

Draft Regulations laid before Parliament under paragraph 5(1) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No. 0000

**RETAINED EU LAW REFORM
ANIMALS
FOOD
PLANT HEALTH
TRADE**

**The Official Controls (Fees and Charges)
(Amendment) Regulations 2024**

Made - - - - *******
Coming into force - - *30th April 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 14(2) and (3) of the Retained EU Law (Revocation and Reform) Act 2023(1) (“the 2023 Act”).

The Secretary of State is a relevant national authority(2) for the purposes of section 14(2) and (3) of the 2023 Act.

In accordance with paragraph 5(1) of Schedule 5 to the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

- 1.—(1) These Regulations—
- (a) may be cited as the Official Controls (Fees and Charges) (Amendment) Regulations 2024; and
 - (b) come into force on 30th April 2024.
- (2) These Regulations extend to the United Kingdom, subject to paragraph (3).
- (3) Any amendment of a provision in an enactment has the same extent as the provision amended.

(1) 2023 c. 28.

(2) The term “relevant national authority” is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

Amendments to Regulation (EU) 2017/625

2.—(1) Regulation (EU) 2017/625 of the European Parliament and of the Council 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⁽³⁾ is amended as follows.

(2) In Article 79 (mandatory fees or charges)—

- (a) in paragraph 1, omit the words from “at border control posts” to “Article 53(1),”;
- (b) in paragraph 3, for the words from “, in relation” to “into account.” substitute “decide to reduce the amount of, or waive, the fees or charges, after having had regard to any considerations that the competent authority considers to be relevant, including, but not limited to:”.

(3) In Article 81 (costs), in the opening words—

- (a) for “shall” substitute “may”;
- (b) for “the following costs, insofar as these result from the official controls concerned” substitute “the costs of official controls and costs connected with official controls, including but not limited to”.

(4) In Article 82(1)(a) (calculation of fees or charges)—

- (a) for “a flat-rate” substitute “a flat-rate or set of flat-rates”;
- (b) for “competent authorities”, in the first place it occurs, substitute “competent authorities, individually or, by agreement, collectively,”.

(5) For Article 84(2) (payment of fees or charges) substitute—

“2. The operator responsible for the consignment or its representative must pay the fee or charge collected in accordance with Articles 79(1), (2) or 80, subject to alternative arrangements being provided by other legislation.”.

(6) In Article 85(2) (transparency), for “make available to the public” substitute “make available to the public, including by publication online,”.

Date

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

(3) EUR 2017/625, which is amended by S.I. 2020/1481 and 2022/1315. There are other amending instruments, but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Articles 79, 81, 82, 84 and 85 of [Regulation \(EU\) 2017/625](#) of the European Parliament and of the Council 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 (EUR 2017/625) (“the Official Controls Regulation”). These provisions are secondary retained EU law within the meaning of section 11(2) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

Regulation 2 amends Article 79 of the Official Controls Regulation to extend the circumstances in which a fee or charge for official controls may be reduced or waived altogether by a competent authority. ‘Competent authority’ is defined in Article 3(3) of the Official Controls Regulation (the definition is amended by [S.I. 2020/1481](#) and [2022/1315](#)). Regulation 2 also amends Article 82 of the Official Controls Regulation to enable competent authorities to pool costs and charging arrangements for the purposes of flat-rate fees and charges levied on the basis of that Article.

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