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WELSH STATUTORY INSTRUMENTS

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**2005 No. 3297**

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

**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.