

SCHEDULE 2

Regulation 2

CALCULATION OF THE OFFICIAL CONTROLS CHARGE

The official controls charge

1. Subject to paragraph 2, the official controls charge payable by the operator of any premises for any accounting period shall be 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; 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 shall be the amount by which amount D exceeds amount B.

(3) In this paragraph “financial period” means—

- (a) the period commencing on 31st March 2008 and ending on 29th March 2009; and
- (b) thereafter, the period commencing on 30th March 2009 and ending on 31st December 2009.

The standard charge

3. The standard charge for any accounting period payable by the operator of a slaughterhouse shall be calculated—

- (a) for the period commencing on 31st March 2008 and ending on 31st December 2008, by multiplying the rate specified in the following Table applicable to a given type of animal by the number of animals of that type slaughtered and/or dressed there in the period; and
- (b) for the period commencing on 1st January 2009 and ending on 31st December 2009—
 - (i) in the same manner; or
 - (ii) by multiplying the rate in Euros specified in Chapter I of Section B of Annex IV to Regulation 882/2004 applicable to a given type of animal specified in the following Table by the number of animals of that type slaughtered and/or dressed there in the period and converting the resulting sum into Sterling by multiplying it by the Euro/Sterling conversion rate published in the C series of the Official Journal of the European Union on 1st September 2008 or, if no rate is published in it on that date, the first rate published in it thereafter,

whichever results in the higher charge.

4. The standard charge for any accounting period payable by the operator of a game-handling establishment in respect of wild game dressed there during that period shall be calculated—

- (a) for the period commencing on 31st March 2008 and ending on 31st December 2008, by multiplying the rate specified in the following Table applicable to a given type of animal that is categorised as wild game by the number of animals of that type dressed there in the period; and

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- (b) for the period commencing on 1st January 2009 and ending on 31st December 2009—
- (i) in the same manner; or
 - (ii) by multiplying the rate in Euros specified in Chapter III of Section B of Annex IV to Regulation 882/2004 applicable to a given type of animal that is categorised as wild game and is specified in the following Table by the number of animals of that type dressed there in the period and converting the resulting sum into Sterling by multiplying it by the Euro/Sterling conversion rate published in the C Series of the Official Journal of the European Union on 1st September 2008 or, if no rate is published in it on that date, the first rate published in it thereafter,
- whichever results in the higher charge.

<i>Type of animal</i>	<i>Rate per type of animal in Pounds Sterling</i>
Bovine animals	
–aged less than 8 months at slaughter	1.9084
–aged 8 months or more at slaughter	3.4350
Solipeds and equidae	3.3587
Pigs	
–carcase weight less than 25 kg	0.3817
–carcase weight equal to or greater than 25 kg	0.9924
Sheep and goats	
–carcase weight less than 12 kg	0.1336
–carcase weight between 12 and 18 kg inclusive	0.2672
–carcase weight greater than 18 kg	0.3817
Ducks and geese	
–weighing less than 2 kg	0.0077
–weighing at least 2 kg (except those which are adult and weigh at least 5 kg)	0.0153
–adult and weighing at least 5 kg	0.0305
Turkeys	
–any weight (except those which are adult and weigh at least 5 kg)	0.0169
–adult and weighing at least 5 kg	0.0305
Poultry of a type not mentioned above	
–all broilers; all cast hens; other poultry weighing less than 2 kg	0.0077
–poultry (not being broilers or cast hens) weighing at least 2 kg(except those which are adult and weigh at least 5 kg)	0.0153

<i>Type of animal</i>	<i>Rate per type of animal in Pounds Sterling</i>
–poultry (not being broilers or cast hens) being adult and weighing atleast 5 kg	0.0305
Farmed rabbits	
–weighing less than 2 kg	0.0077
–weighing at least 2 kg (except those which are adult and weigh atleast 5 kg)	0.0153
–adult and weighing at least 5 kg	0.0305
Small game birds	
–weighing less than 2 kg	0.0077
–weighing at least 2 kg (except those which are adult and weigh atleast 5 kg)	0.0153
–adult and weighing at least 5 kg	0.0305
Small ground game	
–weighing less than 2 kg	0.0077
–weighing at least 2 kg (except those which are adult and weigh atleast 5 kg)	0.0153
–adult and weighing at least 5 kg	0.0305
Ratites	0.9924
Land mammals of a type not mentioned above	
–boars	1.0136
–ruminants of carcass weight no more than 18 kg	0.3379
–ruminants of carcass weight greater than 18 kg	0.3817

5. The standard charge for any accounting period payable by the operator of a cutting plant or of a game-handling establishment in respect of meat brought into the plant or establishment during that period for the purposes of being cut up or boned there shall be calculated–

- (a) for the period commencing on 31st March 2008 and ending on 31st December 2008, by multiplying by £2.29 the number of tonnes of such meat; and
- (b) for the period commencing on 1st January 2009 and ending on 31st December 2009–
 - (i) in the same manner; or
 - (ii) by multiplying the rate in Euros specified in Chapter II of Section B of Annex IV to Regulation 882/2004 applicable to meat derived from a given type of animal by the number of tonnes of meat derived from animals of that type brought into the plant or establishment during that period for the purposes of being cut up or boned there and converting the resulting sum to Sterling by multiplying it by the Euro/Sterling conversion rate published in the C Series of the Official Journal of the European Union on 1st September 2008 or, if no rate is published in it on that date, the first rate published in it thereafter,

whichever results in the higher charge.

The additional charge

6.—(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 shall 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) shall 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 shall include 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 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 shall agree working hours and working practices and shall 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 shall 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).

7.—(1) An operator who does not agree that an additional charge is justified under paragraph 6 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) shall be made within 1 week of the Agency giving the operator notice under paragraph 6(3).

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

- (a) the Agency shall nominate a person to determine the question from the list established under sub-paragraph (4);
 - (b) the person so nominated shall give the operator and the Agency an opportunity to make representations on the question to be determined; and
 - (c) the person so nominated shall, within 1 month of being nominated, decide whether an additional charge is payable and shall notify the operator and the Agency of the decision.
- (4) The Agency shall establish and maintain a list of people who may be nominated for the purposes of this paragraph and shall consult those organisations appearing to represent operators before including any person on the list.

Time costs

8. The time costs generated by any premises in any accounting period shall (subject to paragraphs 9 and 10) 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 or varied in accordance with paragraphs 11 to 13;
- (b) adding the results together; and
- (c) adding any agreed slaughterhouse staff costs for the period.

9. The time costs in respect of any official controls shall include any overtime payments or other similar allowances made to the inspector concerned under that inspector's contract of employment or contract for services for exercising those official controls.

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

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

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

11. The Agency shall 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 by different inspectors or classes of inspector.

12. The hourly rate for any inspector or class of inspector shall be calculated so as to reflect such proportion of the costs of the items listed in Annex VI to Regulation 882/2004 incurred by that inspector or class of inspector in exercising official controls (excluding any additional costs taken into account pursuant to paragraph 9) as the Agency considers it proper to apportion to that hourly rate.

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13. The Agency may vary any rate determined pursuant to paragraph 11 where, having regard to variations in the costs referred to in paragraph 12, it appears to it to be necessary to do so.

14. Prior to determining or varying hourly rates in accordance with paragraphs 11 to 13, the Agency shall consult such operators as are likely to be affected by those rates.

Definitions

15. In this Schedule—

- (a) “inspector” means an official veterinarian or an official auxiliary;
- (b) “official auxiliary” and “official veterinarian” have the meanings respectively given to them in Article 2.1(h) and (f) of Regulation 854/2004;
- (c) “the additional charge” means the charge for any accounting period that is incurred in relation to any premises calculated in accordance with paragraph 6;
- (d) “the standard charge” means the charge for any accounting period that is incurred in relation to a slaughterhouse, game-handling establishment or cutting plant and calculated in accordance with paragraph 3, 4 or 5, as the case may be;
- (e) “time costs” means, in relation to any establishment for any accounting period, the costs calculated in accordance with paragraphs 8 to 10; and
- (f) any other expression used both in this Schedule and in Regulation 882/2004 has the meaning that it bears in Regulation 882/2004.