

2013 No. 3049 (W. 308)

FOOD, WALES

The Food (Miscellaneous Amendments)
(Wales) Regulations 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Commission Regulation (EU) No 1079/2013 laying down transitional measures for the application of Regulations (EC) No 853/2004 and (EC) No 854/2004 of the European Parliament and of the Council (“the Commission Regulation”). They also implement Commission Implementing Regulation (EU) No 702/2013 on transitional measures for the application of Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the accreditation of official laboratories carrying out official testing for *Trichinella* (“the Commission Implementing Regulation”). In addition they correct a minor error in the Food Safety Act 1990.

These Regulations implement the Commission Regulation by amending the Food Hygiene (Wales) Regulations 2006 to extend transitional measures until 31 December 2016, by omitting the definition of and references to Commission Regulation (EC) No 1162/2009 (“Regulation 1162/2009”), which is being repealed, and inserting references to the Commission Regulation and the Commission Implementing Regulation (regulation 2).

The Regulations implement the Commission Implementing Regulation by amending the Official Feed and Food Controls (Wales) Regulations 2009 to extend transitional measures until 31 December 2016, by omitting the definition of and references to Regulation 1162/2009, and inserting references to the Commission Implementing Regulation (regulation 3).

These Regulations make a minor amendment to Schedule 2 to the Food Safety (Sampling and Qualifications)(Wales) Regulations 2013 (regulation 4) and to section 9(5)(a) of the Food Safety Act 1990 to correct an erroneous reference to a paragraph number (regulation 5).

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.

2013 No. 3049 (W. 308)

FOOD, WALES

The Food (Miscellaneous Amendments)
(Wales) Regulations 2013

Made 3 December 2013

Laid before the National Assembly for Wales

5 December 2013

Coming into force 1 January 2014

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾ (“the 1972 Act”) and, for the purpose of making regulation 4 of the Regulations, sections 27(2) and (5), 30(9) and 31(1) of the Food Safety Act 1990⁽²⁾.

The Welsh Ministers are designated for the purposes of section 2(2) of the 1972 Act in relation to measures relating to food (including drink) including the primary production of food⁽³⁾.

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

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- (1) 1972 c.68. Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
- (2) 1990 c.16, as amended by S.I. 2004/3279. Functions under that Act were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, as read with section 40(3) of the Food Standards Act 1999, and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
- (3) S.I. 2005/1971. Functions conferred on the National Assembly for Wales were subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

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

Citation, extent and commencement

1.—(1) The title of these Regulations is the Food (Miscellaneous Amendments) (Wales) Regulations 2013.

(2) These Regulations apply to Wales and come into force on 1 January 2014.

Amendments to the Food Hygiene (Wales) Regulations 2006

2.—(1) The Food Hygiene (Wales) Regulations 2006⁽²⁾ are amended as follows.

(2) In regulation (2)(1) (interpretation)—

- (a) omit ““Regulation 1162/2009” (*“Rheoliad 1162/2009”*)”; and
- (b) for “and “Regulation 28/2012” (*“Rheoliad 28/2012”*)” substitute “, “Regulation 28/2012” (*“Rheoliad 28/2012”*), “Regulation 702/2013” (*“Rheoliad 702/2013”*) and “Regulation 1079/2013” (*“Rheoliad 1079/2013”*)”.

(3) in Schedule 1 (Definitions of EU legislation)—

- (a) omit the definition of “Regulation 1162/2009”;
- (b) in the definition of “Regulation 853/2004” for ““Regulation 1162/2009” (*“Rheoliad 1162/2009”*)” substitute ““Regulation 1079/2013” (*“Rheoliad 1079/2013”*)”;
- (c) in the definition of “Regulation 854/2004” for ““Regulation 1162/2009” (*“Rheoliad 1162/2009”*)” substitute ““Regulation 1079/2013” (*“Rheoliad 1079/2013”*)”;
- (d) in the definition of “Regulation 882/2004” for ““Regulation 1162/2009” (*“Rheoliad 1162/2009”*)” substitute ““Regulation 702/2013” (*“Rheoliad 702/2013”*)”;
- (e) at the end, insert—

““Regulation 702/2013”	(<i>“Rheoliad 702/2013”</i>)	means	Commission
Implementing	Regulation	(EU)	No.

(1) OJ L 31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny—Part Four (OJ L 188, 18.7.2009, p.14).

(2) S.I. 2006/31 (W.5), amended by S.I. 2012/1765. There are other amending instruments but none is relevant.

702/2013 on transitional measures for the application of Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the accreditation of official laboratories carrying out official testing for *Trichinella*(**1**);

“Regulation 1079/2013” (*Rheoliad 1079/2013*)” means Commission Regulation (EU) No 1079/2013 laying down transitional measures for the application of Regulations (EC) No. 853/2004 and (EC) No. 854/2004 of the European Parliament and of the Council(**2**).”

Amendments to the Official Feed and Food Controls (Wales) Regulations 2009

3.—(1) The Official Feed and Food Controls (Wales) Regulations 2009(**3**) are amended as follows.

(2) In regulation 2(1) (interpretation) for “Regulation 1162/2009” substitute “Regulation 702/2013”.

(3) In Schedule 1 (Definitions of EU Legislation)—

(a) omit the definition of “Regulation 1162/2009”;

(b) in the definition of “Regulation 853/2004” for ““Regulation 1162/2009” (*Rheoliad 1162/2009*)” substitute ““Regulation 1079/2013” (*Rheoliad 1079/2013*)”;

(c) in the definition of “Regulation 882/2004” for ““Regulation 1162/2009” (*Rheoliad 1162/2009*)” (*Rheoliad 1662/2009*)” substitute ““Regulation 702/2013” (*Rheoliad 702/2013*)”;

(d) at the end, insert—

□ “Regulation 702/2013” (*Rheoliad 702/2013*)” means Commission Implementing Regulation (EU) No 702/2013 on transitional measures for the application of Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the accreditation of official laboratories carrying out official testing for *Trichinella*. □.

(1) OJ No. L 199, 24.7.2013, p.3.

(2) OJ No. L 292, 1.11.2013, p. 10.

(3) S.I. 2009/3376 (W.298), amended by S.I. 2011/626 (W.90).

Amendment to the Food Safety (Sampling and Qualifications) (Wales) Regulations 2013

4.—(1) The Food Safety (Sampling and Qualifications)(Wales) Regulations 2013(1) are amended as follows.

(2) In Schedule 2, in paragraph 5 omit “together with membership of its Professional Food Microbiology Group”.

Amendment to the Food Safety Act 1990

5. In section 9(5)(a) of the Food Safety Act 1990 (inspection and seizure of suspected food), for “4(a)” substitute “4(b)”.

Mark Drakeford

Minister for Health and Social Services, one of the
Welsh Ministers

3 December 2013