

EXPLANATORY MEMORANDUM TO THE ZOOSES AND ANIMAL BY-PRODUCTS (FEES) (WALES) (AMENDMENT) REGULATIONS 2010

This Explanatory Memorandum (EM) 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 24.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Zoonoses and Animal By Products (Fees) (Wales) (Amendment) Regulations 2010. I am satisfied that the benefits outweigh any costs.

Elin Jones

Minister for Rural Affairs

20 July 2010

Description

This instrument provides the Welsh Ministers with powers to charge fees for conducting tests that farmers and operators may request under Commission Regulation (EC) No 646/2007 (OJ No L151, 13.06.2007, p21). These regulations amend the Zoonoses and Animal By-Products (Fees) (Wales) Regulations 2008 (S.I. 2008/2716 (W.245)).

Matters of Special Interest to the Constitutional Affairs Committee

1. There are no matters of special interest to the Committee.
2. Treasury consent to these regulations has been obtained.

Legislative Background

3. Commission Regulation (EC) 2160/2003 requires the introduction of *Salmonella* National Control Plans in order to improve public health through the detection and control of salmonellas of human health significance in primary production. A key component of these plans is the need for official samples to be taken on farm. Commission Regulation (EC) No 213/2009 implements (EC) 2160/2003 with regard to turkeys.
4. The Zoonoses and Animal By-Products (Fees) (Wales) (Amendment) Regulations 2010, amend the Zoonoses and Animal By-Products (Fees) (Wales) Regulations 2008 (SI 2008/2716 (W.245)).
5. Welsh Ministers make this instrument under section 56 (1) and (2) of the Finance Act 1973. This section permits a Government department to require the payment of fees or other charges for the provision of any services or facilities or the issue of any authorisation, certificate or other document, in pursuance of any Community obligation. The powers are vested in Welsh Ministers by section 59(5) of the Government of Wales Act 2006. As an instrument made under the Finance Act 1973, the Regulations are subject to Treasury consent, which was received on 18th June 2010.
6. These Regulations follow the negative resolution procedure.

Purpose and Intended Effect of the Legislation

7. The Zoonoses and Animal By-Products (Fees) (Wales) (Amendment) Regulations 2010, amend the Zoonoses and Animal By-Products (Fees) (Wales) Regulations 2009 (SI 2008/2716 (W.245)). They impose new costs on operators of turkey flocks for the collection and examination of official controls under the national control programme (NCP) for *Salmonella* in Turkey Flocks which started on 1 January 2010. The

Control Programme for Salmonella in Turkey Order 2010 enforces the NCP for Salmonella in Turkey Flocks.

8. The Regulations allow for cost recovery for services provided in relation to Salmonella control programmes and DEFRA's laboratory scheme. In order to reflect changes in the administration costs faced by delivery agents, Animal Health and Veterinary Laboratory Agency (VLA), in providing services, the Fees Regulations also provide Welsh Ministers with the powers to amend the level of charging for official sampling and charges to laboratories under the approved laboratory scheme.
9. In order to reflect changes in the costs faced by delivery agents, Animal Health and VLA, in providing services, the Amendment Regulation also gives Welsh Ministers the powers to charge fees at an appropriate level on the basis of certain criteria. The fees will be published on the Welsh Assembly Government website and will not appear on the face of the Regulations themselves.
10. The objective is to provide the Welsh Ministers with powers to set fees at a level to achieve full cost recovery. The fees will therefore be amended to reflect more clearly the charges that are applicable under current legislation and to take account of administrative costs.

REGULATORY IMPACT ASSESSMENT

Consultation

11. No formal consultation was conducted, as the issue is specialised with a limited range of stakeholders. There was a full consultation on the introduction of the National Control Plans (NCP) for turkey flocks in autumn 2009. The proposed charges have been considered by industry representatives through the GB wide regular stakeholder forum which meets on a monthly basis.
12. A full regulatory impact assessment was carried out on the implementation of the National Control Plan of Salmonella in Turkey Flocks. This includes an assessment of costs to industry of salmonella testing. A copy of this can be accessed via the attached link;

<http://www.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/zoonoses/ncp.htm>.

13. Failure to bring the Zoonoses and Animal By-Products (Fees) (Wales) (Amendment) Regulations 2010 into force would mean that Welsh Ministers could not recover the costs incurred for the services provided by Animal Health and VLA for the taking or supervising of official samples required by the National Control Plan for Salmonella in Turkey Flocks.

Competition Assessment

14. We do not believe there will be a competitive impact as a result of these proposals. It is not considered that the proposed regulations will affect the market structure or erect barriers to entry for new firms.

Post Implementation Review

15. Annual accounts will be produced (by DEFRA) to assess progress against the target of full cost recovery for the provision of the relevant services. It is intended that the level of fees will be reviewed annually.

Summary

16. The costs will be borne by industry. The proposed charges have been considered by industry representatives through the GB wide regular stakeholder forum.