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WELSH STATUTORY INSTRUMENTS

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**2019 No. 1481 (W. 265)**

**FOOD, WALES**

**The Fishery Products (Official Controls Charges)  
(Wales) (Amendment) Regulations 2019**

<i>Made</i>	- - - -	<i>27 November 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>28 November 2019</i>
<i>Coming into force</i>	- -	<i>14 December 2019</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972<sup>(1)</sup>.

The Welsh Ministers have been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures in respect of food (including drink) including the primary production of food<sup>(2)</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for any reference in the Fishery Product (Official Controls Charges) (Wales) Regulations 2007<sup>(3)</sup> to an EU instrument defined in the Schedule to those Regulations, as those Regulations are amended by these Regulations, to be construed as a reference to that instrument as amended from time to time.

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<sup>(4)</sup> there has been open and transparent public consultation during the preparation of these Regulations.

**Title and commencement**

1.—(1) The title of these Regulations is the Fishery Products (Official Controls Charges) (Wales) (Amendment) Regulations 2019.

(2) These Regulations come into force on 14 December 2019.

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(1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).  
(2) S.I. 2005/1971. By virtue of section 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), functions conferred on the National Assembly for Wales by this designation are exercisable by the Welsh Ministers  
(3) S.I. 2007/3462 (W. 307), amended by S.I. 2018/806 (W. 162) and S.I. 2019/463 (W. 111). It is prospectively amended by S.I. 2019/1046 (W. 185).  
(4) OJ No. L 31, 1.2.2002, p. 1, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ No. L 198, 25.7.2019, p. 241).

## **Amendment of the Fishery Products (Official Controls Charges) (Wales) Regulations 2007**

2. The Fishery Products (Official Controls Charges) (Wales) Regulations 2007 are amended as follows.

3. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition that begins ““Directive 2004/41”” substitute—

““Directive 2004/41” (“*Cyfarwydddeb 2004/41*”), “Regulation 2406/96” (“*Rheoliad 2406/96*”), “Regulation 852/2004” (“*Rheoliad 852/2004*”), “Regulation 853/2004” (“*Rheoliad 853/2004*”), “Regulation 1688/2005” (“*Rheoliad 1688/2005*”), “Regulation 2073/2005” (“*Rheoliad 2073/2005*”), “Regulation 2074/2005” (“*Rheoliad 2074/2005*”), “Regulation 2015/1375” (“*Rheoliad 2015/1375*”), “Regulation 2017/185” (“*Rheoliad 2017/185*”), “Regulation 2017/625” (“*Rheoliad 2017/625*”), “Regulation 2019/624” (“*Rheoliad 2019/624*”) and “Regulation 2019/627” (“*Rheoliad 2019/627*”) have the meanings respectively given to them in the Schedule;”;

(ii) in the definition of “first placing on the market”, for “Regulation 882/2004” substitute “Regulation 2017/625”;

(iii) in the definition of “first sale in a fish market”, for “Regulation 882/2004” substitute “Regulation 2017/625”;

(iv) for the definition of “official controls” substitute—

““official controls” (“*rheolaethau swyddogol*”) has the meaning given to it in Article 2(1) of Regulation 2017/625;”;

(v) in the definition of “processing”, for “Chapter V of Section B of Annex IV to Regulation 882/2004” substitute “Regulation 2017/625”;

(vi) in the definition of “third country import”, for “a charge is payable under Regulation 882/2004” substitute “a charge set out in Annex 4 to Regulation 2017/625 is payable”;

(b) after paragraph (2) insert—

“(3) In these Regulations, any reference to an EU instrument defined in the Schedule is a reference to that instrument as amended from time to time.”

4. In regulation 3 (actual costs)—

(a) for “listed in Annex VI to Regulation 882/2004” substitute “referred to in Articles 81 and 82 of Regulation 2017/625”;

(b) for “Annex III to Regulation 854/2004” substitute “Title 6 of and Annex 6 to Regulation 2019/627”.

5. In regulation 4 (Sterling equivalents of Euro), in paragraph (3)—

(a) in sub-paragraph (b), after “in each subsequent year” insert “until the coming into force of the Fishery Products (Official Controls Charges) (Wales) (Amendment) Regulations 2019”;

(b) after sub-paragraph (b) insert—

“(c) after the coming into force of the Fishery Products (Official Controls Charges) (Wales) (Amendment) Regulations 2019, the average of the rates published in the C Series of the Official Journal of the European Union for each of the days during the period of charge when the rate is published.”

6. In regulation 9 (sums remitted from one food authority to another), for “Annex III to Regulation 854/2004” substitute “Title 6 of and Annex 6 to Regulation 2019/627”.

7. In regulation 10 (payment of landings charge), for “Annex III to Regulation 854/2004”, in each place it occurs, substitute “Title 6 of and Annex 6 to Regulation 2019/627”.

8. In regulation 12 (charge in respect of processing establishments), for “Annex III to Regulation 854/2004”, in both places it occurs, substitute “Title 6 of and Annex 6 to Regulation 2019/627”.

9. For the Schedule (definitions of EU legislation), substitute the Schedule set out in the Schedule to these Regulations.

27 November 2019

*Vaughan Gething*  
Minister for Health and Social Services, one of  
the Welsh Ministers

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

## SCHEDULE

Regulation 9

## “THE SCHEDULE

Regulation 2

## DEFINITIONS OF EU LEGISLATION

“Directive 2004/41” (“*Cyfarwyddeb 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](#)(5);

“Regulation 2406/96” (“*Rheoliad 2406/96*”) means Council Regulation (EC) No. 2406/96 laying down common marketing standards for certain fishery products(6)

“Regulation 852/2004” (“*Rheoliad 852/2004*”) means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(7) as read with Regulation 2073/2005;

“Regulation 853/2004” (“*Rheoliad 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(8) as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2017/185;

“Regulation 1688/2005” (“*Rheoliad 1688/2005*”) means [Commission Regulation \(EC\) No. 1688/2005](#) 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(9);

“Regulation 2073/2005” (“*Rheoliad 2073/2005*”) means [Commission Regulation \(EC\) No. 2073/2005](#) on microbiological criteria for foodstuffs(10);

“Regulation 2074/2005” (“*Rheoliad 2074/2005*”) means [Commission Regulation \(EC\) No. 2074/2005](#) laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(11);

“Regulation 2015/1375” (“*Rheoliad 2015/1375*”) means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat(12);

“Regulation 2017/625” (“*Rheoliad 2017/625*”) means 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, amending Regulations (EC) No. 999/2001, (EC) No. 396/2005, (EC) No. 1069/2009, (EC) No. 1107/2009, (EU) No. 1151/2012, (EU)

(5) OJ No. L 157, 30.4.2004, p. 33. The revised text of [Directive 2004/41/EC](#) is now set out in a Corrigendum (OJ No. L 195, 2.6.2004, p. 12).

(6) OJ No. L 334, 23.12.1996, p. 1.

(7) OJ No. L 139, 30.4.2004, p. 1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ No. L 226, 25.6.2004, p. 3) which should be read with a further Corrigendum (OJ No. L 204, 4.8.2007, p. 26).

(8) OJ No. L1 39, 30.4.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L 226, 25.6.2004, p. 22) which should be read with a further Corrigendum (OJ No. L 204, 4.8.2007, p. 26).

(9) OJ No. L 271, 15.10.2005, p. 17.

(10) OJ No. L 338, 22.12.2005, p. 1, as read with the Corrigenda at OJ No. L 278, 10.10.2006, p. 32 and OJ No. L 283, 14.10.2006, p. 62.

(11) OJ No. L 338, 22.12.2005, p. 27.

(12) OJ L No. L 212, 11.8.2015, p. 7.

No. 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No. 1/2005 and (EC) No. 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC<sup>(13)</sup> as read with Directive 2004/41, Regulation 2074/2005, Regulation 2015/1375 and Regulation 2017/185;

“Regulation 2019/624” (“*Rheoliad 2019/624*”) means Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council<sup>(14)</sup> as read with Directive 2004/41, Regulation 2074/2005, Regulation 2015/1375 and Regulation 2017/185;

“Regulation 2019/627” (“*Rheoliad 2019/627*”) means Commission Implementing Regulation (EU) 2019/627 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No. 2074/2005 as regards official controls<sup>(15)</sup> as read with Directive 2004/41, Regulation 2074/2005, Regulation 2015/1375 and Regulation 2017/185.”

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Fishery Products (Official Controls Charges) (Wales) Regulations 2007 (S.I. 2007/3462) (W. 307). These Regulations provide for the partial implementation of Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 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 (OJ No. L 95, 7.4.2017, p. 1) and of Implementing and Delegated Regulations made under it.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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<sup>(13)</sup> OJ No. L 95, 7.4.2017, p. 1.

<sup>(14)</sup> OJ No. L 131, 17.5.2019, p. 1.

<sup>(15)</sup> OJ No. L 131, 17.5.2019, p. 51.