

WELSH STATUTORY INSTRUMENTS

2020 No. 44

The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020

PART 1

General

Title, application and commencement

1.—(1) The title of these Regulations is the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020.

(2) These Regulations apply in relation to Wales and come into force on 31 January 2020.

Commencement Information

II Reg. 1 in force at 31.1.2020, see [reg. 1\(2\)](#)

Interpretation

2.—(1) In these Regulations—

“the Agency” (“*yr Asiantaeth*”) means the Food Standards Agency;

“audit” (“*archwiliad*”) means an audit of a competent authority carried out for the purposes of Article 6 in relation to relevant legislation;

“auditor” (“*archwilydd*”) means a person carrying out an audit on behalf of a competent authority;

“designated authority” (“*awdurdod dynodedig*”) means an authority designated by the Welsh Ministers under regulation 3;

[^{F1}“the Official Controls Regulations” (“*y Rheoliadau Rheolaethau Swyddogol*”) means the EU Regulation and the Implementing Regulations, Delegated Regulations and statutory instruments made under it;]

“the EU Regulation” (“*Rheoliad yr UE*”) means Regulation (EU) 2017/625 of the European Parliament and of the Council of 15th March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products ^{M1};

“enforcement officer” (“*swyddog gorfodi*”) means an officer authorised by the Welsh Ministers or a designated authority to enforce the ^{F2}... Official Controls Regulations and these Regulations;

“the Feed and Food Regulations” (“*y Rheoliadau Bwyd Anifeiliaid a Bwyd*”) means the Official Feed and Food Controls (Wales) Regulations 2009 ^{M2};

“food authority” (“*awdurdod bwyd*”) in relation to any relevant legislation has the same meaning as it has in that relevant legislation;

“inspector” (“*arolygydd*”), in relation to any relevant legislation, means an inspector, veterinary inspector, or other officer authorised by the Welsh Ministers or other designated authority to act under that relevant legislation;

“local authority” (“*awdurdod lleol*”) means a county council or county borough council;

“official auxiliary” (“*cynorthwydd swyddogol*”) means a representative of the Welsh Ministers appropriately trained and acting under the responsibility or supervision of an official veterinarian to perform certain official controls or certain tasks related to other official activities;

“official controls” (“*rheolaethau swyddogol*”) means the activities referred to in Article 2(1) other than those listed in Article 1(4);

“official veterinarian” (“*milfeddyg swyddogol*”) means a veterinarian appointed by the Welsh Ministers and appropriately qualified to carry out official controls and other official activities for verification of compliance with the rules referred to in Article 1(2);

“other official activities” (“*gweithgareddau swyddogol eraill*”) has the meaning given by Article 2(2);

“premises” (“*mangre*”) includes any means of transport;

“relevant legislation” (“*deddfwriaeth berthnasol*”) means [^{F3}assimilated direct] and domestic legislation governing the areas listed in [^{F4}sub-paragraphs (a) to (f)] of Article 1(2), with the exception of food and food safety, feed and feed safety legislation in so far as—

- (a) such legislation is defined as “relevant feed law” or “relevant food law” in the Feed and Food Regulations,
- (b) such legislation involves substances the use or presence of which on crops to produce or process food or feed may result in residues of those substances in food or feed, or
- (c) it relates to feed additives or medicated feedingstuffs.

(2) In the definition of “relevant legislation” in paragraph (1)—

- (a) “medicated feedingstuffs” means any mixture of feed with a veterinary medicinal product having properties for treating or preventing disease, restoring, correcting or modifying physiological functions in animals, or products and feed or feeds which are ready-prepared for marketing and intended to be fed to animals without further processing, and
- (b) “zootechnical additives” means feed additives in the categories mentioned in Article 6.1(d) and (e) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition ^{M3}, with the exception of those belonging to the functional groups listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation.

(3) Unless otherwise provided in this regulation, terms used in these Regulations have the same meaning as they have in the EU Regulation.

(4) Unless the context otherwise requires, any reference in these Regulations to an “Article” or “Title” is to an Article or Title of the EU Regulation.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1639\)](#), regs. 1(2), **3(2)(a)**

- F2** Word in reg. 2(1) omitted (31.12.2020) by virtue of [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1639\)](#), regs. 1(2), **3(2)(b)**
- F3** Words in reg. 2(1) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Wales\) Regulations 2023 \(S.I. 2023/1332\)](#), regs. 1(2), **22**
- F4** Words in reg. 2(1) substituted (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020 \(S.I. 2020/206\)](#), regs. 1, **55(2)**

Commencement Information

- I2** Reg. 2 in force at 31.1.2020, see [reg. 1\(2\)](#)

Marginal Citations

- M1** OJ No. L 95, 7.4.2017, p. 1, as amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.3.2019, p. 4).
- M2** [S.I. 2009/3376](#) (W. 298), amended by [S.I. 2011/626](#) (W. 90), [S.I. 2013/479](#) (W. 55), [S.I. 2013/2007](#) (W. 298), [S.I. 2014/2714](#) (W. 271) and prospectively amended by [S.I. 2019/434](#) (W. 102) and XXXX (W. XX).
- M3** OJ No. L 268, 18.10.2003, p. 29 as last amended by OJ No. L 156, 13.6.2019, p. 1.

Designations for the purposes of Article 4

3.—(1) The Agency is designated as the competent authority for the purposes of Article 4 in relation to welfare requirements of animals, to the extent that it is designated as the competent authority mentioned in regulation 4(1) of the [Welfare of Animals at the Time of Killing \(Wales\) Regulations 2014](#) ^{M4}.

(2) In any other case the Welsh Ministers are designated as the competent authority for the purposes of Article 4 in relation to areas governed by the relevant legislation.

(3) Local authorities and local food authorities (including any that are enforcement authorities under any relevant legislation) are designated authorities in relation to functions of enforcement and execution (other than prosecution) which they exercise under relevant legislation.

(4) Any designated authority must draw up written records (on paper or electronic form) of official controls and other official activities that they perform, and such records must contain—

- (a) a description of the purpose of the relevant official controls and other official activities,
- (b) the control methods applied,
- (c) the outcome, and
- (d) where appropriate, any action required by the designated authority.

(5) Where non-compliance has been identified by any designated authority through the application of official controls, it must promptly inform the business operator of the non-compliance.

Commencement Information

- I3** Reg. 3 in force at 31.1.2020, see [reg. 1\(2\)](#)

Marginal Citations

- M4** [S.I. 2014/951](#) (W. 92), to which there are amendments not relevant to these Regulations.

Exchange of information

4. The Welsh Ministers and any other designated authorities may disclose information to each other and to other competent authorities ^{F5}... for the purposes of applying these Regulations and the [^{F6}Official Controls Regulations].

Textual Amendments

- F5** Words in [reg. 4](#) omitted (31.12.2020) by virtue of [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1639\)](#), regs. 1(2), **3(3)**
- F6** Words in [reg. 4](#) substituted (31.12.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1639\)](#), regs. 1(2), **3(4)**
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Commencement Information

- I4** [Reg. 4](#) in force at 31.1.2020, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020, PART 1.