. No. L221, 31.8.93, p. 27), Commission Directive 94/37/EEC (O.J. No. L194, 29.7.94, p. 65), and Commission Directive 94/79/EC (O.J. No. L354, 31.12.94, p. 16), and Council Directive 94/43/EEC (O.J. No. L227, 1.9.94, p. 31), and supplement the Plant Protection Products Regulations (Northern Ireland) 1995 (S.R. 1995 No. 371) ("the principal Regulations"), which implement the Directive as respects Northern Ireland (regulation 3).

The principal services and approvals in connection with which fees are prescribed in these Regulations are—

- (a) the preliminary examination and evaluation of an application made through the Department to the Commission of the European Communities under regulation 4(1) of the principal Regulations for the listing of an active substance in Annex I to the Directive, such listing being necessary to secure standard approval of any plant protection product containing that active substance under regulation 5 of the principal Regulations (items 1, 2 and 4 of the Schedule);
- (b) the preliminary examination and evaluation of an application under regulation 7 of the principal Regulations for the issue by the Department of a provisional approval of a plant protection product containing an active substance not yet listed in Annex I to the Directive (items 1, 2 and 4 of the Schedule);
- (c) the preliminary examination and evaluation of an application under regulation 5 of the principal Regulations for the issue by the Department of a standard approval of a plant protection product containing an active substance listed in Annex I to the Directive, and of an application under regulation 5(2) or (3) of the principal Regulations for the issue by the Department of a renewal of such a standard approval (items 3 and 12 of the Schedule);
- (d) the preliminary examination and evaluation of an application under regulation 8 of the principal Regulations for the issue by the Department of an emergency approval of a plant protection product (item 8 of the Schedule);
- (e) the preliminary examination and evaluation of an application under regulation 9 of the principal Regulations for the issue by the Department of an approval of a plant protection product for trial purposes (item 9 of the Schedule);

- (f) the preliminary examination and evaluation of an application under regulation 10 of the principal Regulations for the extension by the Department of the use of a plant protection product already approved under regulation 5 of the principal Regulations (item 10 of the Schedule);
- (g) the preliminary examination and evaluation of an application under regulation 11 of the principal Regulations for the issue by the Department of an approval of a plant protection product already approved in another EEA State (item 11 of the Schedule); and
- (h) the preliminary examination and evaluation of an application under regulation 13(7) of the principal Regulations for the modification by the Department of any approval of a plant protection product granted under the principal Regulations or of an extension of use granted under regulation 10 of those Regulations (item 13 of the Schedule).

The fees are set out in the Schedule, which must be read with the Notes thereto (regulation 3(3)). Provision is made for the payment of a smaller fee, at the Department's discretion (regulation 3(2)). The time at which the prescribed fees must be paid is governed by regulation 4.

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.

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