

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2005 No. (W.)

FOOD, WALES

**The Meat (Official Controls)
(Charges) (Wales) Regulations
2005**

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations apply in relation to Wales. They revoke the Meat (Hygiene and Inspection) (Charges) Regulations 1998 (S.I. 1998/2095, as amended by S.I. 2000/656, S.I. 2001/1302 (W.79), and S.I. 2001/3831 (W.317)), which extend to the whole of Great Britain, in so far as they apply in relation to Wales.

2. The Meat (Hygiene and Inspection) (Charges) Regulations 1998 implemented in relation to Great Britain the provisions of Council Directive 85/73/EEC on the financing of veterinary inspections and controls that require fees to be collected for inspections of and controls on fresh red meat, fresh poultry meat, rabbit meat, farmed game meat and wild game meat under certain Council Directives. An amended and consolidated text of Council Directive 85/73/EEC is annexed to Council Directive 96/43/EC at OJ No. L162, 1.7.96, p.1.

3. In the light of reforms to the Community regime governing food hygiene that take effect on 1 January 2006, Directive 2004/41/EC of the European Parliament and of the Council (OJ No. L157, 30.4.2004, p.33; the revised text of Directive 2004/41/EC is now set out in a Corrigendum, OJ No. L195, 2.6.2004, p.12) modifies Council Directive 85/73/EEC with effect from 1 January 2006 so that from that date it requires fees to be collected for official controls on meat of domestic ungulates, meat from poultry and lagomorphs, meat of farmed game and wild game meat under Regulation (EC) No. 854/2004 of the European Parliament of the Council laying down specific rules for the organisation of official controls on products of animal origin intended

for human consumption (OJ No. L139, 30.4.2004, p.206; the revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum, OJ No. L226, 25.6.2004, p.83).

4. In the light of the modification to Council Directive 85/73/EEC described in paragraph 3, these Regulations implement the provisions of that Directive that now require fees to be collected for inspections of and controls on meat of domestic ungulates, meat from poultry and lagomorphs, meat of farmed game and wild game meat under Regulation (EC) No. 854/2004.

5. These Regulations —

- (a) require the Agency to notify the operator of each slaughterhouse, game-handling establishment and cutting plant in which official controls have been exercised of the official controls charge that has arisen in relation to those official controls (the terms “slaughterhouse”, “game-handling establishment”, “cutting plant”, “official controls” and “official controls charge” are all defined in regulation 2) (*regulation 3*);
- (b) provide that any official controls charge so notified is payable by the operator to the Agency on demand (*regulation 3*);
- (c) allow the Agency to refuse to exercise any further official controls at given premises where, despite a Court order requiring the operator of the premises to pay the official controls charge for which he or she is liable, the operator fails to comply with the order (*regulation 4*);
- (d) require persons —
 - (i) to supply the Agency on demand with such information as it may reasonably require for the purpose of calculating the official controls charge or notifying the operator of it, and
 - (ii) to supply the Agency on demand with such evidence as it may reasonably require to verify that information (*regulation 5*);
- (e) provide that a person who —
 - (i) in response to a demand for information or evidence knowingly or recklessly furnishes false or misleading information, or
 - (ii) without reasonable excuse fails to comply within a reasonable time with a demand for information or evidence,is guilty of an offence (*regulation 5*).

6. The Schedule to these Regulations sets out how the official controls charge is to be calculated.

7. A full Regulatory Appraisal on the effect that these Regulations will have on the costs of business has been prepared and placed in the Library of the National Assembly for Wales. Copies may be obtained from the Food Standard Agency, Southgate House, Wood Street, Cardiff CF10 1EW.

2005 No. (W.)

FOOD, WALES

**The Meat (Official Controls)
(Charges) (Wales) Regulations
2005**

Made [] 2005

Coming into force 1 January 2006

The National Assembly for Wales, being designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to food (including drink) including the primary production of food, in exercise of the powers conferred by that section, after open and transparent public consultation during the preparation of these Regulations 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⁽³⁾, makes the following Regulations:

Title, commencement and application

1. The title of these Regulations is the Meat (Official Controls) (Charges) (Wales) Regulations 2005, they come into force on 1 January 2006, and apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“accounting period” (“*cyfnod cyfrifyddu*”) means a period of less than a year determined by the Agency;

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

(1) S.I. 2005/1971.

(2) 1972 c. 68.

(3) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

“agreed slaughterhouse staff costs” (“*costau staff lladd-dy a gytunwyd*”) means, in respect of any slaughterhouse at which poultry or lagomorphs are slaughtered—

- (a) the proportion (expressed as a sum of money) of the salaries (including overtime payments and employers’ National Insurance contributions and superannuation contributions) paid to the staff at that slaughterhouse in respect of an accounting period that the Agency and the operator of the slaughterhouse agree as being attributable to any such staff assisting with official controls by carrying out certain tasks there during that period under Article 5.6 of Regulation 854/2004; plus
- (b) 25% of that sum;

“cutting plant” (“*saflle torri*”) means an establishment which is used for boning and/or cutting up fresh meat for placing on the market and which —

- (a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31 December 2005, operating as licensed cutting premises under the Fresh Meat (Hygiene and Inspection) Regulations 1995(4) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(5);

“cutting up” (“*torri*”) has the meaning that it bears in Regulation 853/2004 and “cut up” is to be construed accordingly;

“Directive 2004/41” (“*Cyfarwyddeb 2004/41*”), “Regulation 178/2002” (“*Rheoliad 178/2002*”), “Regulation 852/2004” (“*Rheoliad 852/2004*”), “Regulation 853/2004” (“*Rheoliad 853/2004*”), “Regulation 854/2004” (“*Rheoliad 854/2004*”), “Regulation 882/2004” (“*Rheoliad 882/2004*”), “Regulation A” (“*Rheoliad A*”), “Regulation B” (“*Rheoliad B*”), “Regulation C” (“*Rheoliad C*”), “Regulation D” (“*Rheoliad D*”) and “Regulation E” (“*Rheoliad E*”) have the meanings respectively given to them in Schedule 1;

“employers’ National Insurance contributions” (“*cyfraniadau Yswiriant Gwladol cyflogwyr*”) means those social security contributions for

(4) S.I. 1995/539, revoked with effect from 1st January 2006 by S.I. 2005/2059

(5) S.I. 1995/540, revoked with effect from 1st January 2006 by S.I. 2005/2059.

which employers are liable under Part I of the Social Security Contributions and Benefits Act 1992(6);

“establishment” (“sefydliad”) has the meaning given to it in Article 2.1(c) of Regulation 852/2004;

“food business operator” (“gweithredydd busnes bwyd”) has the meaning given to it in Regulation 178/2002;

“fresh meat” (“cig ffres”) has the meaning given to it in point 1.10 of Annex I to Regulation 853/2004;

“game” (“anifeiliaid hela”) has the meaning that it bears in Regulation 853/2004;

“game-handling establishment” (“sefydliad trin anifeiliaid hela”) means any establishment in which game and game meat obtained after hunting are prepared for placing on the market and which —

- (a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31 December 2005, operating as a licensed wild game processing facility under the Wild Game Meat (Hygiene and Inspection) Regulations 1995(7);

“game meat” (“cig anifeiliaid hela”) has the meaning that it bears in Regulation 853/2004;

“lagomorph” (“lagomorff”) is construed in accordance with the definition of the term “lagomorphs” in point 1.4 of Annex I to Regulation 853/2004;

“meat” (“cig”) has the meaning given to it in point 1.1. of Annex I to Regulation 853/2004;

“official controls” (“rheolaethau swyddogol”) means the controls that the Agency performs under Regulation 854/2003 for the verification of compliance with —

- (a) Articles 3, 4.1(a), 5, 7 and (save insofar as it relates to minced meat and eggs) 8 of Regulation 854/2004; and
- (b) the requirements of the Welfare of Animals (Slaughter or Killing) Regulations 1995(8) insofar as such verification relates to the welfare of

(6) 1992 c. 4.

(7) S.I. 1995/2148, revoked with effect from 1st January 2006 by S.I. 2005/2059.

(8) S.I. 1995/731.

animals slaughtered for human consumption in slaughterhouses;

“official controls charge” (“*ffi rheolaethau swyddogol*”) means the charge calculated in accordance with Schedule 2 and notified in accordance with regulation 3(1), (2) or (3);

“operator” (“*gweithredydd*”) means a food business operator who is carrying on the business of a slaughter house, game-handling establishment or cutting plant or the operator’s duly authorised representative;

“poultry” (“*dofednod*”) has the meaning given to it in point 1.3 of Annex I to Regulation 853/2004;

“placing on the market” (“*rhoi ar y farchnad*”) has the meaning given to it in Article 3.8 of Regulation 178/2002;

“premises” (“*mangre*”) means any slaughterhouse, cutting plant or game-handling establishment;

“slaughterhouse” (“*lladd-dy*”) means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which —

- (a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31 December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995 or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995; and

“verification” (“*gwirhad*”) means checking, by examination and the provision of objective evidence.

Charges

3.—(1) The Agency must, subject to the following provisions of this regulation, notify the operator of each slaughterhouse, game-handling establishment and cutting plant in which official controls have been exercised in any accounting period of an official controls charge in respect of those official controls as soon as possible after the end of that period.

(2) Where the Agency cannot comply with paragraph (1) because it has insufficient information available to it to enable it to calculate the official controls charge for any accounting period in respect of any such premises as are specified in that paragraph, it must notify the operator of those premises of an interim charge, being such amount as the Agency

estimates (having regard to the information it has) the official controls charge to be.

(3) Where the Agency has notified an operator of an interim charge in accordance with paragraph (2), and sufficient information becomes available to the Agency to calculate the official controls charge, it must calculate that charge and —

- (a) where it exceeds the interim charge, notify the operator of the final charge, being the amount by which the official controls charge exceeds the interim charge; or
- (b) subject to paragraph (6), where it is less than the interim charge, credit to the operator the amount by which the interim charge exceeds the official controls charge.

(4) Any charge notified to an operator under paragraph (1), (2) or (3) will be payable by the operator to the Agency on demand.

(5) Where any agreed slaughterhouse staff costs have been used to calculate a charge falling to be notified to an operator under paragraph (1), (2) or (3), those costs must be set off against the amount of that charge in calculating the actual charge notified thereunder, provided that no refund may be made to the relevant operator.

(6) Where under paragraph (3)(b) a sum is to be credited to an operator, the Agency may if it so determines pay such sum to the operator concerned instead of crediting it to the operator.

Withdrawal of inspections

4. Where the Agency has had judgment entered against an operator of any premises for any sum which is payable under regulation 3(4) and the operator fails within a reasonable time thereafter to satisfy the judgment, the Agency may (regardless of any other legal remedy open to it) refuse to exercise any further official controls at those premises until the judgment has been satisfied.

Information

5.—(1) Any person must on demand being made by the Agency, supply —

- (a) such information as the Agency may reasonably require for the purpose of calculating the official controls charge or notifying an operator of it; and
- (b) such evidence as the Agency may reasonably require to enable it to verify information supplied under sub-paragraph (a) of this paragraph.

(2) Any person who —

(a) in purported compliance with paragraph (1), knowingly or recklessly furnishes information which is false or misleading in a material particular; or

(b) without reasonable excuse, fails to comply within a reasonable time with a demand made under that paragraph,

is guilty of an offence and will be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Revocation

6. The Meat (Hygiene and Inspection) (Charges) Regulations 1998⁽⁹⁾ are revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽¹⁰⁾.

Date

The Presiding Officer of the National Assembly

⁽⁹⁾ S.I. 1998/2095, amended by S.I. 2000/656, S.I. 2001/1302 (W.79) and S.I. 2001/3831 (W.317).

⁽¹⁰⁾ 1998 c.38.

SCHEDULE 1

Regulation 2(1)

DEFINITIONS OF COMMUNITY LEGISLATION

“Directive 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⁽¹¹⁾;

“Regulation 178/2002” means 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 as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 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;

“Regulation 852/2004” means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs⁽¹²⁾ as read with Regulation A and Regulation B;

“Regulation 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⁽¹³⁾ as amended by Regulation C and Regulation E and as read with Directive 2004/41, Regulation A, Regulation C and Regulation E;

“Regulation 854/2004” means Regulation (EC)

⁽¹¹⁾ OJ No. L157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12).

⁽¹²⁾ OJ No. L139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.3).

⁽¹³⁾ OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22).

No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽¹⁴⁾ as amended by Regulation 882/2004, Regulation C and Regulation E and as read with Directive 2004/41, Regulation C, Regulation D and Regulation E;

“Regulation 882/2004” means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽¹⁵⁾ as read with Regulation C and Regulation E;

“Regulation A” means the Commission Regulation of 20 July 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;

“Regulation B” means the Commission Regulation of 23 September 2005 on microbiological criteria for foodstuffs;

“Regulation C” means the Commission Regulation of 23 September 2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004, for the organisation of official controls under Regulations (EC) Nos. 854/2004 and 882/2004, derogating from Regulation (EC) No. 852/2004 and amending Regulations (EC) Nos. 853/2004 and 854/2004;

“Regulation D” means the Commission Regulation of 23 September 2005 laying down specific rules on official controls for *Trichinella* in meat; and

“Regulation E” means the Commission Regulation of 5 October 2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) Nos. 854/2004 and 882/2004 of the European Parliament and of the Council and amending Regulations (EC) Nos. 853/2004 and 854/2004.

⁽¹⁴⁾ OJ No. L139, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83).

⁽¹⁵⁾ OJ No. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1).

SCHEDULE 2

CALCULATION OF THE OFFICIAL CONTROLS CHARGE

The official controls charge

1. Subject to paragraphs (2) and (3), the official controls charge payable by the operator of any premises for any accounting period is the lower of —

- (a) the sum of —
 - (i) the standard charge incurred in relation to those premises for that period, and
 - (ii) any additional charge incurred in relation to those premises for that period by virtue of paragraph 8; and
- (b) the time costs generated by those premises for that period.

2.—(1) This paragraph applies where the official controls charge calculated under paragraph 1 for any accounting period (amount A), when added to the official controls charge payable in respect of all earlier accounting periods falling within the same financial period (amount B), produces a total (amount C) which is greater than the amount of the official controls charge which would be payable under paragraph 1 if those accounting periods were one accounting period (amount D).

(2) Where this paragraph applies, the official controls charge payable by an operator for an accounting period is the amount by which amount D exceeds amount B.

(3) In this paragraph “financial period” means a period commencing on the Monday immediately following the last Sunday in March in any year and ending on the last Sunday in March in the following year.

3. The official controls charge payable by the operator of a slaughterhouse, game-handling establishment or cutting plant for any accounting period will not be lower than 45% of the standard charge incurred in relation to those premises for that period.

The standard charge

4. The standard charge for any accounting period (expressed in Euros) payable by the operator of a slaughterhouse, is calculated by multiplying the rate given in the following Table applicable to animals of a particular type by the number of animals of that type slaughtered or as the case may be dressed there in the period.

5. The standard charge for an accounting period (expressed in Euros) payable by the operator of a game-handling establishment in respect of wild game dressed there during that period will be calculated by multiplying the rate given in the following Table applicable to animals of a particular type by the number of animals of that type dressed there in the period.

<i>Species</i>	<i>Type</i>	<i>Rate per type of animal in Euros</i>
Bovines	bovine animals aged 6 weeks or more at slaughter	4.5
	bovine animals aged less than 6 weeks old at slaughter	2.5
Equidae and other solipeds		4.4
Pigs including wild boar	carcase weight less than 25 kg	0.5
	carcase weight greater than or equal to 25 kg	1.3
Sheep, goats and other ruminants not listed elsewhere in this Table	carcase weight less than 12 kg	0.175
	carcase weight between 12 and 18 kg inclusive	0.35
	carcase weight greater than 18 kg	0.5
Poultry, rabbits, small game birds and ground game	all broilers; all cast hens; other poultry, rabbits, small game birds and ground game weighing less than 2 kg	0.01
	poultry (not being broilers or cast hens), rabbits, small game birds and ground game weighing at least 2 kg (except those which are adult and weigh at least 5 kg)	0.02
	poultry (not being broilers or cast hens), rabbits, small game birds and ground game (all being adult) and weighing at least 5 kg	0.04
Ostriches and other ratites		1.3
Land mammals and birds of a type not mentioned above		1.3

6. The standard charge for any accounting period (expressed in Euros) payable by the operator of a cutting plant or game-handling establishment will be calculated by multiplying by 3 the number of tonnes of meat brought into the plant or establishment concerned during that period to be cut up or boned there.

7. The standard charge (expressed in Euros) will be converted into sterling by multiplying it by the Euro / sterling conversion rate applicable in the year the official controls were carried out.

8.—(1) Where in respect of an accounting period the Agency incurs increased costs because of inefficiency in the operation of premises, it may, in accordance with this paragraph, add an additional charge to the standard charge incurred in relation to the premises for that period.

(2) The additional charge will be a sum equal to the time costs generated by the inefficiency for the accounting period concerned.

(3) The Agency may not make an additional charge in accordance with this paragraph unless it has notified the operator of its intention to do so.

(4) The notification referred to in sub-paragraph (3) must be given as soon as is practicable after the Agency has concluded that it wishes to make an additional charge in accordance with this paragraph.

(5) For the purposes of this paragraph “inefficiency” means inefficiency on the part of the operator and includes in particular —

- (a) delay in the start of slaughtering attributable to the operator;
- (b) mechanical breakdown caused by lack of maintenance;
- (c) enforcement action taken by the Agency or an inspector;
- (d) under-employment of inspectors caused by the operator’s failure to adhere to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6);
- (e) insufficient provision of slaughter staff caused by the operator’s failure to adhere to the working hours or working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6).
- (f) delays caused by risks to the health or safety of inspectors attributable to the operator; and
- (g) any change to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6) which is attributable to the operator.

(6) For the purposes of sub-paragraph (5)(d), (e) and (g), the Agency and the operator must agree working hours and working practices and keep the working hours and working practices so agreed under review.

(7) Where, following any such review, it appears to the Agency and the operator that it is appropriate to do so, they may by further agreement vary any working hours or working practices agreed pursuant to sub-paragraph (6).

(8) Where any working hours or working practices have been varied pursuant to sub-paragraph (7) they must be treated as having been agreed pursuant to sub-paragraph (6).

(9) No additional charge may be made in accordance with this paragraph in respect of any increased costs incurred because of any variation in working hours or working practices which does not alter the working hours or working practices which have been agreed in accordance with sub-paragraph (6).

9.—(1) An operator who does not agree that an additional charge is justified under paragraph 8 may request that the question be determined by a person nominated for the purpose pursuant to sub-paragraph (3)(a).

(2) A request under sub-paragraph (1) must be made within 1 week of the Agency giving the operator notice under paragraph 8(3).

(3) Where an operator makes a request under sub-paragraph (1) —

- (a) the Agency must nominate a person to determine the question from the list established under sub-paragraph (4);
- (b) the person so nominated must give the operator and the Agency an opportunity to make representations on the question to be determined; and
- (c) the person so nominated must, within 1 month of being nominated, decide whether an additional charge is payable and notify the operator and the Agency of his or her decision.

(4) The Agency must establish and maintain a list of people who may be nominated for the purposes of this paragraph and must consult those organisations appearing to represent operators before including any person on the list.

Time costs

10. The time costs generated by any premises in any accounting period will (subject to paragraphs 11 and 12) be calculated by —

- (a) multiplying the time (expressed in hours and fractions of an hour) spent by each inspector

exercising official controls at those premises in the period by the hourly rate applicable to that inspector determined in accordance with paragraphs 13 to 16;

- (b) adding the results together; and
- (c) adding any agreed slaughterhouse staff costs for the period.

11. The time costs in respect of any official controls must include any overtime payments or other similar allowances made to the inspector concerned under his or her contract of employment or contract for services for exercising those official controls.

12. In determining the total time spent in exercising official controls, any time spent by an inspector —

- (a) travelling to or from premises at which the inspector exercises official controls and for which he or she is paid under a contract of employment or contract for services;
- (b) at any premises to which the inspector has gone for the purpose of exercising official controls and for which he or she is paid under a contract of employment or contract for services (regardless of whether or not the inspector is able to exercise official controls there); and
- (c) at any other place —
 - (i) when the inspector is available for exercising official controls but is not in fact exercising any, and
 - (ii) for which he or she is paid under his or her contract of employment or contract for services,

must be counted as if it were time when the inspector was exercising official controls.

13. The Agency must determine the hourly rate applicable to inspectors, and may determine different rates for different inspectors or different classes of inspector, having regard to the level of qualifications and experience of different inspectors or classes of inspector and to the cost of exercising official controls in respect of different inspectors or classes of inspector.

14. The hourly rate for any inspector or class of inspector must be calculated so as to reflect —

- (a) the mean salary costs and fees (including pension and employers' National Insurance contributions, but excluding any additional costs taken into account pursuant to paragraph 11) and other costs of the exercise of official controls by that inspector or that class of inspector; and
- (b) such proportion of the administrative costs of the exercise of official controls as the Agency

considers it proper to apportion to that hourly rate.

15. For the purposes of paragraph 14(b), “administrative costs” means all costs reasonably incurred in exercising official controls including in particular the costs of —

- (a) post-qualification training given to inspectors of a particular class in relation to the performance of their functions as a member of that class;
- (b) the salaries (including the cost of overtime, employers’ National Insurance contributions and superannuation contributions) of the staff other than inspectors engaged in the exercise of official controls, and such proportion of inspectors’ remuneration as is not directly accounted for in the calculation of time costs;
- (c) providing office accommodation, equipment and services in relation to the exercise of official controls, including depreciation of any office furniture and equipment and also of providing information technology, stationery and forms;
- (d) protective clothing and equipment used in exercising official controls and of laundering such clothing;
- (e) accounting and collecting charges and of providing pay-roll and personnel services in connection with the employment of inspectors; and
- (f) other expenses and overheads incurred by or in relation to —
 - (i) inspectors exercising official controls, and
 - (ii) other staff engaged in the administration of those controls.

16. The Agency may vary any rate determined pursuant to paragraph 13 where, having regard to the factors set out in paragraphs 14 and 15, it appears to it to be necessary to do so.

17. Prior to determining or varying hourly rates in accordance with paragraphs 13 to 16, the Agency must consult such operators as are likely to be affected by those rates.

Definitions

18.—(1) In this Schedule —

- (a) “official auxiliary” (*“cynorthwydd swyddogol”*) and “official veterinarian” (*“milfeddyg swyddogol”*) have the meanings respectively given to them in Article 2.1(h) and (f) of Regulation 854/2004;
- (b) “inspector” (*“arolygydd”*) means an official veterinarian or an approved veterinarian;

- (c) “the standard charge” (“*y ffi safonol*”) means, in relation to any slaughterhouse, game-handling establishment or cutting plant for any accounting period, the charge calculated in accordance with paragraph 4, 5 or 6, as the case may be, converted into sterling in accordance with paragraph 7;
- (d) “the Euro / sterling conversion rate” (“*cyfradd drosi Ewro / punnoedd*”) applicable in respect of any given year is —
 - (i) for 2006, 1 Euro = £0.68290, and
 - (ii) in each subsequent year, the rate published in the C Series of the Official Journal of the European Communities on the first working day of the September of the preceding year or, if no rate is published in it on that day, the first rate published in it thereafter; and
- (e) “time costs” (“*costau amser*”) means, in relation to any establishment for any accounting period, the costs calculated in accordance with paragraphs 10 to 12; and
- (f) “wild game” (“*anifeiliaid hela gwyllt*”) has the meaning given to it in point 1.5 of Annex I to Regulation 853/2004.

(2) Expressions used in this Schedule, other than those defined in sub-paragraph (1), which are used in Council Directive 85/73/EEC on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC (as amended and consolidated by Council Directive 96/43/EC⁽¹⁶⁾) have the same meaning as in the first-mentioned Directive.

⁽¹⁶⁾ The text of Council Directive 85/73/EEC is annexed to Council Directive 96/43/EC at OJ No. L162, 1.7.96, p.1. Council Directive 85/73/EEC has been modified by Directive 2004/41/EC of the European Parliament and of the Council (OJ No. L157, 30.4.2004, p.33); the revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12).