

2020 No. 9

PLANT HEALTH, ENGLAND

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

| | | |
|-------------------------------|---------|--------------------------|
| <i>Made</i> | - - - - | <i>6th January 2020</i> |
| <i>Laid before Parliament</i> | | <i>7th January 2020</i> |
| <i>Coming into force</i> | - - | <i>1st February 2020</i> |

The Secretary of State makes 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(a).

Citation and commencement

1. These Regulations may be cited as the Plant Health etc. (Fees) (England) (Amendment) Regulations 2020, and come into force on 1st February 2020.

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

2.—(1) The Plant Health etc. (Fees) (England) Regulations 2018(b) 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 *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(c).”.

(3) For Schedule 2 substitute—

(a) 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.
(b) S.I. 2018/289; relevant amending instruments are S.I. 2019/180, 1257 and 1488.
(c) OJ No. L250, 30.9.2019, p.85.

“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 in Europe ⁽¹⁾ | 2.66 | |
| | 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 in Europe ⁽¹⁾ | 2.66 | |
| | 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 in Europe ⁽¹⁾ | 2.66 |
| | South Africa | 5.31 |
| <i>Ribes</i> | Any third country in Europe ⁽¹⁾ | 2.66 |
| | Any third country | 2.66 |
| <i>Rubus</i> | Any third country | 2.66 |
| <i>Vaccinium</i> | Argentina | 13.28 |
| | Chile | 5.31 |
| | Peru | 5.31 |
| | Any third country in Europe ⁽¹⁾ | 2.66 |
| | Any third country | 2.66 |
| Vegetables | | |
| <i>Solanum lycopersicon</i> | Canary Islands | 2.66 |
| | Morocco | 2.66 |
| | Turkey | 7.97 |
| <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.”.

6th January 2020

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

We consent

6th January 2020

Rebecca Harris
David Rutley
Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Health etc. (Fees) (England) Regulations 2018 (S.I. 2018/289) (the “2018 Regulations”) which specify fees payable to the Secretary of State 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).

An impact assessment has not been produced for this instrument as no impact, or no significant impact, on the private, voluntary or public sector is foreseen.

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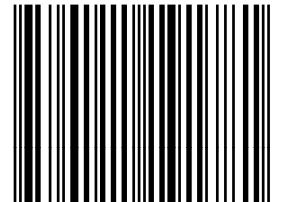
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