

SCHEDULE 2

Regulation 2(1)

CALCULATION OF THE OFFICIAL CONTROLS CHARGE

The official controls charge

1. Subject to paragraphs (2) and (3), the official controls charge payable by the operator of any premises for any accounting period is the lower of—

- (a) the sum of—
 - (i) the standard charge incurred in relation to those premises for that period, and
 - (ii) any additional charge incurred in relation to those premises for that period by virtue of paragraph 8; and
- (b) the time costs generated by those premises for that period.

2.—(1) This paragraph applies where the official controls charge calculated under paragraph 1 for any accounting period (amount A), when added to the official controls charge payable in respect of all earlier accounting periods falling within the same financial period (amount B), produces a total (amount C) which is greater than the amount of the official controls charge which would be payable under paragraph 1 if those accounting periods were one accounting period (amount D).

(2) Where this paragraph applies, the official controls charge payable by an operator for an accounting period is the amount by which amount D exceeds amount B.

(3) In this paragraph “financial period” means a period commencing on the Monday immediately following the last Sunday in March in any year and ending on the last Sunday in March in the following year.

3. The official controls charge payable by the operator of a slaughterhouse, game-handling establishment or cutting plant for any accounting period will not be lower than 45% of the standard charge incurred in relation to those premises for that period.

<i>Species</i>	<i>Type</i>	<i>Rate per type of animal in Euros</i>
Bovines	bovine animals aged 6 weeks or more at slaughter	4.5
	bovine animals aged less than 6 weeks old at slaughter	2.5
Equidae and other solipeds		4.4
Pigs including wild boar	carcase weight less than 25 kg	0.5
	carcase weight greater than or equal to 25 kg	1.3
Sheep, goats and other ruminants not listed elsewhere in this Table	carcase weight less than 12 kg	0.175
	carcase weight between 12 and 18 kg inclusive	0.35
	carcase weight greater than 18 kg	0.5

Status: This is the original version (as it was originally made).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

<i>Species</i>	<i>Type</i>	<i>Rate per type of animal in Euros</i>
Poultry, rabbits, small game birds and ground game	all broilers; all cast hens; other poultry, rabbits, small game birds and ground game weighing less than 2 kg	0.01
	poultry (not being broilers or cast hens), rabbits, small game birds and ground game weighing at least 2 kg (except those which are adult and weigh at least 5 kg)	0.02
	poultry (not being broilers or cast hens), rabbits, small game birds and ground game (all being adult) and weighing at least 5 kg	0.04
Ostriches and other ratites		1.3
Land mammals and birds of a type not mentioned above		1.3

The standard charge

4. The standard charge for any accounting period (expressed in Euros) payable by the operator of a slaughterhouse, is calculated by multiplying the rate given in the following Table applicable to animals of a particular type by the number of animals of that type slaughtered or as the case may be dressed there in the period.

5. The standard charge for an accounting period (expressed in Euros) payable by the operator of a game-handling establishment in respect of wild game dressed there during that period will be calculated by multiplying the rate given in the following Table applicable to animals of a particular type by the number of animals of that type dressed there in the period.

6. The standard charge for any accounting period (expressed in Euros) payable by the operator of a cutting plant or game-handling establishment will be calculated by multiplying by 3 the number of tonnes of meat brought into the plant or establishment concerned during that period to be cut up or boned there.

7. The standard charge (expressed in Euros) will be converted into sterling by multiplying it by the Euro / sterling conversion rate applicable in the year the inspection was carried out.

8.—(1) Where in respect of an accounting period the Agency incurs increased costs because of inefficiency in the operation of premises, it may, in accordance with this paragraph, add an additional charge to the standard charge incurred in relation to the premises for that period.

(2) The additional charge will be a sum equal to the time costs generated by the inefficiency for the accounting period concerned.

(3) The Agency may not make an additional charge in accordance with this paragraph unless it has notified the operator of its intention to do so.

(4) The notification referred to in sub-paragraph (3) must be given as soon as is practicable after the Agency has concluded that it wishes to make an additional charge in accordance with this paragraph.

(5) For the purposes of this paragraph “inefficiency” means inefficiency on the part of the operator and includes in particular—

- (a) delay in the start of slaughtering attributable to the operator;
- (b) mechanical breakdown caused by lack of maintenance;
- (c) enforcement action taken by the Agency or an inspector;
- (d) under-employment of inspectors caused by the operator’s failure to adhere to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6);
- (e) insufficient provision of slaughter staff caused by the operator’s failure to adhere to the working hours or working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6);
- (f) delays caused by risks to the health or safety of inspectors attributable to the operator; and
- (g) any change to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6) which is attributable to the operator.

(6) For the purposes of sub-paragraph (5)(d), (e) and (g), the Agency and the operator must agree working hours and working practices and keep the working hours and working practices so agreed under review.

(7) Where, following any such review, it appears to the Agency and the operator that it is appropriate to do so, they may by further agreement vary any working hours or working practices agreed pursuant to sub-paragraph (6).

(8) Where any working hours or working practices have been varied pursuant to sub-paragraph (7) they must be treated as having been agreed pursuant to sub-paragraph (6).

(9) No additional charge may be made in accordance with this paragraph in respect of any increased costs incurred because of any variation in working hours or working practices which does not alter the working hours or working practices which have been agreed in accordance with sub-paragraph (6).

9.—(1) An operator who does not agree that an additional charge is justified under paragraph 8 may request that the question be determined by a person nominated for the purpose pursuant to sub-paragraph (3)(a).

(2) A request under sub-paragraph (1) must be made within 1 week of the Agency giving the operator notice under paragraph 8(3).

(3) Where an operator makes a request under sub-paragraph (1)—

- (a) the Agency must nominate a person to determine the question from the list established under sub-paragraph (4);
- (b) the person so nominated must give the operator and the Agency an opportunity to make representations on the question to be determined; and
- (c) the person so nominated must, within 1 month of being nominated, decide whether an additional charge is payable and notify the operator and the Agency of his or her decision.

(4) The Agency must establish and maintain a list of people who may be nominated for the purposes of this paragraph and must consult those organisations appearing to represent operators before including any person on the list.

Time costs

10. The time costs generated by any premises in any accounting period will (subject to paragraphs 11 and 12) be calculated by—

- (a) multiplying the time (expressed in hours and fractions of an hour) spent by each inspector exercising official controls at those premises in the period by the hourly rate applicable to that inspector determined in accordance with paragraphs 13 to 16;
- (b) adding the results together; and
- (c) adding any agreed slaughterhouse staff costs for the period.

11. The time costs in respect of any official controls must include any overtime payments or other similar allowances made to the inspector concerned under his or her contract of employment or contract for services for exercising those official controls.

12. In determining the total time spent in exercising official controls, any time spent by an inspector—

- (a) travelling to or from premises at which the inspector exercises official controls and for which he or she is paid under a contract of employment or contract for services;
- (b) at any premises to which the inspector has gone for the purpose of exercising official controls and for which he or she is paid under a contract of employment or contract for services (regardless of whether or not the inspector is able to exercise official controls there); and
- (c) at any other place—
 - (i) when the inspector is available for exercising official controls but is not in fact exercising any, and
 - (ii) for which he or she is paid under his or her contract of employment or contract for services,

must be counted as if it were time when the inspector was exercising official controls.

13. The Agency must determine the hourly rate applicable to inspectors, and may determine different rates for different inspectors or different classes of inspector, having regard to the level of qualifications and experience of different inspectors or classes of inspector and to the cost of exercising official controls in respect of different inspectors or classes of inspector.

14. The hourly rate for any inspector or class of inspector must be calculated so as to reflect—

- (a) the mean salary costs and fees (including pension and employers' National Insurance contributions, but excluding any additional costs taken into account pursuant to paragraph 11) and other costs of the exercise of official controls by that inspector or that class of inspector; and
- (b) such proportion of the administrative costs of the exercise of official controls as the Agency considers it proper to apportion to that hourly rate.

15. For the purposes of paragraph 14(b), “administrative costs” means all costs reasonably incurred in exercising official controls including in particular the costs of—

- (a) post-qualification training given to inspectors of a particular class in relation to the performance of their functions as a member of that class;
- (b) the salaries (including the cost of overtime, employers' National Insurance contributions and superannuation contributions) of the staff other than inspectors engaged in the exercise of official controls, and such proportion of inspectors' remuneration as is not directly accounted for in the calculation of time costs;
- (c) providing office accommodation, equipment and services in relation to the exercise of official controls, including depreciation of any office furniture and equipment and also of providing information technology, stationery and forms;
- (d) protective clothing and equipment used in exercising official controls and of laundering such clothing;

- (e) accounting and collecting charges and of providing pay-roll and personnel services in connection with the employment of inspectors; and
- (f) other expenses and overheads incurred by or in relation to—
 - (i) inspectors exercising official controls, and
 - (ii) other staff engaged in the administration of those controls.

16. The Agency may vary any rate determined pursuant to paragraph 13 where, having regard to the factors set out in paragraphs 14 and 15, it appears to it to be necessary to do so.

17. Prior to determining or varying hourly rates in accordance with paragraphs 13 to 16, the Agency must consult such operators as are likely to be affected by those rates.

Definitions

18.—(1) In this Schedule—

- (a) “inspector” (“*arolygydd*”) means an official veterinarian or an approved veterinarian as defined in Article 2.1(g) of Regulation 854/2004;
- (b) “the standard charge” (“*y ffi safonol*”) means, in relation to any slaughterhouse, game-handling establishment or cutting plant for any accounting period, the charge calculated in accordance with paragraph 4, 5 or 6, as the case may be, converted into sterling in accordance with paragraph 7;
- (c) “the Euro / sterling conversion rate” (“*cyfradd drosi Ewro / punnoedd*”) applicable in respect of any given year is—
 - (i) for 2006, 1 Euro = £0.68290, and
 - (ii) 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; and
- (d) “time costs” (“*costau amser*”) means, in relation to any establishment for any accounting period, the costs calculated in accordance with paragraphs 10 to 12; and
- (e) “wild game” (“*anifeiliaid hela gwyllt*”) has the meaning given to it in point 1.5 of Annex I to Regulation 853/2004.

(2) Expressions used in this Schedule, other than those defined in sub-paragraph (1), which are used in Council Directive 85/73/EEC on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC (as amended and consolidated by Council Directive 96/43/EC(1)) have the same meaning as in the first-mentioned Directive.

(1) The text of Council Directive 85/73/EEC is annexed to Council Directive 96/43/EC at OJNo. L162, 1.7.96, p.1. Council Directive 85/73/EEC has been modified by Directive 2004/41/EC of the European Parliament and of the Council (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).