

Explanatory Memorandum to the Official Controls (Animals, Feed and Food, Plant Health Fees, etc) Regulations (Wales) Regulations 2020

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Official Controls (Animals, Feed and Food, Plant Health Fees, etc) Regulations (Wales) Regulations 2020. I am satisfied that the benefits justify the likely costs.

Lesley Griffiths
Minister for Energy, Planning and Rural Affairs
22 January 2020

1. Description

The Official Controls (Animals, Feed and Food, Plant Health Fees, etc.) Regulations (Wales) Regulations 2020 (“the Regulations”) enforce Regulation (EU) 2017/625 on official controls and other official activities in relation to Wales (“the Council Regulation”). The Council Regulation replaces Regulation (EC) No 882/2004, which was enforced in Wales by the Official Controls (Animals, Feed and Food) (Wales) Regulations 2007. The 2020 Regulations revoke and replace the 2007 Regulations in relation to Wales.

Official controls and other official activities are checks performed to ensure compliance with rules on food, feed, animal health, animal welfare, plant health and other aspects of the agri-food chain. The 2017 EU Regulation aims to create a more comprehensive and consistent risk-based approach to official controls by simplifying and extending the scope of the system of official controls introduced by the 2004 Council Regulation to the entire agri-food chain.

EU delegated legislation made under the Council Regulation comprises 17 implementing regulations and 16 delegated regulations. (Delegated acts are defined as non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act. Implementing acts are to be used where uniform conditions for implementing legally binding Union acts are required.)

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

These Regulations will be made under the powers contained in section (2) of the European Communities Act 1972. Section (2) permits a choice of procedure under which regulations may be approved. These Regulations will proceed under the negative resolution procedure as they enforce a directly applicable EU Council Regulation and therefore the Welsh Minister’s discretion in relation to these Regulations is limited.

The Council Regulation came into force on 14th December 2019. The drafting of this SI has been delayed because important parts of it depended on the status of the United Kingdom, in so far as to whether it was a member State of the EU on the coming into force of the Council Regulation. In addition, the last item of delegated legislation made under the Council Regulation was not finalised until 12 December 2019.

These matters have inevitably adversely affected the drafting timetable and whilst the Regulations have been prepared as soon as possible after the above matters were settled it has resulted in a short delay between the coming into force of the Council Regulation and the making of these Regulations. For these reasons the final instrument does not to adhere to the 21 day convention.

3. Legislative background

The Regulations will be made pursuant to powers in section 2(2) of the European Communities Act 1972. Section 2(2) provides that any designated Minister may make regulations to implement any EU obligation of the UK.

The Welsh Ministers are designed by Order to exercise those powers, in relation to Wales, to implement the Common Agricultural Policy of the EU by the European Communities (Designation) (No. 5) Order 2010 and in relation to the measures in the veterinary and phytosanitary fields for the protection of public health by the European Communities (Designation) (No. 2) Order 2008.

4. Purpose & intended effect of the legislation

The policy objective and rationale for this SI is to ensure that the bodies responsible for enforcing the requirements of the Official Control Regulation have the enforcement powers, such as power of inspection that they require.

This SI provision does not introduce any significant change compared to the Official Controls (Animals, Feed and Food) Regulations (Wales) Regulations SI 2007/196) (W.15). It will mainly repeal and replace existing enforcement measures implementing Regulation (EU) 882/2004). There are provisions in the EU Regulation which necessitate consequential amendments and we also used the opportunity to make a correction to the regulations being amended. These amendments ensure these items of legislation correctly reference the Council Regulation and will enable competent authorities to continue to effectively enforce the replacement EU Regulation.

The main provisions of the SI (which mainly replacing (Official Controls (Animals, Feed and Food) (Wales) Regulations 2007) relate to:

- Designation of the Welsh Minister as competent authorities in Wales responsible for undertaking official controls;
- Provisions for the exchange of information among competent authorities;
- Powers for auditors to enter premises and examine any information and records relevant to the audit;
- Obligations on designated competent authorities to provide information about their audits when requested by the Welsh Ministers;
- Powers for the Welsh Ministers to require auditors to carry out audits of enforcement authorities, and if necessary to require the enforcement authority to assist the auditor;
- Enforcement powers for enforcement officers, including powers of entry;
- Provisions for competent authorities to recover the cost of official controls;
- Offences and penalties as regards obstruction of relevant auditors or inspectors;
- Fraudulent and deceptive practices will be subject to prosecution under the Fraud Act 2006.

- Part 6 of these Regulations introduces amendments to plant health related fee instruments, including the Plant Health etc. (Fees) (Wales) Regulations 2018 and the Plant Health (Fees) (Forestry) (Wales) Regulations 2019. The effect is to revise and update references to EU legislation that will be repealed or amended as a result of the application of the Council Regulation and Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants. Existing fees are not being changed by the amendments.

Rationale for intervention

Failing to provide for the execution of powers and enforcement in Wales for the Official Controls Regulation would present significant gaps to the legislative framework for the delivery of official controls.

UK enforcement authorities (such as the FSA, the Animal and Plant Health Agency and local authorities) carry out official controls at all stages of production, distribution, use, storage, transport, import and export of food and feed. The controls ensure that businesses are meeting their obligations to comply with animal health animal welfare requirements, in particular those relating to trade of animals and animal products. Official controls are integral to protecting our biosecurity maintaining the integrity of the agri-food chain that provides consumer and business confidence as well as assurance to other Member States and 3rd countries, which is vital to trade.

When the main provisions of the Official Controls Regulation took effect on 14 December 2019, the Official Controls Regulation repealed the European regulations that currently provide the legislative framework for UK official controls in relation to EU animal health and welfare law. To maintain our legislative framework for EU animal health and welfare law, official controls the UK must provide for the execution of powers and enforcement of the Official Controls Regulation in domestic legislation. Failure to do so will undermine the effectiveness of official controls and therefore undermine the protection of our biosecurity as well as confidence in the UK agri-food chain.

It is estimated that the average incurred cost of outbreaks to be in the region of £50 million p.a. for dealing with relatively small/ low impact disease events e.g. AI, Bluetongue and Equine Infectious Anaemia. Such disease events have been more frequent in England than in Wales with the last confirmed exotic disease in Wales being a low pathogenic AI in Powys in June 2014.

On the other hand, severe outbreaks can have very wide ranging implications, not only for animals and/or people affected, but to the wider society with trade and tourism disruption for example. The outbreak of foot and mouth disease in 2001 was estimated to have cost £102 million relating to Wales; BSE in the 90s was estimated to cost just under £1 billion for the UK economy, spent in surveillance and control activities, beef markets dropping and bans on UK exports. Over 4 million cattle were slaughtered and up to 177 people died in the UK as a result of BSE.

Policy objective

These Regulations provide for enforcement mechanisms for the Official Controls Regulation and associated tertiary legislation. Implementation of legislation in Wales will maintain a strong legal basis for future official control activity in relation to animal health and welfare. It will also ensure that our biosecurity is protected and that confidence in the UK agri-food chain is maintained through the demonstration of the effectiveness of our regulatory control system including the legal basis for the execution of necessary powers and enforcement of official controls and other official activities.

The intention of the European Commission is to simplify and further harmonise control systems across the EU agri-food chain through the implementation of the Official Controls Regulation. The organisation of such controls is harmonised at an EU level to ensure a consistent high-level of protection from threats to our biosecurity, provide confidence that animal health and welfare standards are upheld in the EU or imported from third countries and provide for effective functioning of the internal market.

The new legislation builds upon and clarifies the existing risk-based approach towards the performance of official controls. The main intended effects identified by the Commission are summarised below:

- A harmonised and coherent regulatory approach to official controls and enforcement actions along the agri-food chain;
- Increased transparency and greater accountability required by Member States competent authorities through the publication of information about the organisation and performance of official controls;
- More stringent rules on fraud will provide greater consumer protection and benefit compliant businesses;
- A common set of rules for controls at EU borders that overcomes the current fragmentation and makes the control system less burdensome for enforcers and businesses;
- An integrated computerised system to improve the exchange of information between Member States on official controls;
- Greater flexibility in relation to the accreditation of official laboratories (i.e. formal recognition of competence in their field);
- Businesses and authorities will benefit from reduced administrative burdens, more efficient processes and strengthened controls.

For the most part, the legislative changes required in Wales are technical, such as the changing of references to previous EU legislation to refer to Regulation (EU) 2017/625 and associated tertiary legislation.

General Changes to the Delivery of Official Controls

The Official Controls Regulation will introduce changes across a number of policy areas. However, for the most part it is expected that these changes will result in relatively few impacts, as they relate to the overarching principles of conducting official controls to which the UK is already aligned. The key changes identified by the Welsh Government in relation to the main provisions of the Official Controls Regulation that apply from 14 December 2019 are set out below.

Further impacts, associated with provisions laid down in the tertiary European legislation, which sets out in further detail how official controls should be carried out, are also identified and assessed.

Other official activities

1. Article 2 of the Official Controls Regulation introduces a new definition of 'other official activities', which includes activities performed by competent authorities (CAs) or delegated bodies other than official controls. For example, enforcement measures and/or remedial actions following non-compliance; management of lists of registered/approved business operators or the issuance of official certificates. The Official Controls Regulation sets out rules necessary to ensure that such activities are properly and effectively performed.

Risk-based controls

The general risk-based approach of existing legislation and current practice, detailed in Article 9 of the Official Controls Regulation, is maintained. However, a new provision in Article 9 paragraph 2 strengthens the fight against fraud along the agri-food chain by clarifying that CAs are required to carry out regular, risk-based official controls, directed at identifying fraudulent and deceptive practices. Our controls are already risk-based and include checks on fraudulent activity therefore we do not expect any change to the frequency or number official controls as a result of this provision.

Transparency requirements

2. Transparency requirements for competent authorities are clarified in Article 11 of the Official Controls Regulation by identifying the minimum level of information which must be made public and at what frequency. Our assessment is that the current practice in Wales already meets these requirements. We therefore do not expect any incremental impact from this change.

Sampling

3. Articles 35 and 36 of the Official Controls Regulation relating to 'second expert opinion' and 'sampling of animals and goods offered for sale by means of distance communication' provide greater clarity to enforcers that a sample ordered on-line by the CA without identifying themselves can be validly used for the purposes of an official control. While also making provision that they need to inform the operator that such a sample has been taken and, where appropriate, is being analysed in the context of an official control.

4. Our assessment is that this provision of notification already exists in UK law. We therefore do not expect any incremental impact from this change.

Import controls

5. Articles 43 – 77, 90, 126 -128 and Article 134 of the Official Controls Regulation are revised rules regarding import controls and import conditions on animals and goods arriving in the European Union from third countries. These changes are intended to create a common framework for all goods covered by the Official Controls Regulation across the agri-food chain. Central to this project is the re-designation of all existing specialised border facilities, such as Designated Points of Entry (DPEs) and Border Inspection Posts (BIPs) as Border Control Posts (BCPs). Furthermore, existing entry documents, such as the Common Entry Document (CED) for high-risk food not of animal origin and the Common Veterinary Entry Document (CVED) for products of animal origin, will be amalgamated as Common Health Entry Documents (CHEDs). These systemic changes will be underpinned by a new Information Management System for Official Controls (IMSOC). This platform will link existing systems, such as RASFF and TRACES, rather than replacing any elements of the Commission's computational architecture.

6. Although the groundwork for this new common framework for imports is established in the Official Controls Regulation, the legislation itself provides the power to make detailed implementing tertiary legislation. Since 2017 these rules have been negotiated between European Union Member States and the European Commission. The UK has participated fully in this process. As these detailed rules establish, to a much greater extent, the shape of the new regime, their impact is examined below in greater, individual detail.

National Reference Laboratories (NRLs) & Official Control Laboratories (OCLs)

7. National Reference Laboratories (NRLs) and official control laboratories (OCLs) will see minor changes to the responsibilities placed upon them (Articles 34, 38, 40, 42, 92, 94, 100 & 101). The changes for NRLs have in fact applied since April 2018. Changes to the responsibilities of OCLs (applicable from December 2019) will mean that competent authorities are required to have closer contact with the laboratories and greater oversight of delegated laboratories. The main issue in this area is a legislative change which means that a laboratory can only send a sample to a laboratory in another member state if the second laboratory has been designated an official laboratory in the receiving member state. The impact of this change has been assessed in further detail in the appraisal section.

Cross-border incidents

8. Articles 102 – 108 of the Official Controls Regulation subjects CAs to tighter rules and more formalised processes for interacting with authorities in other Member States when responding to cross-border incidents. For example,

CAs must set out within ten days their intentions regarding notifications from other Member States.

9. Our assessment is that the UK already consistently complies with these requirements. We therefore do not expect any incremental impact.

Financing of Official Controls

10. The Official Controls Regulation also expands upon the European Union's existing legal basis for the financing of official controls. This includes, in particular at Article 85, a greater emphasis on transparency.

The Welsh Government does not anticipate introducing any changes. Further stakeholder engagement will take place as appropriate.

Offences and Penalties

A decision has been made to maintain the single existing criminal penalty provision for obstruction in this replacement SI to ensure that there remains sufficient element of deterrence to ensure compliance from operators. The Official Control Regulation's new requirement to ensure that penalties on conviction for fraud or deceptive practices reflect the economic turnover for the operator or, as appropriate a percentage of the operator's turnover are already provided for under the Fraud Act 2006 and the Court's own sentencing guidelines for imposing a sufficiently appropriate financial penalty following such conviction.

5. Consultation

EU

There has already been significant engagement and consultation with Member States. The Commission has organised various events and workshops, and provided training materials on some of the new documentation required. (Information Management System on Official Controls etc). There has also been opportunities for Member States to discuss and contribute to draft legislation at the various Commission working groups.

UK

Following approval of UK Government to lay legislation during pre-election period, Defra has now made available detailed information on the new requirements in relation to animal health and welfare, by products, veterinary medicines and residues and plants. This information will also be available to Welsh businesses.

Wales

There have been discussions with Defra and other devolved administrations about consultation options. Defra have concluded that this is not necessary due

to limited impacts and the requirement to enforce directly applicable EU law. Following the EU engagement and consultation, we decided to pursue a limited stakeholder engagement exercise. This included specific questions sent to those on the OCVO stakeholder database. Specifically:

- What are the Official Controls Regulation impact, if any, on the Welsh language, and, if relevant, on ways of increasing the policy's positive effects on the Welsh language?
- If you have any comments relating to the Official Controls Regulations, please use this space to report them. Please keep each comment separate.

This exercise was run over 4 weeks from 29 October 2019 to 25 November 2019. During this time no responses were received.

6. Regulatory Impact Assessment

Policy Options Considered

There are no other viable policy options as the EU Regulations are directly applicable, meaning we are obliged to make domestic legislation to have sufficient enforcement powers if treated as a Member State in a deal implementation period. Whilst the Official Controls Regulation provisions are directly applicable, certain measures are required in domestic legislation for those provisions to be fully and effectively applied in Wales, specifically in relation to enforcement powers (separate and parallel legislation will apply in England, Scotland, Wales and Northern Ireland). Failure to give effect to the Official Controls Regulation in contravention of any Member State or withdrawal agreement obligations could affect government ambitions for frictionless trade with the EU and will put the UK at risk of Commission infraction proceedings.

In addition, there would be an enforcement gap domestically and if an operator failed to cooperate with inspectors attempting to verify compliance then there would be, for example, inability to prosecute the perpetrator on grounds of obstruction. This is especially important for post-import controls, where animals or animal products from outside the UK could carry biosecurity risks and need to be made safe or tested in some way. These risks to animal and public health could lead to economic, political and social risks, and undermines one of the core aims of the government's Well Being and Future Generations Act.

Assessment of Impacts on Business

These impacts are being assessed against a baseline scenario where the UK does not implement the requirements of Regulation (EU) 2017/625 on official controls and other official activities (Official Controls Regulation) from the application date.

Summary of impacts

This SI only enables enforcement of the new Regulation, which was already adopted in 2017. There are no new fees for businesses, nor any policy changes affecting what businesses can or cannot do specifically as result of this SI, meaning there are likely to be no changes to how businesses operate. If we assume that businesses comply with the existing regulations and are not affected by these criminal sanctions, the only monetised costs in this impact assessment, are the costs of familiarisation with the regulations. There could be benefits to some business as Official Controls Regulation maintains a risk-based approach to official controls but includes a new provision that clarifies official controls must be performed in a manner that minimises the burden on businesses. This could mean that low risk businesses and/or those with good compliance history could be subject to fewer official controls, and vice versa. The balance of overall cost and benefit would depend on the levels of risk and compliance identified by the authorities.

The offences in question are unlikely to be of significant interest to the majority of businesses covered by the legislation, as the criminal penalties covered in this SI have not been activated since the introduction of the previous legislation of Official Controls (Animals, Feed and Food) Regulations (Wales Regulations S.I. 196 2007).

A Justice Impact Assessment has been completed which assessed no impact on the justice system in England and Wales will arise given the nature of the SI. This has been forward to Ministry of Justice for consideration. A link to the JIA will be will added in due course after the Ministry of Justice have provided their response / clearance.

Affected groups

In addition to the businesses affected by the SI, the central competent authorities and designated enforcement authorities that perform the official controls to verify compliance with the legislation will need to familiarise themselves with the changes to the offences involved in the SI.

Agri-food businesses

The scope of the Official Control Regulation covers all of the agri-food chain sectors, and the regulations apply to businesses at all stages of production, processing, distribution and use. The Impact Assessment for the Official Controls Regulation proposal stated that the businesses affected are those subject to official controls performed for verification of compliance in the following areas:

- Food and feed standards and safety;
- Contained use and release of genetically modified organisms;
- Animal health requirements;
- Animal by-products requirements;
- Animal welfare requirements;
- Protective measures against plant pests;

- The manufacture and/or use of plant protective products (such as pesticides);
- Organic production and labelling; and
- Use and labelling of protected designations of origin, geographical indications and traditional specialities.

We estimate, based on ONS data, that there are 23,470 businesses in Wales covered by Official Controls Regulations¹ This estimate excludes businesses which are solely plant health related, as their familiarisation costs will be addressed alongside enforcement of the Plant Health Regulation (EU) 2016/2031. Of these businesses, approximately 3,123 engage in international trade².

Enforcement authorities

In addition to the affected businesses, enforcement authorities in Wales will also need to familiarise themselves with the changes in the SI. These include the Animal and Plant Health Agency, the Food Standards Agency and the Local Authorities, who are the Competent Authorities responsible for delivering regulatory controls. Official Controls Laboratories, which analyse samples taken during official controls and for food and feed enforcement are also included. There are, in total, 29 authorities in Wales assumed to be affected by this SI.

Regulatory overlap and double counting

There is a risk of an overlap of familiarisation costs between this SI, and the Official Controls Regulation SIs for plant health and the FSA. While we have excluded businesses solely plant health related, there are some that may be covered by both SIs, for instance mixed farms. For these businesses, there may be some instances of double counting of familiarisation costs. There may also be some overlap and double counting of the impacts included in the FSA Impact Assessment on Official Control Regulations, which includes familiarisation costs for FSA Approved Establishments, UK-based importers of high-risk foods not of animal origin or products of animal origin, and for enforcement authorities. However, this only includes around 3,123 businesses in Wales, in addition to the 29 enforcement authorities, in comparison to the 23,470 affected businesses in this impact assessment.

Familiarisation costs

We estimate that familiarisation costs for affected groups are £17.31 per hour. This is consistent with the approach taken in the assessment for the Plant Health enforcement SI and is an average of two occupation categories from Table 15.5a, (gross hourly pay) from the Annual Survey of Hours and Earnings, 2016. These are the average of median wages for “Managers and directors in

¹ Based on ONS data from: <https://www.ons.gov.uk/businessindustryandtrade/business/activitysizeandlocation/datasets/ukbusinessactivitysizeandlocation>

² ONS data from the Annual Business Survey: <https://www.ons.gov.uk/businessindustryandtrade/business/businessservices/datasets/annualbusinesssurveyimportersandexportersindustrybreakdown>

retail and wholesale” (£11.48 per hour) and “Administrative occupations: Office managers and supervisors” (£15.15 per hour), ASHE 2019. A 30% uplift to account for non-wage labour costs is then applied to the average.)

For the majority of businesses, who do not trade internationally, we assume that they will only familiarise themselves on a general basis with the regulations. Given there will be guidance on gov.uk and engagement with stakeholders to disseminate and simplify the regulations, we have assumed half an hour per company. For the 3,123 businesses involved in international trade, and for the enforcement authorities, we assume that familiarisation will take longer, and have estimated an average familiarisation time of 2 hours. Multiplying the familiarisation cost per hour by the number of affected bodies and the estimated familiarisation time gives a total cost of approximately £285,200, as set out in Table 1 below. This is a one-off transition cost which will only apply in the first year the Regulations come into force, and will not recur on an annual basis.

	No. of bodies	Familiarisation time (hours)	Cost per hour	Total cost
Enforcement authorities	29	2.00	£17.31	£1,004
International firms	3,123	2.00	£17.31	£108,103
Domestic firms	20,347	0.50	£17.31	£176,107
Total				£285,214

Table 1: Summary of familiarisation costs

Summary of monetised costs and benefits

The only monetised impacts which have been assessed in this impact assessment are the one-off transition costs of familiarisation, which are estimated at approximately £285, 200. There have been no ongoing costs or benefits identified to businesses or public bodies.

Non-monetised costs and benefits

There are no non-monetised impacts to business which have been identified in this impact assessment. In comparison to the baseline where the UK does not implement the Regulations, there are some non-monetised benefits to the UK Government. Failure to give effect to the Official Controls Regulation in contravention of any Member State or withdrawal agreement obligations could affect government ambitions for frictionless trade with the EU and will put the UK at risk of Commission infraction proceedings. Additionally, there would be an enforcement gap domestically and if an operator failed to cooperate with inspectors attempting to verify compliance then there would be inability to prosecute. This reduces the incentive for compliance with the Official Controls Regulation, which could generate risks to the UK’s biosecurity.

Due to the unpredictable nature of disease spread, we do not have sufficient evidence to assess how an enforcement gap could increase the risk of an animal disease outbreak, nor the potential costs of such an outbreak. However,

it is possible to use evidence from previous animal disease outbreaks to provide a potential scale of the impacts, if an outbreak were to occur. It is impossible to predict how much an outbreak would cost but past outbreaks have cost, for example, £50 million (avian influenza 2014) and £100 million (foot and mouth disease, 2001). BSE was estimated to have cost just under £1 billion for the UK economy, with over 4 million cattle destroyed, with the domestic beef market dropping and a ban of exports of beef. In addition, 177 people died. Therefore the non-monetised benefits from implementation of this SI are the avoided costs of potential infraction proceedings and the avoided risks to UK biosecurity and its consequential impacts for society.

As explained above, with a risk based approach to official controls some businesses could be subject to fewer controls – which have a cost to the business associated with it - and others could be subject to more, however this would be relative to the businesses' risk and compliance identified by the authorities, and the net monetary result could be the same – it is not possible to predict, but we have been applying this approach under the previous Official Controls Regulation.

Brief Assessment of Distributional Impacts

There are unlikely to be any significant distributional impacts arising from this Statutory Instrument. As the only impacts are familiarisation costs, which, at a firm level, are assumed to be relatively low (up to £34 for an individual firm), we believe that there is nothing in this SI that will lead to transfers between different interest groups, businesses or sectors.

Wider impacts on Competent Authorities

There are several wider impacts of the Official Controls Regulation itself which the SI enables enforcement for.

Competent Authorities would benefit from the implementation of the Official Controls Regulation as an improved legal framework that sets out all official controls rules in one place. National administrations tasked with official controls and other official duties (public health, veterinary and phytosanitary monitoring and action) will also benefit from improved and more effective enforcement tools.

The measures provided for in the enacting SI do not introduce any new significant impacts on competent authorities as it reflects current national legislation that it will replace. The main provisions introduced by the SI still concern the designation the competent authorities for the purposes of the Regulations and provide enforcement powers for officers authorised by a competent authority to enforce the provisions of the regulations.

Wider impacts on Operators

The majority of rules introduced by the Regulation are directed at national enforcement authorities tasked with official controls. However, operators,

ranging from food and feed businesses, primary producers, retailers, plant/animal breeders, etc. will be affected by official controls rules.

Operators (food and feed businesses, from primary producers to retailers and caterers, but also plant/animal breeders, growers and traders) will benefit from the increased efficiency of national competent authorities resulting from streamlining and simplification of the legislative framework and from a greater risk based approach to official controls. In particular, Official Control Regulation provisions specify that competent authorities minimise admin burden and operational disruption for operators when performing controls and as compliance controls are to be carried out increasingly on a risk basis, there would be the possibility to reduce their frequency in some cases, thereby reducing any costs associated with such controls. The Official Controls Regulation maintains the status quo as regards the mandatory fees system for official controls. In other words the scope of the mandatory fees has not been expanded by the Official Controls Regulation. Furthermore, operators will benefit from a higher level of transparency about the method and data used to establish fees and the amount applied to each category of operators.

The SI therefore does not introduce any change to the current fees and charges regime. It simply makes provisions for the payment of fees or charges which is made to recover the cost of certain official controls.

Wider national impacts (UK)

This SI will allow for the successful implementation of the Official Controls Regulation which aims to ensure a high level of health and safety standards along the agri-food chain by providing a consistent approach to official controls. The Official Controls Regulation will contribute to more consistent and effective enforcement of feed and food, and animal health and welfare law. In doing so there will be increased standards of food safety, consumer protection and of animal health and of animal welfare. The official controls that the SI enacts will also strengthen the risk based approach to protection of biosecurity which is a key UK interest and we have favoured during the negotiations of the Official Controls Regulation.