

**2018 No. (W. )**

**ANIMALS, WALES**

**ANIMAL HEALTH**

**The Animal By-Products and Pet  
Passport (Fees) (Wales) Regulations  
2018**

**EXPLANATORY NOTE**

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

These Regulations, which apply in relation to Wales, set out fees payable to the Welsh Ministers in the field of animal health.

Regulation 4 provides that fees are payable by operators of establishments and plants that are required to be approved and inspected under Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption (OJ No. L 300, 14.11.2009, p. 1). These fees are set out in the Schedule.

The fees are set at 50% of the full cost recovery of costs incurred by the Welsh Ministers in the period up to and including 30 June 2019 (with the exception of travel time to premises which represents full cost recovery from the outset), and then set at 100% of the full cost recovery thereafter.

The fees in regulation 5 are payable in respect of the delivery of pet animal passports to authorised veterinarians for the purpose of the issuing of a pet passport to enable a dog, cat or ferret to travel abroad with its owner.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**ANIMALS, WALES**

**ANIMAL HEALTH**

**The Animal By-Products and Pet  
Passport (Fees) (Wales) Regulations  
2018**

*Made* \*\*\*2018

*Laid before the National Assembly for Wales*  
\*\*\*2018

*Coming into force* 30 June 2018

The Welsh Ministers are designated<sup>(1)</sup> for the purposes of making Regulations under section 2(2) of the European Communities Act 1972<sup>(2)</sup> (“the 1972 Act”) in relation to the common agricultural policy of the European Union. These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Welsh Ministers that it is expedient for references to EU instruments in these Regulations to be construed as references to those instruments as amended from time to time.

The Welsh Ministers make these Regulations in exercise of the powers conferred by—

- (a) section 2(2) of, and paragraph 1A of Schedule 2 to, the 1972 Act<sup>(3)</sup>; and
- (b) section 56(1) and (2) of the Finance Act 1973 and now vested in them<sup>(4)</sup>.

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<sup>(1)</sup> S.I. 2010/2690.

<sup>(2)</sup> 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51), and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

<sup>(3)</sup> Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

<sup>(4)</sup> 1973 c. 51. Subsection (1) was amended by S.I. 2011/1043, article 6(1)(e). The Welsh Ministers may exercise this power by virtue of section 59(5) of the Government of Wales Act 2006 (c. 32).

In accordance with section 56(1) of the Finance Act 1973, the Treasury consents to the making of these Regulations.

### **Title, application and commencement**

1. The title of these Regulations is the Animal By-Products and Pet Passport (Fees) (Wales) Regulations 2018. They apply in relation to Wales and come into force on 30 June 2018.

### **Interpretation**

2. In these Regulations—

“approval” (“*cymeradwyaeth*” and “*cymeradwyo*”) includes a conditional approval under Article 44(2) of the EU Control Regulation;

“EU Control Regulation” (“*Rheoliad Rheolaeth yr UE*”) means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002(1);

“veterinary officer” (“*swyddog milfeddygol*”) means a veterinary surgeon employed by the Welsh Ministers;

“veterinary surgeon” (“*milfeddyg*”) means a person registered in the register of veterinary surgeons kept under the Veterinary Surgeons Act 1966(2).

### **Refund of fees**

3. If any application for which a fee is payable under these Regulations is withdrawn before determination of the application, the Welsh Ministers must refund to the applicant such proportion of any fee paid in respect of that application as the Welsh Ministers think reasonable, having regard to any reasonable costs incurred by the Welsh Ministers in connection with the application.

### **Animal by-products and derived products**

4.—(1) The fees payable to the Welsh Ministers for applications in connection with approval activities under Articles 24 and 44 of the EU Control Regulation are to be determined in accordance with Table 1 of the Schedule.

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(1) OJ No. L 300, 14.11.2009, p. 1, as last amended by Council Regulation (EU) No. 1385/2013 (OJ No. L 354, 28.12.2013, p. 86).

(2) 1966 c. 36. Section 2 has been amended by article 12 of, and paragraph 1 of the Schedule to, S.I. 2003/2919; and by article 2 of, and paragraph 2(a) and (b) of the Schedule to, S.I. 2008/1824.

(2) The fees payable to the Welsh Ministers in connection with inspection activities under Article 45 of the EU Control Regulation are to be determined in accordance with Table 2 of the Schedule.

(3) Expressions used in the Schedule have the same meaning as in the EU Control Regulation.

**Pet passports: fees**

5.—(1) The fee payable by an authorised veterinarian to the Welsh Ministers for a batch of 20 blank identification documents is £56.

(2) The authorised veterinarian is to be charged the cost of postage and packaging where—

- (a) the identification documents are not collected in person;
- (b) the authorised veterinarian asks for the identification documents to be sent by post.

(3) In this regulation—

“authorised veterinarian” (*“milfeddyg awdurdodedig”*) means a veterinary surgeon who has been authorised by the Welsh Ministers to carry out tasks in accordance with Regulation (EU) No. 576/2013<sup>(1)</sup>; and

“identification document” (*“dogfen adnabod”*) means a document for issue and completion by an authorised veterinarian pursuant to Article 22 of Regulation (EU) No. 576/2013 for the movement of pet animals within the EU.

Cabinet Secretary for Energy, Planning and Rural  
Affairs, one of the Welsh Ministers  
Date

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(1) OJ No. L 178, 28.6.2013, p. 1.

SCHEDULE Regulation 4

**Table 1**

**Fees payable by the operator of an establishment or plant for an application for approval or conditional approval under Articles 24 and 44 of the EU Control Regulation**

<i>Column 1</i> Activity	<i>Column 2</i> Fee (£) up to and including 30 June 2019	<i>Column 3</i> Fee (£) after 30 June 2019
Time spent by a veterinary officer travelling to and from premises for the purpose of activities in this Table	21 per quarter hour or part quarter hour spent up to a maximum of 126	21 per quarter hour or part quarter hour spent up to a maximum of 126
Time spent by an officer of the Welsh Ministers (other than a veterinary officer) travelling to and from premises for the purpose of activities in this Table	14 per quarter hour or part quarter hour spent up to a maximum of 84	14 per quarter hour or part quarter hour spent up to a maximum of 84
Time spent by a veterinary officer for the purpose of activities identified in this Table after the first 60 minutes of a site visit to assess suitability for approval	8 per quarter hour or part quarter hour spent	16 per quarter hour or part quarter hour spent
Time spent by an officer of the Welsh Ministers (other than a veterinary officer) for the purpose of administration of additional visits and connected activities	3 per quarter hour or part quarter hour spent	6 per quarter hour or part quarter hour spent
Additional administrative fee for production of invoices for additional visits or connected activities	7 per invoice	13 per invoice
Consideration of an application for approval of a rendering plant processing animal by-products that includes a site visit of up to 60 minutes	892	1785

Consideration of an application for approval of an establishment or plant carrying out the transformation of animal by-products and/or derived products into compost that includes a site visit of up to 60 minutes	475	951
Consideration of an application for approval of an establishment or plant carrying out the transformation of animal by-products and/or derived products into biogas that includes a site visit of up to 60 minutes	475	951
Consideration of an application for approval of an establishment or plant carrying out the handling of animal by-products after their collection, by way of operations such as sorting, cutting, chilling, freezing, salting, removal of hides and skins or of specified risk material that includes a site visit of up to 60 minutes	242	485
Consideration of an application for approval of an establishment or plant carrying out the storage of animal by-products or derived products that includes a site visit of up to 60 minutes	242	485
Consideration of an application for approval of an establishment or plant manufacturing pet food that includes a site visit up to 60 minutes	198	395
Consideration of an application for approval of an incinerator plant that includes a site visit of up to 60 minutes	198	395

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**Table 2****Fees payable by the operator of an establishment or plant for site visits under Article 45 of the EU Control Regulation**

<i>Column 1</i> Activity	<i>Column 2</i> Fee (£) up to and including 30 June 2019	<i>Column 3</i> Fee (£) after 30 June
Time spent by a veterinary officer travelling to and from premises for the purpose of activities in this Table	21 per quarter hour or part quarter hour spent up to a maximum of 126	21 per quarter hour or part quarter hour spent up to a maximum of 126
Time spent by an officer of the Welsh Ministers (other than a veterinary officer) travelling to and from premises for the purpose of activities in this Table	14 per quarter hour or part quarter hour spent up to a maximum of 84	14 per quarter hour or part quarter hour spent up to a maximum of 84
Time spent by a veterinary officer for the purpose of site visits that last longer than 30 minutes	8 per quarter hour or part quarter hour spent	16 per quarter hour or part quarter hour spent
Time spent by an officer of the Welsh Ministers (other than a veterinary officer) for the purpose of site visits that last longer than 30 minutes	4 per quarter hour or part quarter hour spent	8 per quarter hour or part quarter hour spent
Time spent organising site visits and dealing with any action points arising from the visit by an officer of the Welsh Ministers (other than a veterinary officer)	3 per quarter hour or part quarter hour spent	6 per quarter hour or part quarter hour spent
Carrying out the first 30 minutes of an annual or biennial inspection of an approved or registered establishment or plant required under the EU Control Regulation	78 per visit	157 per visit

Annual fee for carrying out the first 30 minutes of each of four site visits to inspect an approved or registered establishment or plant where quarterly inspection is required under the EU Control Regulation	281 per year	561 per year
Annual fee for carrying out the first 30 minutes of each of twelve site visits to inspect an approved or registered establishment or plant where monthly inspection visits are required under the EU Control Regulation	829 per year	1658 per year

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