



OFFERYNNAU
STATUDOL CYMRU

WELSH
STATUTORY INSTRUMENTS

2007 Rhif 1627 (Cy.137)

2007 No. 1627 (W.137)

ANIFEILIAID, CYMRU

ANIMALS, WALES

IECHYD ANIFEILIAID

ANIMAL HEALTH

**Rheoliadau Anifeiliaid a
Chynhyrchion Anifeiliaid
(Mewnforio ac Allforio) (Cymru)
(Labordai, Syrcasau a Chwarantîn
Adarol) 2007**

**The Animals and Animal Products
(Import and Export) (Wales)
(Laboratories, Circuses and Avian
Quarantine) Regulations
2007**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Mewnforio ac Allforio) (Cymru) 2006 (O.S. 2006/1536) (Cy.153) ("y prif Reoliadau").

These Regulations amend the Animals and Animal Products (Import and Export) (Wales) Regulations 2006 (S.I. 2006/1536) (W.153) ("the principal Regulations").

Maent yn darparu ar gyfer gweithredu a gorfodi Rheoliad y Comisiwn (EC) Rhif 1739/2005 sy'n gosod gofynion iechyd anifeiliaid ar gyfer symud anifeiliaid syrcas rhwng Aelod-wladwriaethau (OJ Rhif L279, 22.10.2005, t. 47). Diwygir Rheoliad 5 o'r prif Reoliadau i ddarparu ar gyfer dynodiad Gweinidogion Cymru fel awdurdod cymwys at ddibenion Rheoliad y Comisiwn (EC) Rhif 1739/2005, ac ar gyfer ffioedd sydd i'w codi ar gyfer treuliau a dynnwyd wrth gofrestru syrcasau a champau anifeiliaid fel sy'n ofynnol o dan y Rheoliad Comisiwn hwnnw (rheoliad 4). Ychwanegir y Rheoliad Comisiwn at y rhestr o offerynnau sy'n gosod amodau ar symud anifeiliaid o fewn y Gymuned yn Rhan 1 o Atodlen 3 i'r prif Reoliadau (rheoliad 13).

They apply and enforce Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circus animals between member States (OJ No. L279, 22.10.2005, p. 47). Regulation 5 of the principal Regulations is amended to make provision for the Welsh Ministers' designation as competent authority for the purpose of Commission Regulation (EC) No. 1739/2005, and for fees to be charged for expenses incurred in registering circuses and animal acts as required under that Commission Regulation (regulation 4). The Commission Regulation is added to the list of instruments imposing conditions on the movement of animals within the Community in Part I of Schedule 3 to the principal Regulations (regulation 13).

Mae Rheoliadau 5 a 14 o'r Rheoliadau hyn yn diwygio rheoliad 9 o'r prif Reoliadau ac Atodlen 5 iddynt i ddarparu ar gyfer cymeradwyo labordai i wneud profion swyddogol ar gyfer Salmonella mewn dofednod ar gyfer eu hallforio o fewn y Gymuned Ewropeaidd o dan y Cynllun Iechyd Dofednod (cynllun a sefydlwyd o dan reoliad 9 o'r prif Reoliadau ac Atodlen 4 iddynt). Diwygir Atodlen 5 hefyd mewn perthynas â ffioedd ar gyfer cymeradwyaethau gan

Regulations 5 and 14 of these Regulations amend regulation 9 of and Schedule 5 to the principal Regulations to provide for the approval of laboratories to carry out official testing for Salmonella in poultry for export within the European Community under the Poultry Health Scheme (a scheme established under regulation 9 of and Schedule 4 to the principal Regulations). Schedule 5 is also amended in relation to charges for laboratory approvals, to reflect these new

labordai, i adlewyrchu'r trefniadau newydd hyn, ac i ddarparu ar gyfer codi ffioedd am arolygiadau ac am gyflenwi cyfarpar profi i sicrhau ansawdd pan nad yw costau o'r fath yn cael eu hadennill drwy'r ffi gymeradwyo flynyddol.

Mae'r Rheoliadau hyn hefyd yn cymhwyso ac yn gorfodi Rheoliad y Comisiwn (EC) Rhif 318/2007 sy'n gosod amodau iechyd anifeiliaid ar gyfer mewnfario adar penodol i'r Gymuned ac amodau cwarantîn gogyfer â hynny (OJ Rhif L84, 24.3.2007, t. 7). Diwygir Rheoliad 16(4) o'r prif Reoliadau fel ei bod yn gwahardd mewnfario adar caeth onid ydynt yn dod o sefydliad bridio a gymeradwywyd o fewn ystyr Rheoliad y Comisiwn (EC) Rhif 318/2007 (rheoliad 6). Adolygir Rheoliad 19 o'r prif Reoliadau ("rhoi adar caeth mewn cwarantîn") i adlewyrchu'r gofynion newydd ar gyfer cwarantîn ac i greu tramgwyddau newydd yn unol â hynny (rheoliad 8). Darperir mesurau i ddelio â phresenoldeb fflw adar, Clefyd Newcastle, a *Chlamydophyla psittaci* neu i ddelio ag amheuaeth ohonynt, drwy ddiwygio rheoliad 21 o'r prif Reoliadau (rheoliad 9). Cymhwysir yr amodau mewnfario mewn perthynas ag adar caeth yn Rheoliad y Comisiwn (EC) Rhif 318/2007 drwy gyflwyno paragraffau ychwanegol yn Rhannau I a II o Atodlen 7 (rheoliad 15). Disodlir Atodlen 8 gan ddarpariaethau newydd yn ymwneud â chymeradwyo canolfannau a chyfleusterau cwarantîn, a ffioedd, gan gynnwys ffioedd newydd ar gyfer cymeradwyaethau o'r fath (rheoliad 16).

Mae Rheoliad 10 o'r Rheoliadau hyn yn ymestyn rheoliad 31 o'r prif Reoliadau i ddarparu bod Gweinidogion Cymru yn dyfarnu ar gyfradd y gellir ei chodi am amser arolygwr sy'n gwneud gwaith arolygu penodol o dan y prif Reoliadau, ac yn ei chyhoeddi. Dichon y codir am rai arolygiadau o labordai o dan y Cynllun Iechyd Dofednod, arolygiadau o ganolfannau a chyfleusterau cwarantîn adarol, a goruchwyliadau milfeddygol swyddogol o adar caeth yn ystod cwarantîn, yn ôl y gyfradd hon.

Cafodd asesiad effaith reoliadol ei baratoi mewn perthynas â'r trefniadau ar gyfer cymeradwyaethau a ffioedd a gyflwynir ar gyfer cwarantîn adarol, ac â symud anifeiliaid syrcas ac â chymeradwyaethau a ffioedd mewn perthynas â gwaith profi am salmonella a wneir gan labordai o dan y Cynllun Iechyd Dofednod. Gellir cael copïau drwy'r post oddi wrth Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

arrangements, and to provide for charges to be made for inspections and the supply of quality assurance testing kits where such costs are not recovered through the annual approval fee.

These Regulations also apply and enforce Commission Regulation (EC) No. 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof (OJ No. L84, 24.3.2007, p. 7). Regulation 16(4) of the principal Regulations is amended so that it prohibits the import of captive birds unless they are from an approved breeding establishment within the meaning of Commission Regulation (EC) No. 318/2007 (regulation 6). Regulation 19 of the principal Regulations ("quarantine for captive birds") is revised to reflect the new requirements for quarantine and to create offences accordingly (regulation 8). Measures to deal with the presence or the suspicion of avian influenza, Newcastle disease, and *Chlamydophyla psittaci* are provided for by amendment to regulation 21 of the principal Regulations (regulation 9). The import conditions in relation to captive birds set out in Commission Regulation (EC) No. 318/2007 are applied by introduction of additional paragraphs in Parts I and II of Schedule 7 (regulation 15). Schedule 8 is replaced with new provisions relating to approvals of quarantine centres and facilities, and fees, including new fees for such approvals (regulation 16).

Regulation 10 of these Regulations extends regulation 31 of the principal Regulations to provide for the determination and publication by the Welsh Ministers of a rate which may be charged for an inspector's time carrying out specified inspection work under the principal Regulations. Some inspections of laboratories under the Poultry Health Scheme, inspections of avian quarantine centres and facilities, and official veterinary supervision of captive birds during quarantine may be charged at this rate.

A regulatory impact assessment has been produced in relation to the arrangements for approvals and charges introduced for avian quarantine, to the movement of circus animals, and for approvals and charges in relation to laboratories carrying out salmonella testing under the Poultry Health Scheme. Copies are available by post from the Welsh Assembly Government of Cathays Park, Cardiff CF10 3NQ.

2007 Rhif 1627 (Cy.137)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

**Rheoliadau Anifeiliaid a
Chynhyrchion Anifeiliaid
(Mewnforio ac Allforio) (Cymru)
(Labordai, Syrcasau a Chwarantîn
Adarol) 2007**

Wedi'u gwneud 7 Mehefin 2007

Wedi'u gosod gerbron Cynulliad

Cenedlaethol Cymru 8 Mehefin 2007

Yn dod i rym 1 Gorffennaf 2007

Mae Gweinidogion Cymru wedi'u dynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) o ran polisi amaethyddol cyffredin y Gymuned Ewropeaidd.

Yn unol ag adran 56(1) o Ddeddf Cyllid 1973(3), mae'r Trysorlys yn cydsynio â gwneud y Rheoliadau hyn.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a freinwyd ynddynt gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 a chan adran 56(1) a (2) o Ddeddf Cyllid 1973:

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Mewnforio ac Allforio) (Cymru) (Labordai, Syrcasau a Chwarantîn Adarol)

(1) O.S. 2005/2766. Yn rhinwedd adrannau 59(1) a 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraffau 28 a 30 o Atodlen 11 iddi, mae'r swyddogaethau a roddir i Gynulliad Cenedlaethol Cymru gan y dynodiad hwn yn arferadwy gan Weinidogion Cymru.

(2) 1972 p. 68.

(3) 1973 p.51. Swyddogaethau a drosglwyddwyd i Weinidogion Cymru gan adran 59(5) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

2007 No. 1627 (W.137)

ANIMALS, WALES

ANIMAL HEALTH

**The Animals and Animal Products
(Import and Export) (Wales)
(Laboratories, Circuses and Avian
Quarantine) Regulations
2007**

Made 7 June 2007

Laid before the National Assembly

For Wales 8 June 2007

Coming into force 1 July 2007

The Welsh Ministers are designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the Common Agricultural Policy of the European Community.

In accordance with section 56(1) of the Finance Act 1973(3), the Treasury consent to the making of these Regulations.

The Welsh Ministers make these Regulations in exercise of the powers vested in them by section 2(2) of the European Communities Act 1972 and by section 56(1) and (2) of the Finance Act 1973:

Title, application and commencement

1. The title of these Regulations is the Animals and Animal Products (Import and Export) (Wales) (Laboratories, Circuses and Avian Quarantine)

(1) S.I. 2005/2766. By virtue of sections 59(1) and 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006, functions conferred on the National Assembly for Wales by this designation are exercisable by the Welsh Ministers.

(2) 1972 c. 68.

(3) 1973 c.51. Functions transferred to the Welsh Ministers by section 59(5) of the Government of Wales Act 2006 (c. 32).

2007; maent yn gymwys o ran Cymru a deuant i rym ar 1 Gorffennaf 2007.

Diwygio'r Rheoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Mewnforio ac Allforio) (Cymru) 2006

2. Diwygir Rheoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Mewnforio ac Allforio) (Cymru) 2006(1) fel a ganlyn.

3.-(1) Diwygir Rheoliad 1 fel a ganlyn.

(2) ym mharagraff (2)-

(a) yn lle'r diffiniad o "captive bird" rhodder-

""captive birds" means birds as defined in Article 3(a) of Commission Regulation (EC) No. 318/2007(2);

(b) ar ôl y diffiniad o "inspector" mewnosoder-

""inspector rate" is the rate determined under regulation 31(2)(a);";

(c) yn lle'r diffiniadau o "quarantine centre" a "quarantine facility", rhodder-

""quarantine centre" in relation to captive birds and "quarantine facility" mean a centre or facility, as the case may be, for which approval is required for the purposes of Article 11 of Commission Regulation (EC) 318/2007;".

(ch) yn y diffiniad o "quarantine manager" yn lle "regulation 19(11)" rhodder "regulation 19(10)".

(3) Ym mharagraff (3)-

(a) hepgorer y diffiniad o "Commission Decision 2000/666/EC"; a

(b) ar ôl y diffiniad o "Commission Regulation (EC) No. 282/2004", mewnosoder-

""Commission Regulation (EC) No. 318/2007" means Commission Regulation (EC) No. 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof;".

(4) Ym mharagraff (4), yn lle "Commission Decision 2000/666/EC", rhodder "Commission Regulation (EC) No. 318/2007".

(5) Mewnosoder paragraff (7) newydd fel a ganlyn-

"(7) Any reference to the EC Regulations Directives and Decisions referred to in this regulation is a reference to those instruments as amended from time to time."

4. Ar ôl rheoliad 5(6) mewnosoder:

Regulations 2007; they apply in relation to Wales and come into force on 1 July 2007.

Amendment to the Animals and Animal Products (Import and Export) (Wales) Regulations 2006

2. The Animals and Animal Products (Import and Export) (Wales) Regulations 2006(1) are amended as follows.

3.-(1) Regulation 1 is amended as follows.

(2) In paragraph (2)-

(a) for the definition of "captive bird", substitute-

""captive birds" means birds as defined in Article 3(a) of Commission Regulation (EC) No. 318/2007(2);

(b) after the definition of "inspector", insert-

""inspector rate" is the rate determined under regulation 31(2)(a);";

(c) for the definitions of "quarantine centre" and "quarantine facility", substitute-

""quarantine centre" in relation to captive birds and "quarantine facility" mean a centre or facility, as the case may be, for which approval is required for the purposes of Article 11 of Commission Regulation (EC) 318/2007;".

(d) in the definition of "quarantine manager" for "regulation 19(11)" substitute "regulation 19(10)".

(3) In paragraph (3)-

(a) omit the definition of "Commission Decision 2000/666/EC"; and

(b) after the definition of "Commission Regulation (EC) No. 282/2004", insert-

""Commission Regulation (EC) No. 318/2007" means Commission Regulation (EC) No. 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof;".

(4) In paragraph (4), for "Commission Decision 2000/666/EC", substitute "Commission Regulation (EC) No. 318/2007".

(5) Insert a new paragraph (7) as follows -

"(7) Any reference to the EC Regulations Directives and Decisions referred to in this regulation is a reference to those instruments as amended from time to time."

4. After regulation 5(6) insert-

(1) O.S. 2006/1536 (Cy.153), a ddiwygiwyd gan O.S. 2006/2128 (Cy.198) ac O.S. 2006/3452 (Cy.313).

(2) OJ Rhif L84, 24.3.2007, t. 7.

(1) S.I. 2006/1536 (W.153), amended by S.I. 2006/2128 (W.198) and S.I. 2006/3452 (W.313).

(2) OJ No. L84, 24.3.2007, p. 7.

"(7) For the purposes of Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circus animals between member States⁽¹⁾ the Welsh Ministers are the competent authority, and may charge such fee as they consider will enable them to meet the expenses incurred by them when registering a circus or animal act under Article 4 of that Regulation.

(8) Such fee must be paid by the applicant for registration and will be due after submission of the application upon the written demand of the Welsh Ministers.

(9) A demand under paragraph (8) may be addressed to the applicant concerned at his or her last known address, whether or not it is his or her address for business.

(10) No operator may contravene Article 8(3) of Commission Regulation (EC) No. 1739/2005 (obliging operators of circuses, and animal acts to which the Regulation applies, to retain for at least five years the information in their registers of animals and of venues).

(11) In paragraph (10), "operator" means a circus operator within the meaning of Commission Regulation (EC) No. 1739/2005, or the operator of an animal act in so far as that Regulation applies to him or her."

5. Yn rheoliad 9-

- (a) ym mharagraff (4), ar ôl "Mycoplasma" mewnosoder "and Salmonella";
- (b) hepgorer paragraff (5).

6. Yn rheoliad 16, yn lle paragraff (4) rhodder-

"(4) No person may import a captive bird unless it is from an approved breeding establishment as defined in Article 3(b) of Commission Regulation (EC) No. 318/2007."

7. Yn rheoliad 18, yn lle paragraff (3), rhodder-

"(3) In relation to a captive bird, the importer or his or her agent must at the expense of the importer ensure that-

- (a) the bird is conveyed from the border inspection post referred to in paragraph (2) to an approved quarantine centre or approved quarantine facility in accordance with Article 7 of Commission Regulation (EC) No. 318/2007 (which provides for the direct transport of birds to approved quarantine facilities or centres); and
- (b) the bird is placed and remains in quarantine at that approved quarantine centre or approved quarantine facility in accordance with Article 11(1) of Commission Regulation (EC) No.

"(7) For the purposes of Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circus animals between member States⁽¹⁾ the Welsh Ministers are the competent authority, and may charge such fee as they consider will enable them to meet the expenses incurred by them when registering a circus or animal act under Article 4 of that Regulation.

(8) Such fee must be paid by the applicant for registration and will be due after submission of the application upon the written demand of the Welsh Ministers.

(9) A demand under paragraph (8) may be addressed to the applicant concerned at his or her last known address, whether or not it is his or her address for business.

(10) No operator may contravene Article 8(3) of Commission Regulation (EC) No. 1739/2005 (obliging operators of circuses, and animal acts to which the Regulation applies, to retain for at least five years the information in their registers of animals and of venues).

(11) In paragraph (10), "operator" means a circus operator within the meaning of Commission Regulation (EC) No. 1739/2005, or the operator of an animal act in so far as that Regulation applies to him or her."

5. In regulation 9-

- (a) in paragraph (4), after "Mycoplasma" insert "and Salmonella";
- (b) omit paragraph (5).

6. In regulation 16, for paragraph (4) substitute-

"(4) No person may import a captive bird unless it is from an approved breeding establishment as defined in Article 3(b) of Commission Regulation (EC) No. 318/2007."

7. In regulation 18, for paragraph (3), substitute-

"(3) In relation to a captive bird, the importer or his or her agent must at the expense of the importer ensure that-

- (a) the bird is conveyed from the border inspection post referred to in paragraph (2) to an approved quarantine centre or approved quarantine facility in accordance with Article 7 of Commission Regulation (EC) No. 318/2007 (which provides for the direct transport of birds to approved quarantine facilities or centres); and
- (b) the bird is placed and remains in quarantine at that approved quarantine centre or approved quarantine facility in accordance with Article 11(1) of Commission Regulation (EC) No.

(1) OJ Rhif L279, 22.10.2005, t. 47.

(1) OJ No. L279, 22.10.2005, p. 47.

318/2007 (which requires birds to be quarantined for at least 30 days).".

8. Yn lle rheoliad 19 rhodder-

"Quarantine of captive birds

19.-(1) No person may operate a quarantine centre or quarantine facility for the quarantine of captive birds pursuant to Article 11(1) of Commission Regulation (EC) No. 318/2007 unless the quarantine centre or quarantine facility has been approved by the Welsh Ministers.

(2) Schedule 8 (quarantine of captive birds) has effect.

(3) A quarantine manager must-

(a) ensure that the quarantine centre or quarantine facility is maintained and operated in accordance with-

- (i) the minimum conditions in Chapter 1 of Annex IV to Commission Regulation (EC) No. 318/2007 (requirements as to construction and equipment);
- (ii) paragraph (1)(a) and (c) of Chapter 2 of that Annex (management requirements); and
- (iii) any other conditions attached to an approval granted under this regulation;

(b) provide such information to the Welsh Ministers as they may request to enable them to comply with Article 17(2) of Commission Regulation (EC) No. 318/2007 (requiring annual reports from member States to the European Commission as to the number of imported birds, mortality rates and confirmed cases of disease);

(c) provide such assistance to any veterinary inspector carrying out the functions of the official veterinarian under Commission Regulation (EC) No. 318/2007 as that veterinary inspector may reasonably require.

(4) In relation to any consignment of captive birds placed in quarantine pursuant to Article 11(1) of Commission Regulation (EC) No. 318/2007, the quarantine manager must-

(a) ensure compliance with the following Articles of that Commission Regulation-

- (i) 10(1)(b) (requiring notification of the arrival of a consignment at the quarantine centre or quarantine facility);
- (ii) 11(1);
- (iii) 12(2) and (3) (imposing requirements in relation to the use of sentinel birds); and

318/2007 (which requires birds to be quarantined for at least 30 days).".

8. For regulation 19 substitute-

"Quarantine of captive birds

19.-(1) No person may operate a quarantine centre or quarantine facility for the quarantine of captive birds pursuant to Article 11(1) of Commission Regulation (EC) No. 318/2007 unless the quarantine centre or quarantine facility has been approved by the Welsh Ministers.

(2) Schedule 8 (quarantine of captive birds) has effect.

(3) A quarantine manager must-

(a) ensure that the quarantine centre or quarantine facility is maintained and operated in accordance with-

- (i) the minimum conditions in Chapter 1 of Annex IV to Commission Regulation (EC) No. 318/2007 (requirements as to construction and equipment);
- (ii) paragraph (1)(a) and (c) of Chapter 2 of that Annex (management requirements); and
- (iii) any other conditions attached to an approval granted under this regulation;

(b) provide such information to the Welsh Ministers as they may request to enable them to comply with Article 17(2) of Commission Regulation (EC) No. 318/2007 (requiring annual reports from member States to the European Commission as to the number of imported birds, mortality rates and confirmed cases of disease);

(c) provide such assistance to any veterinary inspector carrying out the functions of the official veterinarian under Commission Regulation (EC) No. 318/2007 as that veterinary inspector may reasonably require.

(4) In relation to any consignment of captive birds placed in quarantine pursuant to Article 11(1) of Commission Regulation (EC) No. 318/2007, the quarantine manager must-

(a) ensure compliance with the following Articles of that Commission Regulation-

- (i) 10(1)(b) (requiring notification of the arrival of a consignment at the quarantine centre or quarantine facility);
- (ii) 11(1);
- (iii) 12(2) and (3) (imposing requirements in relation to the use of sentinel birds); and

- (iv) 15 (requiring action where *Chlamydomytila psittaci* is suspected);
 - (b) ensure there is surveillance of the captive birds during their quarantine which is adequate for the purposes of the Regulation, and consult with and seek the supervision of a veterinary inspector in respect of any analyses or treatments required under the Regulation;
 - (c) ensure compliance with the management requirements in paragraphs 2 to 10, and 12 to 15 of Chapter 2 of Annex IV to the Regulation;
 - (d) where any captive bird or sentinel bird dies during quarantine, make its carcass available to the veterinary inspector for examination in the official laboratory.
- (5) No person may-
- (a) contravene any requirement in paragraphs 4 to 6 of Chapter 2 of Annex IV to Commission Regulation (EC) No. 318/2007;
 - (b) in relation to a captive bird or a sentinel bird which dies during quarantine, remove or dispose of its carcass during the quarantine of captive birds, unless he or she is authorised to do so by a veterinary inspector;
 - (c) release captive birds in breach of Article 16 of Commission Regulation (EC) No. 318/2007 (requiring written authorisation by the official veterinarian for the release of birds from quarantine).
- (6) A person is unauthorised for the purpose of paragraph 4 of Chapter 2 of Annex IV to Commission Regulation (EC) No. 318/2007 (which prohibits unauthorised persons from entering quarantine centres and quarantine facilities), unless, in relation to a quarantine centre or quarantine facility-
- (a) he or she is the quarantine manager;
 - (b) he or she is a member of staff who enters with the authority of the quarantine manager;
 - (c) he or she has been authorised to enter by the Welsh Ministers or by a veterinary inspector; or
 - (d) he or she otherwise enters in fulfilment of a statutory function in relation to animal health, animal welfare or species conservation which he or she is appointed by the Welsh Ministers or by the local authority to perform.
- (7) In so far as not provided for under regulation 30, a veterinary inspector may, in relation to the quarantine of captive birds,-
- (a) enter a quarantine centre or quarantine

- (iv) 15 (requiring action where *Chlamydomytila psittaci* is suspected);
 - (b) ensure there is surveillance of the captive birds during their quarantine which is adequate for the purposes of the Regulation, and consult with and seek the supervision of a veterinary inspector in respect of any analyses or treatments required under the Regulation;
 - (c) ensure compliance with the management requirements in paragraphs 2 to 10, and 12 to 15 of Chapter 2 of Annex IV to the Regulation;
 - (d) where any captive bird or sentinel bird dies during quarantine, make its carcass available to the veterinary inspector for examination in the official laboratory.
- (5) No person may-
- (a) contravene any requirement in paragraphs 4 to 6 of Chapter 2 of Annex IV to Commission Regulation (EC) No. 318/2007;
 - (b) in relation to a captive bird or a sentinel bird which dies during quarantine, remove or dispose of its carcass during the quarantine of captive birds, unless he or she is authorised to do so by a veterinary inspector;
 - (c) release captive birds in breach of Article 16 of Commission Regulation (EC) No. 318/2007 (requiring written authorisation by the official veterinarian for the release of birds from quarantine).
- (6) A person is unauthorised for the purpose of paragraph 4 of Chapter 2 of Annex IV to Commission Regulation (EC) No. 318/2007 (which prohibits unauthorised persons from entering quarantine centres and quarantine facilities), unless, in relation to a quarantine centre or quarantine facility-
- (a) he or she is the quarantine manager;
 - (b) he or she is a member of staff who enters with the authority of the quarantine manager;
 - (c) he or she has been authorised to enter by the Welsh Ministers or by a veterinary inspector; or
 - (d) he or she otherwise enters in fulfilment of a statutory function in relation to animal health, animal welfare or species conservation which he or she is appointed by the Welsh Ministers or by the local authority to perform.
- (7) In so far as not provided for under regulation 30, a veterinary inspector may, in relation to the quarantine of captive birds,-
- (a) enter a quarantine centre or quarantine

facility to check compliance with these Regulations or with an approval granted under this regulation, or to assess whether it is appropriate to grant such an approval;

- (b) inspect and arrange for copies to be taken of any documents or records (including those in electronic form) which he or she reasonably considers relevant for checking compliance as described in subparagraph (a); and
- (c) take samples and carry out official veterinary supervision.

(8) A veterinary inspector exercising powers under this regulation must produce, if required to do so, some duly authenticated document showing his or her authority to exercise those powers.

(9) For the purposes of sampling and testing required under or in connection with Commission Regulation (EC) No. 318/2007, the Veterinary Laboratories Agency (an executive agency of Defra) is the official laboratory.

(10) In this regulation and Schedule 8-

- (a) "official veterinary supervision" means the functions of the official veterinarian under Commission Regulation (EC) No. 318/2007 in relation to a consignment of captive birds to which Article 11(1) of that Commission Regulation applies;
- (b) "quarantine manager" means the person in charge of a quarantine centre or quarantine facility for which approval is required pursuant to Article 11 of Commission Regulation (EC) No. 318/2007;
- (c) references to sampling and the taking of samples are to the taking of samples required under that Commission Regulation, or which are taken for purposes of reaching a suspected or confirmed diagnosis of *Chlamydophila psittaci*."

9. Yn rheoliad 21, yn lle paragraffau (2) a (3), rhodder-

"(2) A veterinary inspector -

- (a) must take or require to be taken, the action required under Article 13(1) and (2) of Commission Regulation (EC) No. 318/2007 in relation to avian influenza or Newcastle disease suspected at a quarantine centre or quarantine facility where captive birds are quarantined, imposing such restrictions as are required by that Article;
- (b) must, where the Welsh Ministers grant a derogation provided for in Article 14 of that Commission Regulation (relating to

facility to check compliance with these Regulations or with an approval granted under this regulation, or to assess whether it is appropriate to grant such an approval;

- (b) inspect and arrange for copies to be taken of any documents or records (including those in electronic form) which he or she reasonably considers relevant for checking compliance as described in subparagraph (a); and
- (c) take samples and carry out official veterinary supervision.

(8) A veterinary inspector exercising powers under this regulation must produce, if required to do so, some duly authenticated document showing his or her authority to exercise those powers.

(9) For the purposes of sampling and testing required under or in connection with Commission Regulation (EC) No. 318/2007, the Veterinary Laboratories Agency (an executive agency of Defra) is the official laboratory.

(10) In this regulation and Schedule 8-

- (a) "official veterinary supervision" means the functions of the official veterinarian under Commission Regulation (EC) No. 318/2007 in relation to a consignment of captive birds to which Article 11(1) of that Commission Regulation applies;
- (b) "quarantine manager" means the person in charge of a quarantine centre or quarantine facility for which approval is required pursuant to Article 11 of Commission Regulation (EC) No. 318/2007;
- (c) references to sampling and the taking of samples are to the taking of samples required under that Commission Regulation, or which are taken for purposes of reaching a suspected or confirmed diagnosis of *Chlamydophila psittaci*."

9. In regulation 21, for paragraphs (2) and (3), substitute-

"(2) A veterinary inspector -

- (a) must take or require to be taken, the action required under Article 13(1) and (2) of Commission Regulation (EC) No. 318/2007 in relation to avian influenza or Newcastle disease suspected at a quarantine centre or quarantine facility where captive birds are quarantined, imposing such restrictions as are required by that Article;
- (b) must, where the Welsh Ministers grant a derogation provided for in Article 14 of that Commission Regulation (relating to

findings of low pathogenic avian influenza or Newcastle disease), take or require to be taken such further measures and impose such restrictions as are required under Article 14;

- (c) who requires action to be taken by, or imposes restrictions upon, a quarantine manager or other person under this paragraph, must do so by serving notice specifying the action or restrictions to be taken or observed.

(3) In the event of non-compliance by a quarantine manager with Article 15 of Commission Regulation (EC) No. 318/2007 (requiring treatment of birds suspected of infection with *Chlamydophyla psittaci*), a veterinary inspector may treat the captive birds concerned, or cause them to be treated, as required by Article 15, and must serve notice extending the period of quarantine required under Commission Regulation (EC) No. 318/2007."

10. Yn lle rheoliad 31, rhodder-

"Recovery of expenses and determination of charges

31.-(1) The consignor, his or her representative and the person in charge of any animal or animal product are jointly and severally liable for any reasonable expenses arising out of or in connection with the exercise of any power conferred on an inspector by these Regulations relating to that animal or animal product.

(2) In relation to any activity undertaken by an inspector for which a charge may be made at the inspector rate-

- (a) the Welsh Ministers will determine a rate which represents the reasonable costs and expenses incurred in employing an inspector to undertake that activity during any given unit of time;
- (b) the Welsh Ministers will publish the current inspector rate on the Welsh Assembly Government website;
- (c) time charged at the inspector rate must be charged in units of no more than half an hour."

11. Yn rheoliad 34, yn lle paragraff (2) rhodder-

"(2) The provisions referred to in paragraph (1) are those contained in-

- (a) regulation 5(8);
- (b) paragraph 6 of Part I of Schedule 4;
- (c) paragraphs 2 and 7 of Part I of Schedule 5;
- (d) paragraphs 7(7), 8(5) and 9(3) of Part II of Schedule 8."

findings of low pathogenic avian influenza or Newcastle disease), take or require to be taken such further measures and impose such restrictions as are required under Article 14;

- (c) who requires action to be taken by, or imposes restrictions upon, a quarantine manager or other person under this paragraph, must do so by serving notice specifying the action or restrictions to be taken or observed.

(3) In the event of non-compliance by a quarantine manager with Article 15 of Commission Regulation (EC) No. 318/2007 (requiring treatment of birds suspected of infection with *Chlamydophyla psittaci*), a veterinary inspector may treat the captive birds concerned, or cause them to be treated, as required by Article 15, and must serve notice extending the period of quarantine required under Commission Regulation (EC) No. 318/2007."

10. For regulation 31, substitute-

"Recovery of expenses and determination of charges

31.-(1) The consignor, his or her representative and the person in charge of any animal or animal product are jointly and severally liable for any reasonable expenses arising out of or in connection with the exercise of any power conferred on an inspector by these Regulations relating to that animal or animal product.

(2) In relation to any activity undertaken by an inspector for which a charge may be made at the inspector rate-

- (a) the Welsh Ministers will determine a rate which represents the reasonable costs and expenses incurred in employing an inspector to undertake that activity during any given unit of time;
- (b) the Welsh Ministers will publish the current inspector rate on the Welsh Assembly Government website;
- (c) time charged at the inspector rate must be charged in units of no more than half an hour."

11. In regulation 34, for paragraph (2) substitute-

"(2) The provisions referred to in paragraph (1) are those contained in-

- (a) regulation 5(8);
- (b) paragraph 6 of Part I of Schedule 4;
- (c) paragraphs 2 and 7 of Part I of Schedule 5;
- (d) paragraphs 7(7), 8(5) and 9(3) of Part II of Schedule 8."

12. Yn lle rheoliad 35, rhodder-

"Disapplication of provisions

35. To the extent specified in column 3 of the table in Schedule 9, and subject to paragraph (1), the provisions of the legislation listed in Schedule 9 does not apply to-

- (a) imports from another member State of animals and animal products to which an instrument in Part 1 of Schedule 3 applies; or
- (b) imports of an animal to which an instrument in Schedule 7 applies from a country subject to that instrument."

13. Yn Rhan 1 o Atodlen 3, ar ôl paragraff 10, mewnosoder-

"Circuses and animal acts

10A. Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circuses between member States.

Relevant provisions in that instrument: Articles 8(2), 9 and 10(1) and (3)."

14.-(1) Diwygir Atodlen 5 fel a ganlyn.

(2) Yn lle Rhan I, rhodder-

"PART I

APPROVAL

1. The Welsh Ministers may approve any laboratory that they consider to be suitable for the purposes of carrying out Mycoplasma or Salmonella testing under the Poultry Health Scheme.

2. The operator of a laboratory approved under paragraph 1 must pay the annual approval fee each year.

3. The annual approval fee is the fee provided for in Part II.

4. An inspector must carry out inspections and quality assurance testing as the Welsh Ministers consider necessary.

5. In so far as such costs have not been taken into account in determining the annual approval fee, the Welsh Ministers may make a charge at the inspector rate for an inspector's time in carrying out inspections at laboratories.

6. The Welsh Ministers-

- (a) may charge a fee for the provision of samples for quality assurance testing for

12. For regulation 35, substitute-

"Disapplication of provisions

35. To the extent specified in column 3 of the table in Schedule 9, and subject to paragraph (1), the provisions of the legislation listed in Schedule 9 does not apply to-

- (a) imports from another member State of animals and animal products to which an instrument in Part 1 of Schedule 3 applies; or
- (b) imports of an animal to which an instrument in Schedule 7 applies from a country subject to that instrument."

13. In Part I of Schedule 3, after paragraph 10, insert-

"Circuses and animal acts

10A. Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circuses between member States.

Relevant provisions in that instrument: Articles 8(2), 9 and 10(1) and (3)."

14.-(1) Schedule 5 is amended as follows.

(2) For Part I, substitute-

"PART I

APPROVAL

1. The Welsh Ministers may approve any laboratory that they consider to be suitable for the purposes of carrying out Mycoplasma or Salmonella testing under the Poultry Health Scheme.

2. The operator of a laboratory approved under paragraph 1 must pay the annual approval fee each year.

3. The annual approval fee is the fee provided for in Part II.

4. An inspector must carry out inspections and quality assurance testing as the Welsh Ministers consider necessary.

5. In so far as such costs have not been taken into account in determining the annual approval fee, the Welsh Ministers may make a charge at the inspector rate for an inspector's time in carrying out inspections at laboratories.

6. The Welsh Ministers-

- (a) may charge a fee for the provision of samples for quality assurance testing for

the purposes of-

- (i) assessing an application for an approval under this Schedule;
 - (ii) assessing whether an approved laboratory remains suitable for approval (in so far as such costs have not been taken into account in determining the annual approval fee); and
 - (iii) assessing whether suspension of such an approval should be lifted; and
- (b) must publish on the Welsh Assembly Government website the current fees which may be charged under this paragraph.

7. A fee charged under paragraphs 4, 5 or 6 must be paid by the operator of the laboratory concerned and payment will be due upon written demand."

(3) Yn Rhan II, yn lle paragraff 1, rhodder-

"1. The Welsh Ministers-

- (a) must determine the annual approval fee on the basis of the cost attributable to each laboratory of the items listed in paragraph 3;
- (b) may determine different annual approval fees depending on whether the approval relates to:
 - (i) bacteriological testing for Mycoplasma only;
 - (ii) serological testing for Mycoplasma only;
 - (iii) bacteriological testing for Salmonella only;
 - (iv) serological testing for Salmonella only; or
 - (v) a combination of (i) to (iv); and
- (c) must publish the current annual approval fee or fees on the Welsh Assembly Government website."

15.- (1) Diwygir Atodlen 7 fel a ganlyn.

(2) Yn Rhan I, yn lle paragraff 3, rhodder-

"Captive Birds

3. Commission Regulation (EC) No. 318/2007, as read with Commission Decision 2006/696/EC laying down a list of third countries from which poultry, hatching eggs, day-old chicks, meat of poultry, ratites and wild game-birds, eggs and egg products and specified pathogen-free eggs may be imported into and transit through the Community and the applicable veterinary certification conditions, and amending Decisions 93/342/EEC, 2000/585/EC and 2003/812/EC (**1**)."

(1) OJ Rhif L295, 25.10.2006, t.1.

the purposes of-

- (i) assessing an application for an approval under this Schedule;
 - (ii) assessing whether an approved laboratory remains suitable for approval (in so far as such costs have not been taken into account in determining the annual approval fee); and
 - (iii) assessing whether suspension of such an approval should be lifted; and
- (b) must publish on the Welsh Assembly Government website the current fees which may be charged under this paragraph.

7. A fee charged under paragraphs 4, 5 or 6 must be paid by the operator of the laboratory concerned and payment will be due upon written demand."

(3) In Part II, for paragraph 1, substitute-

"1. The Welsh Ministers-

- (a) must determine the annual approval fee on the basis of the cost attributable to each laboratory of the items listed in paragraph 3;
- (b) may determine different annual approval fees depending on whether the approval relates to:
 - (i) bacteriological testing for Mycoplasma only;
 - (ii) serological testing for Mycoplasma only;
 - (iii) bacteriological testing for Salmonella only;
 - (iv) serological testing for Salmonella only; or
 - (v) a combination of (i) to (iv); and
- (c) must publish the current annual approval fee or fees on the Welsh Assembly Government website."

15.-(1) Schedule 7 is amended as follows.

(2) In Part I, for paragraph 3, substitute-

"Captive Birds

3. Commission Regulation (EC) No. 318/2007, as read with Commission Decision 2006/696/EC laying down a list of third countries from which poultry, hatching eggs, day-old chicks, meat of poultry, ratites and wild game-birds, eggs and egg products and specified pathogen-free eggs may be imported into and transit through the Community and the applicable veterinary certification conditions, and amending Decisions 93/342/EEC, 2000/585/EC and 2003/812/EC (**1**)."

(1) OJ No. L295, 25.10.2006, p.1.

(3) Yn Rhan II, yn lle paragraff 6, rhodder-

"Captive Birds"

6. Instrument: Commission Regulation (EC) No. 318/2007, as read with Council Directive 92/65/EEC.

Relevant provisions in that instrument: Articles 4, 5 and 8."

16. Yn lle Atodlen 8, rhodder yr Atodlen i'r Rheoliadau hyn.

17. Yn lle'r testun yn nhrydedd golofn y pumed cofnod yn Atodlen 9, rhodder-

"Articles 4 to 7, 9(3) to (6), 10 to 12 except that article 4 will continue to apply to all birds (including domestic fowl) and their hatching eggs other than-

- (a) those subject to the provisions of Council Directive 90/539/EEC (excluding domestic fowl),
- (b) those birds and their hatching eggs traded within the Community which are subject to the provisions of Council Directive 92/65/EEC; and
- (c) captive birds whose import is provided for in Article 4 of Commission Regulation (EC) No. 318/2007."

Dirymu

18. Dirymir Rheoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Mewnforio ac Allforio) (Cymru) (Mewnforio Adar Caeth) 2007(1) drwy hyn.

(3) In Part II, for paragraph 6, substitute-

"Captive Birds"

6. Instrument: Commission Regulation (EC) No. 318/2007, as read with Council Directive 92/65/EEC.

Relevant provisions in that instrument: Articles 4, 5 and 8."

16. For Schedule 8, substitute the Schedule to these Regulations.

17. For the text in the third column of the fifth entry in Schedule 9, substitute-

"Articles 4 to 7, 9(3) to (6), 10 to 12 except that article 4 will continue to apply to all birds (including domestic fowl) and their hatching eggs other than-

- (a) those subject to the provisions of Council Directive 90/539/EEC (excluding domestic fowl),
- (b) those birds and their hatching eggs traded within the Community which are subject to the provisions of Council Directive 92/65/EEC; and
- (c) captive birds whose import is provided for in Article 4 of Commission Regulation (EC) No. 318/2007."

Revocation

18. The Animals and Animal Products (Import and Export) (Wales) (Imports of Captive Birds) Regulations 2007(1) are revoked.

Jane Davidson

Y Gweinidog dros Gynaliadwyedd a Datblygu Gwledig

Minister for Sustainability and Rural Development

7 Mehefin 2007

7 June 2007

Rheoliad 16

Regulation 16

"SCHEDULE 8

"SCHEDULE 8

Regulation 19

Regulation 19

Quarantine of captive birds

Quarantine of Captive Birds

PART I**PART I**

Approvals

Approvals

1. The Welsh Ministers-**1. The Welsh Ministers-**

- (a) may, if they are satisfied in all the circumstances that it is appropriate to do so, grant to a quarantine manager an approval in respect of a quarantine centre or a quarantine facility for which the quarantine manager has charge and which at least meets the minimum conditions set out in Annex IV to Commission Regulation (EC) No. 318/2007;
- (b) must comply with Chapter 3 of that Annex in relation to the suspension, revocation or reinstatement of such an approval.

- (a) may, if they are satisfied in all the circumstances that it is appropriate to do so, grant to a quarantine manager an approval in respect of a quarantine centre or a quarantine facility for which the quarantine manager has charge and which at least meets the minimum conditions set out in Annex IV to Commission Regulation (EC) No. 318/2007;
- (b) must comply with Chapter 3 of that Annex in relation to the suspension, revocation or reinstatement of such an approval.

2. The Welsh Ministers must give reasons in writing-**2. The Welsh Ministers must give reasons in writing-**

- (a) for refusing an application for an approval;
- (b) for attaching conditions to an approval.

- (a) for refusing an application for an approval;
- (b) for attaching conditions to an approval.

3. Notice of a revocation or suspension of an approval will-**3. Notice of a revocation or suspension of an approval will-**

- (a) take effect when it is served, unless otherwise stated in the notice;
- (b) state-
 - (i) the reasons for the revocation or suspension, and
 - (ii) the time and date when it is to take effect;
- (c) be served upon the quarantine manager-
 - (i) in person, or by leaving it at the quarantine centre or quarantine facility concerned; or
 - (ii) by post addressed to the quarantine manager at the quarantine centre or quarantine facility concerned, in which case it will be deemed to be served at noon on the second day after posting it; and

- (a) take effect when it is served, unless otherwise stated in the notice;
- (b) state-
 - (i) the reasons for the revocation or suspension, and
 - (ii) the time and date when it is to take effect;
- (c) be served upon the quarantine manager-
 - (i) in person, or by leaving it at the quarantine centre or quarantine facility concerned;
 - (ii) by post addressed to the quarantine manager at the quarantine centre or quarantine facility concerned, in which case it will be deemed to be served at noon on the second day after posting it; and

(d) be copied to the importer, and so far as is practicable, if the importer is not the owner of the birds concerned, to the owner, of captive birds kept at the quarantine centre or quarantine facility at the date the revocation or suspension is to take effect.

4. Where an approval is revoked or is to be revoked and the continuation of quarantine at the quarantine centre or quarantine facility concerned would in the opinion of a veterinary inspector cause a significant public or animal health risk, he or she may issue directions by notice as to the movement or disposal of birds held in quarantine at the time the notice of revocation is stated to take effect, and such notice must be served and copied to any importer and owner concerned as if it were a notice to which paragraph 3(c) and (d) applied.

PART II

Charges in relation to approvals of avian quarantine centres and facilities, official supervision, sampling and laboratory testing

General charging provisions

5. Using such criteria as they consider appropriate in all the circumstances to avoid an over-recovery of costs for which a charge is made under this Schedule, the Welsh Ministers may make a reduced charge, if during a veterinary inspector's attendance at a quarantine centre or quarantine facility he or she undertakes official activity for which a charge may be made to another party under this Schedule.

6. A demand for payment of charges made under this Schedule may be addressed to the importer or quarantine manager concerned, as appropriate, at his or her last known address, whether or not it is his or her address for business.

Charges relating to approvals

7.-(1) The Welsh Ministers may make a charge in connection with the granting, suspension, amendment or revocation of an approval under regulation 19 and this Schedule in accordance with this paragraph.

(2) A fee ("the approval administration fee") may be charged in relation to the receipt and processing of an application for -

- (a) an approval;
- (b) the lifting of the suspension of an approval; or
- (c) the lifting of or amendment of conditions attached to an approval.

(3) The Welsh Ministers must from time to time determine the fee for each type of application

(d) be copied to the importer, and so far as is practicable, if the importer is not the owner of the birds concerned, to the owner, of captive birds kept at the quarantine centre or quarantine facility at the date the revocation or suspension is to take effect.

4. Where an approval is revoked or is to be revoked and the continuation of quarantine at the quarantine centre or quarantine facility concerned would in the opinion of a veterinary inspector cause a significant public or animal health risk, he or she may issue directions by notice as to the movement or disposal of birds held in quarantine at the time the notice of revocation is stated to take effect, and such notice must be served and copied to any importer and owner concerned as if it were a notice to which paragraph 3(c) and (d) applied.

PART II

Charges in relation to approvals of avian quarantine centres and facilities, official supervision, sampling and laboratory testing

General charging provisions

5. Using such criteria as they consider appropriate in all the circumstances to avoid an over-recovery of costs for which a charge is made under this Schedule, the Welsh Ministers may make a reduced charge, if during a veterinary inspector's attendance at a quarantine centre or quarantine facility he or she undertakes official activity for which a charge may be made to another party under this Schedule.

6. A demand for payment of charges made under this Schedule may be addressed to the importer or quarantine manager concerned, as appropriate, at his or her last known address, whether or not it is his or her address for business.

Charges relating to approvals

7.-(1) The Welsh Ministers may make a charge in connection with the granting, suspension, amendment or revocation of an approval under regulation 19 and this Schedule in accordance with this paragraph.

(2) A fee ("the approval administration fee") may be charged in relation to the receipt and processing of an application for -

- (a) an approval;
- (b) the lifting of the suspension of an approval; or
- (c) the lifting of or amendment of conditions attached to an approval.

(3) The Welsh Ministers must from time to time determine the fee for each type of application

described in sub-paragraph (2) and must publish the current fee on the Welsh Assembly Government website.

(4) The approval administration fee for any type of application must represent costs and expenses which the Welsh Ministers reasonably consider attributable to the receipt and processing of an application of that type.

(5) The inspector rate may be charged for time spent by a veterinary inspector inspecting premises to assess compliance with the minimum approval conditions.

(6) The Welsh Ministers may make a charge at no more than the inspector rate determined for the purposes of this paragraph for time spent by a veterinary inspector travelling to or from premises for purposes of inspecting them to assess compliance with the minimum approval conditions.

(7) Charges and fees under this paragraph must be paid by the quarantine manager and will be due upon written demand.

(8) In this paragraph-

- (a) "approval" means an approval as provided for in regulation 19 and this Schedule;
- (b) "minimum approval conditions" means the minimum conditions set out in Annex IV to Commission Regulation (EC) No. 318/2007.

Charges for official veterinary supervision and sampling

8.-(1) The Welsh Ministers must make a charge at the inspector rate for time spent by a veterinary inspector at a quarantine centre or quarantine facility in relation to any consignment of captive birds placed in quarantine pursuant to regulation 19-

- (a) carrying out official veterinary supervision; or
- (b) taking samples.

(2) The Welsh Ministers may make a charge at no more than the inspector rate determined for the purposes of this paragraph for time spent by a veterinary inspector travelling to or from premises to carry out official veterinary supervision or take samples.

(3) The Welsh Ministers may make a charge for the administrative costs of official supervision and the taking of samples ("the consignment administration fee").

(4) The Welsh Ministers must-

- (a) from time to time determine the consignment administration fee in relation to consignments of different types and sizes as representing the costs

described in sub-paragraph (2) and must publish the current fee on the Welsh Assembly Government website.

(4) The approval administration fee for any type of application must represent costs and expenses which the Welsh Ministers reasonably consider attributable to the receipt and processing of an application of that type.

(5) The inspector rate may be charged for time spent by a veterinary inspector inspecting premises to assess compliance with the minimum approval conditions.

(6) The Welsh Ministers may make a charge at no more than the inspector rate determined for the purposes of this paragraph for time spent by a veterinary inspector travelling to or from premises for purposes of inspecting them to assess compliance with the minimum approval conditions.

(7) Charges and fees under this paragraph must be paid by the quarantine manager and will be due upon written demand.

(8) In this paragraph-

- (a) "approval" means an approval as provided for in regulation 19 and this Schedule;
- (b) "minimum approval conditions" means the minimum conditions set out in Annex IV to Commission Regulation (EC) No. 318/2007.

Charges for official veterinary supervision and sampling

8.-(1) The Welsh Ministers must make a charge at the inspector rate for time spent by a veterinary inspector at a quarantine centre or quarantine facility in relation to any consignment of captive birds placed in quarantine pursuant to regulation 19-

- (a) carrying out official veterinary supervision; or
- (b) taking samples.

(2) The Welsh Ministers may make a charge at no more than the inspector rate determined for the purposes of this paragraph for time spent by a veterinary inspector travelling to or from premises to carry out official veterinary supervision or take samples.

(3) The Welsh Ministers may make a charge for the administrative costs of official supervision and the taking of samples ("the consignment administration fee").

(4) The Welsh Ministers must-

- (a) from time to time determine the consignment administration fee in relation to consignments of different types and sizes as representing the costs

and expenses which the Welsh Ministers reasonably consider attributable to the administration of official supervision and the taking of samples in relation to a type or size of consignment, including the recovery of costs provided for under this Part; and

(b) publish the current fee on the Welsh Assembly Government website.

(5) Charges under this paragraph must be paid by the importer and will be due upon written demand.

Charges for testing of samples by the official laboratory

9.-(1) The Welsh Ministers may make a charge for the testing of samples.

(2) The Welsh Ministers must-

(a) from time to time determine the fee for each type of test as representing the costs and expenses which the Welsh Assembly Government reasonably consider attributable to the undertaking by the official laboratory of a test of that type; and

(b) publish the current fee on the Welsh Assembly Government website.

(3) Charges under this paragraph must be paid by the importer and will be due upon written demand.

(4) In this paragraph "testing of samples" means testing and analysis of samples carried out by the official laboratory pursuant to Articles 12 to 15 of and Annex VI to Commission Regulation (EC) No. 318/2007, and includes the removal of tissue post mortem. "

and expenses which the Welsh Ministers reasonably consider attributable to the administration of official supervision and the taking of samples in relation to a type or size of consignment, including the recovery of costs provided for under this Part; and

(b) publish the current fee on the Welsh Assembly Government website.

(5) Charges under this paragraph must be paid by the importer and will be due upon written demand.

Charges for testing of samples by the official laboratory

9.-(1) The Welsh Ministers may make a charge for the testing of samples.

(2) The Welsh Ministers must-

(a) from time to time determine the fee for each type of test as representing the costs and expenses which the Welsh Assembly Government reasonably consider attributable to the undertaking by the official laboratory of a test of that type; and

(b) publish the current fee on the Welsh Assembly Government website.

(3) Charges under this paragraph must be paid by the importer and will be due upon written demand.

(4) In this paragraph "testing of samples" means testing and analysis of samples carried out by the official laboratory pursuant to Articles 12 to 15 of and Annex VI to Commission Regulation (EC) No. 318/2007, and includes the removal of tissue post mortem. "