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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” (“*Cyfarwyddeb 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.”