STATUTORY RULES OF NORTHERN IRELAND

2004 No. 372

PESTICIDES
FEES AND CHARGES

Plant Protection Products (Fees) Regulations (Northern Ireland) 2004

Made - - - -	*27th August 2004*
Coming into operation	*21st October 2004*

The Department of Agriculture and Rural Development, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Plant Protection Products (Fees) Regulations (Northern Ireland) 2004 and shall come into operation on 21st October 2004.

(2) In these Regulations –

"1991 Directive" means Council Directive 91/414/EEC concerning the placing of plant protection products on the market(**3**) amended as set out in the definition of "the Directive" in the 2004 Regulations;

"the 2004 Regulations" means the Plant Protection Products Regulations (Northern Ireland) 2004(**4**);

"data" means scientific evidence submitted in support of an application under the 2004 Regulations; and

"the Department" means the Department of Agriculture and Rural Development.

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(**1**) S.I. 2000/2812
(**2**) 1972 c. 68
(**3**) O.J. No. L230, 19.8.91 p. 1 (as read with corrigenda published in O.J. No. L170, 25.6.92, p. 40)
(**4**) S.R. 2004 No. 126
(**5**) 1954 c. 33 (N.I.)

Fees in connection with applications under the Plant Protection Products Regulations (Northern Ireland) 2004

2.—(1) An applicant under regulation 4 (active substances) or 10 (extensions) of, or for an approval under, the 2004 Regulations shall pay a fee to the Department in accordance with this regulation.

(2) The following persons shall also pay a fee in accordance with this regulation –

(a) a person making a request under regulation 13(7)(b) (modifications) of the 2004 Regulations,

(b) a person making a request to the Department for initial or the renewed official recognition of a testing facility under paragraph 2.2 or 2.3 of Annex III to the 1991 Directive, and

(c) a person covered by Note C in the Schedule,

and for the purposes of these Regulations such persons shall be treated as applicants and their requests as applications.

(3) The fee is the total of the amounts specified within the Table set out in the Schedule, as read with the notes, for each type of examination or related activity called for by the application, but if a lower sum (following consideration of actual work involved in examining any relevant application) is notified as the fee by the Department to the applicant then the fee is the lower sum.

(4) Payment shall be made in accordance with any invoice for the fee (or the balance) sent to the applicant by the Department, and the Department shall be under no obligation to process the application so long as there is a failure to make any such payment.

(5) On completion of all examinations and related activities involved in processing the application, any difference between what has been paid and the fee shall be paid or refunded.

(6) Any amount due under this regulation but unpaid is recoverable upon a demand in writing being sent to the person from whom it is due.

(7) In any proceedings relating to an application under these Regulations, a certificate of the Department as to the amount payable in connection with the application shall be evidence of the amount in question.

Transitional provisions

3.—(1) Subject to paragraph (2) these Regulations shall not apply in respect of any application made before the date on which these Regulations come into operation.

(2) The amount of any fee relating to any activity carried out on or after the date on which these Regulations come into operation in connection with any application made before the date on which they come into operation is based on the fee specified in these Regulations.

Revocation

4.—(1) The Plant Protection Products (Fees) Regulations (Northern Ireland) 1995(**6**) and the Plant Protection Products (Fees) (Amendment) Regulations 1997(**7**) are hereby revoked.

(2) The Regulations referred to in paragraph (1) shall continue to have effect in relation to any services provided or approvals granted by the Department (within the meaning of those Regulations) before the date on which these Regulations come into operation as if these Regulations had not been made.

(**6**) S.R. 1995 No. 372
(**7**) S.R. 1997 No. 246

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 27th August 2004.

D. Small
A senior officer of the
Department of Agriculture and Rural
Development

SCHEDULE Regulation 2

TABLE OF AMOUNTS PAYABLE FOR TYPES OF EXAMINATION UNDERTAKEN

Item		Type of examination	Amount
A		In cases not covered by item B or C –	
(1)		Administrative experimental application[(1)]	£30
(2)		Off-label application[(2)] including administration, co-ordination and technical consideration	£470
(3)		Preliminary examination of application type listed in item A(4) or (5) to determine whether application can proceed further	£125
(4)	(a)	Administrative application[(3)(4)] for new product or change to a single existing product	£120
	(b)	Additional products[(5)] included in an administrative application[(3)(4)]	£40
(5)		Co-ordination of application for new product or change to existing product:	
	(a)	Parallel import[(6)]	£710
	(b)	Mutual Recognition[(7)]	£1,060
	(c)	Experimental approval[(8)]	£1,060

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Item		Type of examination	Amount
	(d)	Other application[9] (involving no specialist data examination in any of items A(9)(c) to (i))	£1,060
	(e)	Other application[9] (involving specialist data examination in any of items A(9)(c) to (i))	£1,750
	(f)	Departmental application[10]	£7,185
(6)		Examination of a label in any application	£300
(7)		Parallel import verification[11]	£200
(8)		Examination of technical information other than data in any application in each of the following specialist areas:	
	(a)	Product/active chemistry[12]	£250
	(b)	Toxicology[13]	£250
	(c)	Operator exposure[14]	£250
	(d)	Residues/consumer exposure[15]	£250
	(e)	Fate and behaviour in the environment[16]	£250
	(f)	Ecotoxicology[17]	£250
	(g)	Crop safety, effectiveness or both[18]	£250

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