OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 967 (Cy. 162)

2024 No. 967 (W. 162)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Taliadau am Wyliadwriaeth Gweddillion (Diwygio) (Cymru) 2024

The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Taliadau am Wyliadwriaeth Gweddillion 2006 ("Rheoliadau 2006") o ran Cymru.

Mae'r Rheoliadau hyn yn diwygio rheoliadau 2, 3 a 4 o Reoliadau 2006 i roi awdurdodau cymwys yn lle'r Ysgrifennydd Gwladol yng Nghymru. Bydd y diwygiadau a wneir gan y Rheoliadau hyn yn galluogi'r awdurdodau cymwys sy'n cyflawni rheolaethau swyddogol i adennill y taliad yr eir iddo wrth gynnal yr arolygiadau a'r rheolaethau mewn perthynas â gwyliadwriaeth anifeiliaid a chynhyrchion anifeiliaid am weddillion cynhyrchion meddyginiaethol milfeddygol a sylweddau eraill.

Mae Rheoliad 2(4) yn diwygio'r darpariaethau gorfodi yn Rheoliadau 2006 i roi swyddogaethau mewn cysylltiad â gorfodi i Weinidogion Cymru.

Mae'r Rheoliadau hyn hefyd yn amrywio'r ffioedd y mae'n ofynnol eu talu mewn cysylltiad â gwyliadwriaeth anifeiliaid a chynhyrchion anifeiliaid am weddillion cynhyrchion meddyginiaethol milfeddygol a sylweddau eraill.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Charges for Residues Surveillance Regulations 2006 ("the 2006 Regulations") in relation to Wales.

These Regulations amend regulations 2, 3 and 4 of the 2006 Regulations to substitute the Secretary of State with competent authorities in Wales. The amendments made by these Regulations will enable the competent authorities performing official controls to recover the charge incurred in carrying out the inspections and controls in relation to surveillance of animals and animal products for residues of veterinary medicinal products and other substances.

Regulation 2(4) amends the enforcement provisions of the 2006 regulations to confer functions in respect of enforcement on the Welsh Ministers.

These Regulations also vary the fees required to be paid in respect of the surveillance of animals and animal products for residues of veterinary medicinal products and other substances.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2024 Rhif 967 (Cy. 162)

BWYD, CYMRU

Rheoliadau Taliadau am Wyliadwriaeth Gweddillion (Diwygio) (Cymru) 2024

Gwnaed		*18 Medi 2024*
Gosodwyd gerbron Senedd Cymru		*20 Medi 2024*
Yn dod i rym		*1 Hydref 2024*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 6(4), 45 ac 48(1)(b) ac (c) o Ddeddf Diogelwch Bwyd 1990(**1**) ac sydd bellach wedi eu breinio ynddynt hwy(**2**).

Yn unol ag adran 48(4A)(**3**) o'r Ddeddf honno, mae Gweinidogion Cymru wedi rhoi sylw i gyngor gan yr Asiantaeth Safonau Bwyd ar y cynnig i wneud y Rheoliadau hyn.

Ymgynghorwyd fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion a gofynion cyffredinol

(**1**) 1990 p. 16. Diwygiwyd adran 6(4) gan baragraff 6 o Atodlen 9 i Ddeddf Dadreoleiddio a Chontractio Allan 1994 (p. 40), paragraff 10(1) a (3)(a) a (b) o Atodlen 5, ac Atodlen 6 i Ddeddf Safonau Bwyd 1999 (p. 28) ("Deddf 1999") ac Atodlen 2 i O.S. 2002/794. Diwygiwyd adrannau 45(1) a (2) ac 48(1) o'r Ddeddf gan baragraffau 7, 8 ac 20 o Atodlen 5 i Ddeddf 1999.

(**2**) Rhoddwyd y swyddogaethau a oedd gynt yn arferadwy gan "the Ministers", i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i darllenir gydag adran 40(3) o Ddeddf 1999. Mae'r swyddogaethau hynny bellach yn arferadwy gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(**3**) Mewnosodwyd adran 48(4A) gan baragraff 21 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28).

2024 No. 967 (W. 162)

FOOD, WALES

The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024

Made	*18 September 2024*
Laid before Senedd Cymru	*20 September 2024*
Coming into force	*1 October 2024*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 6(4), 45 and 48(1)(b) and (c) of the Food Safety Act 1990(**1**) and now vested in them(**2**).

In accordance with section 48(4A)(**3**) of that Act, the Welsh Ministers have had regard to advice given by the Food Standards Agency on the proposal to make these Regulations.

There has been consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general

(**1**) 1990 c. 16. Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40), paragraph 10(1) and (3)(a) and (b) of Schedule 5, and Schedule 6 to the Food Standards Act 1999 (c. 28) ("the 1999 Act") and Schedule 2 to S.I. 2002/794. Sections 45(1) and (2) and 48(1) of the Act were amended by paragraphs 7, 8 and 20 of Schedule 5 to the 1999 Act.

(**2**) The functions, formerly exercisable by "the Ministers", so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the 1999 Act. Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**3**) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999 (c. 28).

cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(**1**).

Enwi, cymhwyso a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Taliadau am Wyliadwriaeth Gweddillion (Diwygio) (Cymru) 2024.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Daw'r Rheoliadau hyn i rym ar 1 Hydref 2024.

Diwygio Rheoliadau Taliadau am Wyliadwriaeth Gweddillion 2006

2.—(1) Mae Rheoliadau Taliadau am Wyliadwriaeth Gweddillion 2006(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli)—

(a) ar ôl y diffiniad o "carcase" mewnosoder—

""competent authority" has the meaning given in Article 3(3)(a) of the Official Controls Regulation;";

(b) o flaen y diffiniad o "animal" mewnosoder—

""the Official Controls Regulation" means Regulation 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products(**3**);".

(3) Yn rheoliad 3 (atebolrwydd am wyliadwriaeth gweddillion ac adennill taliadau am wyliadwriaeth gweddillion)—

(a) yn lle paragraff (1) rhodder—

"(1) In respect of the costs incurred by a competent authority in carrying out the official controls required by Article 150(1) of the Official Controls Regulation on the animals, fish and animal products listed in the first column of Schedule 1, the competent authority must, except where paragraph (7) applies—

(a) for animals slaughtered, wild game prepared, fish marketed, milk collected or eggs packed within the period beginning with 1 October 2024 and ending with 31 March 2025, charge the

(**1**) EUR 2002/178, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) O.S. 2006/2285, a ddiwygiwyd gan O.S. 2007/2439, O.S. 2008/2999, 2009/2779 a 2011/2945.

(**3**) EUR 2017/625. Diwygiwyd Erthygl 3(3)(a) gan O.S. 2020/1481, O.S. 2022/1315.

principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**1**).

Title, application and coming into force

1.—(1) The title of these Regulations is the Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 1 October 2024.

Amendment to the Charges for Residues Surveillance Regulations 2006

2.—(1) The Charges for Residues Surveillance Regulations 2006(**2**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of "carcase" insert—

""competent authority" has the meaning given in Article 3(3)(a) of the Official Controls Regulation;";

(b) before the definition of "animal" insert—

""the Official Controls Regulation" means Regulation 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products(**3**);".

(3) In regulation 3 (liability for and recovery of charges for residues surveillance)—

(a) for paragraph (1) substitute—

"(1) In respect of the costs incurred by a competent authority in carrying out the official controls required by Article 150(1) of the Official Controls Regulation on the animals, fish and animal products listed in the first column of Schedule 1, the competent authority must, except where paragraph (7) applies—

(a) for animals slaughtered, wild game prepared, fish marketed, milk collected or eggs packed within the period beginning with 1 October 2024 and ending with 31 March 2025, charge the

(**1**) EUR 2002/178, to which there are amendments not relevant to these Regulations.

(**2**) S.I. 2006/2285, amended by S.I. 2007/2439, 2008/2999, 2009/2779 and 2011/2945.

(**3**) EUR 2017/625. Article 3(3)(a) was amended by S.I. 2020/1481, 2022/1315.

amount specified in the relevant entry in the second column of that Schedule, and

(b) for animals slaughtered, wild game prepared, fish marketed, milk collected or eggs packed on or after 1 April 2025, charge the amount specified in the relevant entry in the third column of that Schedule.";

(b) ym mharagraff (2)—

(i) yn lle "the Secretary of State" rhodder "the competent authority";

(ii) yn lle "him", yn y ddau le y mae'n digwydd, rhodder "the competent authority";

(c) ym mharagraff (5)—

(i) yn lle "The Secretary of State" rhodder "A competent authority";

(ii) yn lle "he" rhodder "the competent authority";

(iii) yn lle "his" rhodder "the";

(d) ym mharagraff (6)—

(i) yn y geiriau o flaen is-baragraff (a)—

(aa) yn lle "If the Secretary of State" rhodder "If a competent authority";

(bb) yn lle "he" rhodder "the competent authority";

(ii) yn is-baragraff (c), yn lle "he" rhodder "the competent authority";

(e) ym mharagraff (8)—

(i) yn lle "the Secretary of State" rhodder "a competent authority";

(ii) yn lle "his agent" rhodder "the competent authority's agent";

(iii) yn lle "his inspection" rhodder "the inspection";

(f) ym mharagraff (9)—

(i) yn y geiriau o flaen is-baragraff (a), yn lle "Secretary of State" rhodder "competent authority";

(ii) yn is-baragraff (c), yn lle "he" rhodder "the competent authority";

(g) hepgorer paragraff (10).

amount specified in the relevant entry in the second column of that Schedule, and

(b) for animals slaughtered, wild game prepared, fish marketed, milk collected or eggs packed on or after 1 April 2025, charge the amount specified in the relevant entry in the third column of that Schedule.";

(b) in paragraph (2)—

(i) for "the Secretary of State" substitute "the competent authority";

(ii) for "him", in both places it occurs, substitute "the competent authority";

(c) in paragraph (5)—

(i) for "The Secretary of State" substitute "A competent authority";

(ii) for "he" substitute "the competent authority";

(iii) for "his" substitute "the";

(d) in paragraph (6)—

(i) in the words before sub-paragraph (a)—

(aa) for "If the Secretary of State" substitute "If a competent authority";

(bb) for "he" substitute "the competent authority";

(ii) in sub-paragraph (c), for "he" substitute "the competent authority";

(e) in paragraph (8)—

(i) for "the Secretary of State" substitute "a competent authority";

(ii) for "his agent" substitute "the competent authority's agent";

(iii) for "his inspection" substitute "the inspection";

(f) in paragraph (9)—

(i) in the words before sub-paragraph (a), for "Secretary of State" substitute "competent authority";

(ii) in sub-paragraph (c), for "he" substitute "the competent authority";

(g) omit paragraph (10).

(4) Yn rheoliad 4 (gwybodaeth, troseddau a gorfodi)—

(a) ym mharagraff (1)—

(i) yn y geiriau o flaen is-baragraff (a), yn lle "the Secretary of State" rhodder "a competent authority";

(ii) yn is-baragraff (a), yn lle "Secretary of State" rhodder "competent authority";

(iii) yn is-baragraff (b), yn lle "the Secretary of State requires to enable him" rhodder "a competent authority requires";

(b) ym mharagraff (3)—

(i) yn lle "the Secretary of State" rhodder "a competent authority";

(ii) yn lle "him" rhodder "the competent authority";

(c) yn lle paragraff (4) rhodder—

"(4) These Regulations are enforced by the Welsh Ministers."

(5) Yn lle Atodlen 1 (Taliadau am Wyliadwriaeth Gweddillion)(**1**) rhodder—

"SCHEDULE 1 Regulation 3(1)

Residues Surveillance Charges

Type of creature or animal product	*Charge (£) from 1 October 2024 to 31 March 2025*	*Charge (£) from 1 April 2025*
Bovine	0.7007 per carcase	0.7617 per carcase
Goat	0.0691 per carcase	0.0751 per carcase
Sheep	0.0691 per carcase	0.0751 per carcase
Soliped	0.04287 per carcase	0.4660 per carcase
Swine	0.0676 per carcase	0.0735 per carcase
Game and wild game	1.0461 per tonne	1.0461 per tonne
Poultry	0.5917 per tonne	0.6432 per tonne
Eggs	0.0206 per case of 360	0.0206 per case of 360

(**1**) Amnewidiwyd Atodlen 1 gan O.S. 2011/2945.

(4) In regulation 4 (information, offences and enforcement)—

(a) in paragraph (1)—

(i) in the words before sub-paragraph (a), for "the Secretary of State" substitute "a competent authority";

(ii) in sub-paragraph (a), for "Secretary of State" substitute "competent authority";

(iii) in sub-paragraph (b), for "the Secretary of State requires to enable him" substitute "a competent authority requires";

(b) in paragraph (3)—

(i) for "the Secretary of State" substitute "a competent authority";

(ii) for "him" substitute "the competent authority";

(c) for paragraph (4) substitute—

"(4) These Regulations are enforced by the Welsh Ministers."

(5) For Schedule 1 (Residues Surveillance charges)(**1**) substitute—

"SCHEDULE 1 Regulation 3(1)

Residues Surveillance Charges

Type of creature or animal product	*Charge (£) from 1 October 2024 to 31 March 2025*	*Charge (£) from 1 April 2025*
Bovine	0.7007 per carcase	0.7617 per carcase
Goat	0.0691 per carcase	0.0751 per carcase
Sheep	0.0691 per carcase	0.0751 per carcase
Soliped	0.04287 per carcase	0.4660 per carcase
Swine	0.0676 per carcase	0.0735 per carcase
Game and wild game	1.0461 per tonne	1.0461 per tonne
Poultry	0.5917 per tonne	0.6432 per tonne
Eggs	0.0206 per case of 360	0.0206 per case of 360

(**1**) Schedule 1 was substituted by S.I. 2011/2945.

Milk	0.0373 per 1000 litres	0.0405 per 1000 litres
Fish other than trout	2.1660 per tonne of marketed product	2.3546 per tonne of marketed product
Trout	2.5963 per tonne of fish food	2.8222 per tonne of fish food”.

Milk	0.0373 per 1000 litres	0.0405 per 1000 litres
Fish other than trout	2.1660 per tonne of marketed product	2.3546 per tonne of marketed product
Trout	2.5963 per tonne of fish food	2.8222 per tonne of fish food”.

Huw Irranca-Davies

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig, un o Weinidogion Cymru
18 Medi 2024

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, one of the Welsh Ministers.
18 September 2024

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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