
WELSH STATUTORY INSTRUMENTS

2005 No. 3297 (W.255)

FOOD, WALES

The Fishery Products (Official Controls Charges) (Wales) Regulations 2005

Made - - - - 30 November 2005

Coming into force - - 1 January 2006

The National Assembly for Wales, being designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to food (including drink) including the primary production of food, in exercise of the powers conferred by that section, after open and transparent public consultation during the preparation of these Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽³⁾, as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council⁽⁴⁾, makes the following Regulations:

PART I

PRELIMINARY

Title, commencement and application

1. The title of these Regulations is the Fishery Products (Official Controls Charges) (Wales) Regulations 2005, they come into force on 1 January 2006, and apply in relation to Wales.

Interpretation

2. In these Regulations—

“chilled” (“*wedi'u hoeri*”) means cooled to a temperature approaching that of melting ice;

(1) S.I.2005/1971.

(2) 1972 c. 68.

(3) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

(4) OJ No. L245, 29.9.2003, p.4.

“competent authority” (“*awdurdod cymwys*”) means the authority designated under regulation 4 of the Food Hygiene (Wales) Regulations 2005⁽⁵⁾

“Directive 2004/41” (“*Cyfarwyddeb 2004/41*”), “Regulation 178/2002” (“*Rheoliad 178/2002*”), “Regulation 852/2004” (“*Rheoliad 852/2004*”), “Regulation 853/2004” (“*Rheoliad 853/3004*”), “Regulation 854/2004” (“*Rheoliad 854/2004*”), “Regulation 882/2004” (“*Rheoliad 882/2004*”), “Regulation A” (“*Rheoliad A*”), “Regulation B” (“*Rheoliad B*”), “Regulation C” (“*Rheoliad C*”), “Regulation D” (“*Rheoliad D*”) and “Regulation E” (“*Rheoliad E*”) have the meanings respectively given to them in the Schedule;

“EEA State” (“*Gwladwriaeth AEE*”) means a member State, Norway, Iceland or Liechtenstein;

“employers' National Insurance contributions” (“*cyfraniadau cyflogwyr at Yswiriant Gwladol*”) means those social security contributions for which employers are liable under Part I of the Social Security Contributions and Benefits Act 1992⁽⁶⁾;

“establishment” (“*sefydliad*”) has the meaning given to it in paragraph 1(c) of Article 2 of Regulation (EC) No. 852/2004;

“factory vessel” (“*llestr ffatri*”) and “fishery products” (“*cynhyrchion pysgodfeydd*”) have the meanings respectively given to them in points 3.2 and 3.1 of Annex I to Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽⁷⁾;

“food authority” (“*awdurdod bwyd*”) has the meaning given in sub-section 1A of section 5 of the Food Safety Act 1990⁽⁸⁾;

“imported” (“*a fewnforir*”) means brought into Wales other than from another part of the British Islands;

“official controls” (“*rheolaethau swyddogol*”) is to be construed in accordance with the definition of the term “official control” in paragraph 1(a) of Article 2 of Regulation 854/2004;

“placing on the market” (“*rhoi ar y farchnad*”) has the meaning given to it in paragraph 8 of Article 3 of Regulation (EC) No. 178/2002;

“port health authority” (“*awdurdod iechyd porthladd*”) means in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984⁽⁹⁾, a port health authority for that district constituted by order under section 2(4) of that Act;

“processing” (“*prosesu*”) has the meaning given to it in paragraph 1(m) of Article 2 of Regulation (EC) No. 852/2004;

“processing establishment” (“*sefydliad prosesu*”) means an establishment at which processing occurs;

“relevant fishery products” (“*cynhyrchion pysgodfeydd perthnasol*”) means imported fishery products which—

- (a) originate in a third country;
- (b) were caught in their natural environment;
- (c) have not or had not been on land prior to their proposed importation, or had not been on land prior to their importation, into an EEA State or Greenland;
- (d) are or will be landed in Wales; and

(5) S.I. 2005/3292 (W.252)

(6) 1992 c. 4.

(7) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22).

(8) 1990 c. 16; section 5 was amended by paragraphs 8 and 9 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28).

(9) 1984 c. 22.

(e) are intended for placing on the market for human consumption;
“relevant food authority” (“*awdurdod bwyd perthnasol*”) means the food authority in whose area circumstances giving rise to an obligation under these Regulations to pay a charge to that authority arise;

“relevant landed fishery products” (“*cynhyrchion pysgodfeydd sy’n cael eu glanio ac sy’n berthnasol*”) means fishery products which—

- (a) were caught in their natural environment;
- (b) have not or had not been on land prior to being landed;
- (c) are or will be landed in Wales; and
- (d) are intended for placing on the market for human consumption, other than relevant fishery products being sold for the first time in Wales and third country imports;

“specified pelagic fish” (“*pysgod eigional penodedig*”) means—

- (a) herring of the species *Clupea harengus*;
- (b) sardines of the species *Sardinia pilchardus*;
- (c) mackerel of the species *Scomber scombrus* or *Scomber japonicus*;
- (d) horse mackerel;
- (e) anchovies; and
- (f) picarels of the species *Maena smaris*;

“third country” (“*trydedd wlad*”), except in the expression “third country import” (“*mewnforyn trydedd wlad*”), means any country or territory, other than Greenland, which does not comprise the whole or part of an EEA State;

“third country import” (“*mewnforyn trydedd wlad*”) means an import in respect of which a charge is payable under regulation 52(1) of the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2004(10);

“vendor” (“*gwerthwr*”) means—

- (a) where an agent sells fishery products on behalf of the owner or master of a vessel, that agent; and
- (b) in any other case, the owner or master of the vessel.

(2) Any reference in these Regulations to a food authority includes a reference to a port health authority and in the context of such a reference any reference to a food authority’s area includes a reference to a port health authority’s district.

Actual costs

3.—(1) For the purposes of these Regulations, the actual costs of exercising official controls are the aggregate of costs of the types specified in paragraph (2) directly incurred in the exercise of the official controls required under Annex III to Regulation 854/2004.

(2) The types of costs are—

- (a) the salaries and fees, together with overtime payments and employers’ National Insurance contributions and pension contributions, of all staff directly involved in the exercise of the controls and of all staff engaged in the management or administration of the controls;
- (b) the costs of in-service training for staff directly involved in the exercise of the controls;

- (c) travelling costs and related incidental expenses incurred in exercising the controls, except those incurred by a person attending his or her normal place of work;
- (d) the costs of office accommodation, equipment and services for staff involved in exercising the controls, including depreciation of any office furniture and equipment and the cost of information technology, stationery and forms;
- (e) the costs of protective clothing and equipment used in exercising the controls;
- (f) the costs of laundering protective clothing used in exercising the controls;
- (g) sampling and analysis costs incurred in exercising the controls; and
- (h) the routine administrative costs of accounting and collecting charges and of providing pay-roll and personnel services in connection with the employment of staff exercising the controls.

Sterling equivalents of Euro

4.—(1) Any reference in these Regulations to a specified number of Euros is deemed to be a reference to the sterling equivalent of that number calculated in accordance with paragraph (2).

(2) The sterling equivalent of a specified number of Euros is calculated by multiplying that number by the Euro/sterling conversion rate specified in paragraph (3).

(3) The Euro/sterling conversion rate will be—

- (a) for 2006, 1 Euro = £0.68335; and
- (b) in each subsequent year, the rate published in the C Series of the Official Journal of the European Communities on the first working day of the September of the preceding year or, if no rate is published in it on that day, the first rate published in it thereafter.

Account period

5.—(1) For the purposes of these Regulations, the account period is one month or such longer period not exceeding twelve months as is determined by the relevant food authority.

(2) The account period must be determined with a view to reducing to a reasonable amount, in comparison with the charges which are expected to fall due, the costs of—

- (a) making returns; and
- (b) collecting charges.

Recovery of charges

6. Where any duty to pay a charge is imposed under these Regulations on either of two persons, the authority to which the charge is payable may recover it—

- (a) jointly from both of them; or
- (b) separately from either of them.

Calculation, payment and repayment of charges

7.—(1) Where any relevant food authority becomes aware that a charge is due to it under these Regulations it must—

- (a) calculate the amount of the charge having regard to the information in its possession; and
- (b) give notice of the amount so calculated to any person from whom it may be collected.

(2) If the relevant food authority or competent authority is satisfied that a calculation made under paragraph (1) is incorrect, it must recalculate the charge and—

- (a) where the correct amount is more than the amount calculated under paragraph (1), recover the higher amount in accordance with that paragraph;
- (b) where the correct amount is less than the amount calculated under that paragraph and that amount has not been recovered, it may only recover the lesser amount in accordance with that paragraph; and
- (c) where no charge is payable or the charge payable is less than the amount calculated under that paragraph, and that amount has been recovered, it must repay the difference.

Appeals

8.—(1) A person may appeal against any decision of an authority imposing a charge under these Regulations.

(2) The appeal will be heard by a magistrates' court and section 37(3), (5) and (6) of the Food Safety Act 1990 applies in relation to such an appeal as it applies in relation to an appeal under section 37(1)(c) of that Act.

(3) On any such appeal, the court may—

- (a) confirm the decision of the authority concerned;
- (b) determine any charge which is payable under these Regulations and, in particular, may reduce the amount of any charge by 55% where the authority is required to make that reduction under regulation 11, 14, 18 or 22 but has not done so; or
- (c) determine that no charge is payable.

(4) Pending the outcome of the appeal the original amount of the charge will remain payable, but if after the court's decision the amount of the charge needs to be recalculated, the new amount of the charge will have effect from the date on which the original charge was made and the sum equal to that new amount will be payable to the authority concerned.

(5) If the court determines that the amount of any charge imposed under these Regulations is less than the amount which any person has paid to an authority in respect of it, the overpayment must be reimbursed by that authority.

Charges payable to more than one food authority

9. In any case where the exercise of official controls is deferred and the food authority responsible for the exercise of official controls on vessels and on conditions of landing ("authority A"), or the food authority responsible for the exercise of the official controls required under Chapter II of Annex III to Regulation 854/2004 ("authority B"), is not the relevant food authority to which a charge is required to be paid under these Regulations ("authority C"), authority C must remit—

- (a) to authority A, a sum equal to any amount received by authority C which is referable to official controls exercised by authority A; and
- (b) to authority B, a sum equal to any amount received by authority C which is referable to official controls exercised by authority B.

PART II

OFFICIAL CONTROLS CHARGES OTHER THAN CHARGES FOR DIRECT LANDINGS OF FISHERY PRODUCTS FROM THIRD COUNTRY VESSELS AND THIRD COUNTRY IMPORTS

General landings charge

10.—(1) The first sale in Wales of relevant landed fishery products is a chargeable transaction for the purposes of this Part.

(2) Where there is a chargeable transaction, the vendor must include in the price which is charged to the purchaser an amount equal to the charge referred to in this Part as “the general landings charge”.

(3) Subject to paragraph (4) and regulation 11, the amount of the general landings charge is a contribution in respect of the expenditure incurred in exercising the official controls required under Chapter II of Annex III to Regulation 854/2004 of 1 Euro per tonne for the first 50 tonnes of relevant landed fishery products and 0.5 Euro per tonne for each additional tonne of such products.

(4) Where the actual costs attributable to the exercise of official controls in relation to an unloaded consignment of specified pelagic fish do not exceed 50 Euros, the general landings charge in respect of that consignment must not exceed that amount.

(5) The vendor must pay the general landings charge to the relevant food authority.

Reduction of the general landings charge

11. The relevant food authority to which a charge is payable under regulation 10(5) must reduce that charge by 55% where any of the official controls required under Chapter II of Annex III to Regulation 854/2004 are facilitated on the basis that—

- (a) the fish are graded for freshness and/or size in accordance with relevant national or Community rules; or
- (b) the first sale transactions are grouped together.

Collection and remittance of charges relating to general landings

12.—(1) Within 7 days of the end of each account period in which a vendor enters into a chargeable transaction, the vendor must make a written return in respect of that transaction to the relevant food authority to which the general landings charge is payable.

(2) The return must give information which relates to the chargeable transaction entered into during that account period or, if there has been more than one such transaction, information in respect of the aggregate of the transactions.

(3) A return made under this regulation must include the following information—

- (a) the account period to which the return relates;
- (b) the places of landing and first sale of the fishery products to which it relates; and
- (c) for landings of fishery products other than specified pelagic fish—
 - (i) the name of each vessel and the number of consignments landed from it,
 - (ii) the aggregate weight of consignments landed by each vessel which do not exceed 50 tonnes and the first 50 tonnes of consignments the weight of which exceeds that amount, and
 - (iii) the aggregate weight of consignments less the weight calculated under paragraph (ii);
- (d) for landings of specified pelagic fish—

- (i) the name of each vessel and the number of consignments landed from it, and
 - (ii) the aggregate weight of consignments landed by each vessel which do not exceed 50 tonnes and the first 50 tonnes of consignments the weight of which exceeds that amount;
- (e) the amount of any reduction under regulation 11 which has been taken into account in respect of—
- (i) consignments of fish consisting only of fish other than specified pelagic fish, and
 - (ii) consignments of specified pelagic fish only,
- specifying under which of paragraph (a) or (b) of that regulation that reduction has been made; and
- (f) the amount of the general landings charge.
- (4) During the period of 1 year beginning on the day on which a vendor makes a return under this regulation—
- (a) the relevant food authority to which it was made may require the vendor to provide separate information of the kind required by paragraph (3) in respect of each transaction included in it; and
 - (b) the vendor must retain records which are sufficient to enable the supply of such information.

Charge for fishery products landed from factory vessels

13.—(1) Subject to paragraph (2), by way of contribution in respect of the expenditure incurred by the relevant food authority in exercising the official controls required under Annex III to Regulation 854/2004, the owner or master of a factory vessel must pay to that authority 1 Euro per tonne of fishery products which is landed.

(2) The charge payable under paragraph (1) is be payable in addition to the charge payable under regulation 10 but does not apply in relation to third country imports or relevant fishery products which are sold for the first time in Wales.

Reduction of the charge in respect of products landed from factory vessels

14. The relevant food authority to which a charge is payable under regulation 13 must reduce that charge by 55% where—

- (a) first sale and preparation or processing is carried out on the same factory vessel; or
- (b) operating conditions on a factory vessel, and guarantees as to the ship's own checks, are such that inspection staff requirements can be reduced.

Collection and remittance of the factory vessel charge

15.—(1) Within 7 days of the end of each account period in which fishery products in respect of which a charge is payable under regulation 13 have been landed from a factory vessel, the owner or master of the vessel who is responsible for paying that charge must make a written return in respect of it to the relevant food authority to which it is payable.

(2) The return must give information which relates to the landing of fishery products from a factory vessel during that account period or, if there has been more than one such landing, information in respect of the aggregate of them.

(3) A return made under this regulation must include the following information—

- (a) the account period to which the return relates;

- (b) the name of each factory vessel from which fishery products are landed and each place of landing;
 - (c) the number of landings during that account period;
 - (d) the weight of the fishery products landed;
 - (e) the amount of any reduction under regulation 14 which has been made, specifying under which of paragraph (a) or (b) of that regulation that reduction has been made; and
 - (f) the amount of the charge payable under regulation 13(1).
- (4) During the period of 1 year beginning on the day on which a master or owner makes a return under this regulation—
- (a) the relevant food authority to whom the return was made may require the master or owner to provide separate information of the kind required by paragraph (3) in respect of each landing included in it; and
 - (b) the master or owner must retain records which are sufficient to enable the supply of such information.

Charge in respect of factory vessels abroad

16. In respect of the expenditure incurred by the competent authority in exercising the official controls required under paragraph 2(c) and (3)(a) (insofar as it relates to factory vessels) or 3(b) of Chapter I of Annex III to Regulation 854/2004, the owner or master of a factory vessel must pay to that authority the actual costs of the official controls.

Charge in respect of preparation or processing establishments

17. By way of contribution in respect of the expenditure incurred by the relevant food authority in exercising the official controls required under Annex III to Regulation 854/2004 in respect of a preparation or processing establishment, the proprietor or operator of the establishment must pay to that authority 1 Euro per tonne of fishery products entering that establishment.

Reduction of the charge in respect of preparation or processing establishments

18. The relevant food authority to which a charge is payable under regulation 17 must reduce that charge by 55% where preparation or processing is carried out—

- (a) on the same site as the first sale; or
- (b) in an establishment in which operating conditions and guarantees as to the establishment's own checks are such that inspection staff requirements can be reduced.

Collection and remittance of charges relating to preparation or processing establishments

19.—(1) Within 7 days of the end of each account period in which fishery products have entered a preparation or processing establishment, the proprietor or operator who is responsible for paying the charge under regulation 17 relating to that establishment must make a written return in respect of that charge to the relevant food authority to which it is payable.

(2) The return must give information which relates to the fishery products which have entered that establishment during that account period.

(3) A return made under this regulation must include the following information—

- (a) the account period to which the return relates;
- (b) the weight of the fishery products entering the establishment;

- (c) the amount of any reduction under regulation 18 which has been made, specifying under which of paragraph (a) or (b) of that regulation that reduction has been made; and
 - (d) the amount of the charge payable under regulation 17.
- (4) During the period of one year beginning on the day on which a proprietor or operator makes a return under this regulation—
- (a) the relevant food authority to whom the return was made may require the proprietor or operator to provide separate information of the kind required by paragraph (3) in respect of each batch of fishery products included in it; and
 - (b) the proprietor or operator must retain records which are sufficient to enable the supply of any such information.

Charges in respect of other establishments

20. In respect of the expenditure incurred by the relevant food authority in carrying out a programmed inspection for the purposes of the official controls required under Annex III to Regulation 854/2004, the proprietor of an establishment in which fishery products are only chilled, frozen, packaged or stored must pay to that authority the actual costs of that programmed inspection.

PART III

OFFICIAL CONTROLS CHARGES FOR DIRECT LANDINGS FROM THIRD COUNTRY VESSELS

Charge in respect of official checks on third country direct landings

21.—(1) When any relevant fishery products are sold for the first time in Wales (referred to in this Part as a “chargeable transaction”), the vendor must include in the price which the purchaser is required to pay for them an amount equal to the charge referred to in this Part as the “third country direct landings charge”.

- (2) Subject to regulation 22, the amount of the third country direct landings charge is—
 - (a) in respect of the expenditure incurred in exercising the official controls required under Chapter II of Annex III to Regulation 854/2004, 1 Euro per tonne of relevant fishery products for the first 50 tonnes and 0.5 Euro per tonne for each additional tonne of such products, except that where the actual costs attributable to the exercise of the official controls in relation to an unloaded consignment of specified pelagic fish do not exceed 50 Euros, the third country direct landings charge in respect of that consignment will not exceed that amount; and
 - (b) in respect of the expenditure incurred in exercising official controls on vessels and on conditions of landing, 1 Euro per tonne.
- (3) The vendor must pay the third country direct landings charge to the relevant food authority.

Reduction of the third country direct landings charge

22. The relevant food authority to which a charge is payable under regulation 21(3) must reduce by 55% the part of the third country direct landings charge which is calculated in accordance with regulation 21(2)(a) where any of the official controls required under Chapter II of Annex III to Regulation 854/2004 are facilitated on the basis that—

- (a) the fish are graded for freshness and/or size in accordance with relevant national or Community rules; or

- (b) the first sale transactions are grouped together.

Collection and remittance arrangements

23.—(1) A vendor who has entered into a chargeable transaction must within 7 days of the end of the account period during which the chargeable transaction took place make a return in respect of it to the relevant food authority to which the third country direct landings charge is payable or, if there has been more than one such transaction, information in respect of the aggregate of the transactions.

(2) The vendor must include in that return the following information—

- (a) the account period to which the return relates;
- (b) the places of landing and first sale of the fishery products to which it relates;
- (c) for landings of fishery products other than specified pelagic fish—
 - (i) the name of each vessel and the number of consignments landed from it,
 - (ii) the aggregate weight of consignments landed by each vessel which do not exceed 50 tonnes and the first 50 tonnes of consignments the weight of which exceeds that amount, and
 - (iii) the aggregate weight of consignments less the weight calculated under paragraph (ii);
- (d) for landings of specified pelagic fish—
 - (i) the name of each vessel and the number of consignments landed from it, and
 - (ii) the aggregate weight of consignments landed by each vessel which do not exceed 50 tonnes and the first 50 tonnes of consignments the weight of which exceeds that amount;
- (e) the amount of any reduction under regulation 22 which has been made in respect of—
 - (i) consignments of fish consisting only of fish other than specified pelagic fish, and
 - (ii) consignments of specified pelagic fish only,
 specifying under which of paragraph (a) or (b) of that regulation that reduction has been made; and
- (f) the amount of the third country direct landings charge.

(3) The vendor must, in addition to the information required under paragraph (2), include in the return information on—

- (a) the total weight of all fishery products landed, including specified pelagic fish; and
- (b) the amount of the charge in respect of those products.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(11).

30 November 2005

D. Elis-Thomas
The Presiding Officer of the National Assembly

THE SCHEDULE

Regulation 2(1)

DEFINITIONS OF COMMUNITY LEGISLATION

“Directive 2004/41” means Directive [2004/41/EC](#) of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#)(**12**);

“Regulation 178/2002” means Regulation [\(EC\) No. 178/2002](#) of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety as last amended by Regulation [\(EC\) No. 1642/2003](#) of the European Parliament and of the Council amending Regulation [\(EC\) No. 178/2002](#) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;

“Regulation 852/2004” means Regulation [\(EC\) No. 852/2004](#) of the European Parliament and of the Council on the hygiene of foodstuffs(**13**) as read with Regulation A and Regulation B;

“Regulation 853/2004” means Regulation [\(EC\) No. 853/2004](#) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**14**) as amended by Regulation C and Regulation E and as read with Directive 2004/41, Regulation A, Regulation C and Regulation E;

“Regulation 854/2004” means Regulation [\(EC\) No. 854/2004](#) of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(**15**) as amended by Regulation 882/2004, Regulation C and Regulation E and as read with Directive 2004/41, Regulation C, Regulation D and Regulation E;

“Regulation 882/2004” means Regulation [\(EC\) No. 882/2004](#) of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(**16**) as read with Regulation C and Regulation E;

“Regulation A” means the Commission Regulation of 20 July 2005 implementing Regulation [\(EC\) No. 853/2004](#) of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs;

“Regulation B” means the Commission Regulation of 23 September 2005 on microbiological criteria for foodstuffs;

“Regulation C” means the Commission Regulation of 23 September 2005 laying down implementing measures for certain products under Regulation [\(EC\) No. 853/2004](#), for the organisation of official controls under Regulations [\(EC\) Nos. 854/2004](#) and [882/2004](#), derogating from Regulation [\(EC\) No. 852/2004](#) and amending Regulations [\(EC\) Nos. 853/2004](#) and [854/2004](#);

(12) OJ No. L157, 30.4.2004, p.33. The revised text of Directive [2004/41/EC](#) is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12).

(13) OJ No. L139, 30.4.2004, p.1. The revised text of Regulation [\(EC\) No. 852/2004](#) is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.3).

(14) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation [\(EC\) No. 853/2004](#) is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22).

(15) OJ No. L155, 30.4.2004, p.206. The revised text of Regulation [\(EC\) No. 854/2004](#) is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83).

(16) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation [\(EC\) No. 882/2004](#) is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Regulation D” means the Commission Regulation of 23 September 2005 laying down specific rules on official controls for *Trichinella* in meat; and

“Regulation E” means the Commission Regulation of 5 October laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) Nos. 854/2004 and 882/2004 of the European Parliament and of the Council and amending Regulations (EC) Nos. 853/2004 and 854/2004.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations implement in relation to Wales the provisions relating to charges for carrying out official controls under Regulation (EC) 853/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

2. These Regulations—

- (a) set out the types of costs which may be incurred in exercising official controls required under Annex III to Regulation 854/2004 (regulation 3);
- (b) provide the rates to calculate the sterling equivalent of any sums which are specified in Euros in the Regulations (regulation 4);
- (c) set out the account period for the purposes of the Regulations (regulation 5);
- (d) provide that where charges are imposed on more than one person they may be enforced jointly or separately against such persons (regulation 6);
- (e) provide for the calculation of charges by food authorities and the subsequent payment and charges in the event of underpayment and recovery of charges in the event of overpayments (regulation 7);
- (f) provide for appeals against the decision of authorities imposing charges under the Regulations (regulation 8);
- (g) provide for the payment of charges by one food authority to another (regulation 9);
- (h) set out charges payable in respect of general landings of relevant landed fishery products (products which have not or had not been on land prior to landing in Wales) and provide for reductions of such charges in certain circumstances (regulations 10 and 11);
- (i) provide for the manner in which charges relating to general landings of relevant landed fishery products are to be collected and the returns which the vendor must supply to the food authority in relation to transactions to which such charges relate (regulation 12);
- (j) set out the charges payable in respect of fishery products landed from factory vessels and provide for reduction of such charges in certain circumstances (regulations 13 and 14);
- (k) provide for the manner in which charges relating to fishery products landed from factory vessels are to be collected and the returns which the vendor must supply to the food authority in relation to transactions to which such charges relate (regulation 15);
- (l) provide that the master of a factory vessel must pay the actual costs incurred by a competent authority in exercising certain official controls (regulation 16);

- (m) set out the charges payable in respect of expenditure incurred by a relevant food authority in exercising official controls in respect of a preparation or processing establishment and provide for the reduction of such charges in certain circumstances (regulations 17 and 18);
- (n) provide for the manner in which charges relating to carrying out official controls under regulation 17 are to be collected and the returns which the vendor must supply to the relevant food authority in relation to transactions to which such charges relate (regulation 19);
- (o) set out the charges payable in respect of expenditure incurred by a relevant food authority in carrying out a programmed inspection for the purposes of official controls in respect of establishments in which fishery products are only chilled, frozen, packaged or stored (regulation 20);
- (p) set out charges payable in respect of direct landings from third country vessels of relevant fishery products (products originating from third countries which have or had not been on land prior to their importation into the European Community) and provide for reductions of such charges in certain circumstances (regulations 21 and 22); and
- (q) provide for the manner in which charges relating to direct landings of relevant fishery products are to be collected and the returns which the vendor must supply to the relevant food authority in relation to transactions to which such charges relate (regulation 23).

3. A full Regulatory Appraisal on the effect that these Regulations will have on the costs of business has been prepared and placed in the library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff CF10 1EW.