
WELSH STATUTORY INSTRUMENTS

2006 No. 3344

**The Fishery Products (Official Controls
Charges) (Wales) Regulations 2006**

PART II

**OFFICIAL CONTROLS CHARGES OTHER THAN
CHARGES FOR THIRD COUNTRY IMPORTS**

**Charge in respect of the first placing on the market or the first sale in a fish market of
relevant fishery products or relevant landed fishery products**

10.—(1) The first placing on the market or first sale in a fish market of relevant fishery products or relevant landed fishery products is a chargeable transaction for the purposes of this Part.

(2) Subject to paragraph (6), where there is a chargeable transaction for the purposes of this Part, the vendor must pay the charge referred to in paragraphs (3) to (5) (“the landings charge”) to the relevant food authority.

(3) Subject to paragraphs (4) and (5), the landings charge is a contribution of 1 Euro per tonne for the first 50 tonnes of fishery products and 0.5 Euro per tonne for each additional tonne towards the expenditure incurred in exercising the official controls required under Annex III to Regulation 854/2004.

(4) Subject to paragraph (5), in respect of any consignment of specified pelagic fish which are relevant landed fishery products, the landings charge must not exceed 50 Euros.

(5) Where—

(a) the chargeable transaction is a first sale in a fish market and relates to relevant landed fishery products; and

(b) any official controls required under Annex III to Regulation 854/2004 are facilitated on the basis that —

(i) the relevant landed fishery products concerned are graded for freshness or size in accordance with relevant national or Community rules, or

(ii) such transactions are grouped together,

the landings charge is 45% of the amount that it would otherwise be under paragraph (3) or (4).

(4) Where the actual costs of exercising the official controls required under Annex III to Regulation 854/2004 are less than the landings charge, the vendor must pay an amount equal to those costs to the relevant food authority, instead of the landings charge.

Returns and records relating to relevant fishery products or relevant landed fishery products

11.—(1) Within 7 days of the end of each account period, the vendor must make a written return to the relevant food authority to which the landings charge is payable in respect of the aggregate of chargeable transactions that the vendor has entered into during that period.

- (2) The return made referred to in paragraph (1) must include the following information —
- (a) the account period to which the return relates;
 - (b) the place of landing and first placing on the market or first sale in a fish market of the fishery products to which it relates; and
 - (c) for landings of relevant fishery products and for landings of relevant landed fishery products other than specified pelagic fish —
 - (i) the name of each vessel and the number of consignments landed from it,
 - (ii) the aggregate weight of consignments landed by each vessel which do not exceed 50 tonnes and the first 50 tonnes of consignments the weight of which exceeds that amount, and
 - (iii) the aggregate weight of consignments less the weight calculated under paragraph (ii);
 - (d) for landings of relevant landed fishery products which are specified pelagic fish —
 - (i) the name of each vessel and the number of consignments landed from it, and
 - (ii) the aggregate weight of consignments landed by each vessel which do not exceed 50 tonnes and the first 50 tonnes of consignments the weight of which exceeds that amount;
 - (e) notification of any amount paid under regulation 10(5) which has been paid in respect of—
 - (i) consignments of fish consisting only of fish other than specified pelagic fish, or
 - (ii) consignments of specified pelagic fish only,
 specifying under which of sub-paragraph (b)(i) or (b)(ii) of that paragraph that payment has been made;
 - (f) in relation to consignments of relevant fishery products —
 - (i) the total weight of all relevant fishery products landed, and
 - (ii) the total amount of the charge payable under regulation 10 in respect of those products; and
 - (g) the amount of the landings charge.

(3) Subject to paragraph (4), during the period of 1 year beginning on the day on which a vendor makes a return under this regulation —

- (a) the relevant food authority to which it was made may require the vendor to provide separate information of the kind required by paragraph (2) in respect of each transaction included in it; and
- (b) the vendor must retain records which are sufficient to enable the vendor to supply any such information.

(4) Paragraph (3) does not apply in relation to landings of relevant fishery products.

(5) Any vendor who without reasonable excuse —

- (b) fails to comply with paragraph (1) or (3)(b); or
- (c) fails to comply with a requirement made under paragraph 3(a)

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

Charge in respect of processing establishments

12.—(1) Subject to paragraph (4), the proprietor or operator of a processing establishment must pay the charge referred in paragraphs (2) and (3) (“the processing establishment charge”) to the relevant food authority.

(2) Subject to paragraph (3), the processing establishment charge is be a contribution of 1 Euro per tonne of fishery products entering the establishment towards the expenditure incurred by the relevant food authority in exercising the official controls required under Annex III to Regulation 854/2004.

(3) Where processing is carried out —

- (a) on the same site as that on which the first placing on the market or first sale in a fish market of the fishery products concerned is effected; or
- (b) in an establishment in which operating conditions and guarantees as to the establishment’s own checks are such that staff requirements for the exercise of official controls can be reduced,

the processing establishment charge is 45% of the amount that it would otherwise be under paragraph (2).

(4) Where the actual costs of exercising the official controls required under Annex III to Regulation 854/2004 are less than the processing establishment charge, the proprietor or operator must pay an amount equal to those costs to the relevant food authority, instead of the processing establishment charge.

Collection and remittance of charges relating to processing establishments

13.—(1) Within 7 days of the end of each account period, the proprietor or operator who is responsible for paying the processing establishment charge must make a written return in respect of that charge to the relevant food authority to which that charge is payable in respect of the fishery products which have entered the establishment concerned during that period.

(2) A return made under this regulation must include the following information —

- (a) the account period to which the return relates;
- (b) the weight of the fishery products entering the establishment;
- (c) notification of any amount paid under regulation 12(3), specifying under which of subparagraph (a) or (b) of that paragraph that payment has been made; and
- (d) the amount of the charge payable under regulation 12.

(3) During the period of one year beginning on the day on which a proprietor or operator makes a return under this regulation —

- (a) the relevant food authority to which the return was made may require the proprietor or operator to provide separate information of the kind required by paragraph (2) in respect of each batch of fishery products included in it; and
- (b) the proprietor or operator must retain records which are sufficient to enable him or her to supply any such information.

(4) Any proprietor or operator who without reasonable excuse —

- (a) fails to comply with paragraph (1) or (3)(b); or
- (d) fails to comply with a requirement made under paragraph (3)(a),

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

Revocation

- 14.** The Fishery Products (Official Controls Charges) (Wales) Regulations 2005⁽¹⁾ are revoked.

⁽¹⁾ [S.I.2005/3297 \(W.255\)](#).