
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations apply in relation to England only. They revoke and replace the Fishery Products (Official Controls Charges) (England) Regulations 2006 (S.I. 2006/2904).

2. These Regulations provide for the execution and enforcement in relation to England of Articles 26 and 27 of 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 (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, which should be read with a further Corrigendum, OJ No. L 204, 4.8.2007, p. 29), in so far as those provisions require fees to be collected to cover the costs occasioned by official controls performed on fishery products under Annex III to Regulation (EC) 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 (OJ 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, which should be read with a further Corrigendum, OJ No. L204, 4.8.2007, p.26).

3. These Regulations —

- (a) state what costs constitute the actual costs of exercising official controls for the purposes of the Regulations (*regulation 3*);
- (b) provide the rates to calculate the sterling equivalent of any sums which are specified in Euros in the Regulations (*regulation 4*);
- (c) prescribe how the length of an “account period” for the purposes of the Regulations is to be determined (*regulation 5*);
- (d) provide that where a duty to pay charges under the Regulations is imposed on more than one person it may be enforced jointly or separately against such persons (*regulation 6*);
- (e) require authorities to which charges are payable under the Regulations to calculate the charges, recalculate if an error is made and give notice of amounts due to those liable to pay (*regulation 7*);
- (f) provide for appeals against decisions of authorities imposing charges under the Regulations and lay down the requirements for the conduct and determination of such appeals (*regulation 8*);
- (g) provide for the payment of charges by one food authority to another where charges are payable to more than one authority (the term “food authority” is defined in regulation 2) (*regulation 9*);
- (h) require payment of a specified amount to the relevant food authority by vendors of relevant fishery products or relevant landed fishery products in relation to the first placing on the market or first sale in a fish market of such products (the terms “relevant food authority”, “vendor”, “relevant fishery products”, “relevant landed fishery products”, “first placing on the market” and “first sale in a fish market” are defined in regulation 2) (*regulation 10*);
- (i) require those vendors to supply the relevant food authority with returns in respect of the aggregate of transactions for which charges are payable by them under regulation 10, specify the information to be contained in such returns, permit the relevant food authority to require those vendors to supply additional information in relation to such transactions,

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require them to keep records that are sufficient to enable them to supply such information and make it a summary offence fail to comply with any such requirement (*regulation 11*);

- (j) require payment of a specified amount to the relevant food authority by proprietors or operators of processing establishments in relation to fishery products entering the establishment concerned for the purpose of processing (the terms “processing establishment” and “processing” are defined in regulation 2) (*regulation 12*); and
- (k) require proprietors and operators of processing establishments to supply the relevant food authority with returns in respect of fishery products for which charges are payable under regulation 12, specify the information to be contained in such returns, permit the relevant food authority to require those proprietors or operators to supply additional information in relation to such products, require them to keep records that are sufficient to enable them to supply such information and make it a summary offence to fail to comply with any such requirement (*regulation 13*).

4. An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Fish and Shellfish Hygiene Branch, Primary Production Division, of the Food Standards Agency at Aviation House, 125 Kingsway, London, WC2B 6NH and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

Changes to legislation:

There are currently no known outstanding effects for the The Fishery Products (Official Controls Charges) (England) Regulations 2007.