

**2014 No. 440 (W. 49)**

**FOOD, WALES**

**The Food with Added Phytosterols  
or Phytosterols (Labelling) (Wales)  
(Amendment) Regulations 2014**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

1. These Regulations make an amendment to the Food with Added Phytosterols or Phytosterols (Labelling) (Wales) Regulations 2005 (S.I. 2005/1224 (W.82)) in order to provide for the execution and enforcement of Commission Regulation (EC) No 608/2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytosterols and/or phytosterol esters (OJ No. L97, 1.4.2004, p.44) as amended by and as read with Commission Regulation (EU) No 718/2013 amending Regulation (EC) No 608/2004 (OJ No. L201, 26.7.2013, p.49).

2. Commission Regulation (EU) No 718/2013 amends in one respect the information required to be given on the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytosterols and/or phytosterol esters, and provides for a transitional period for compliance with this requirement.

3. These Regulations cease to have effect on 13 December 2014.

4. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Policy Team at the Food Standards Agency in Wales, 11<sup>th</sup> Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

**2014 No. 440 (W. 49)**

**FOOD, WALES**

**The Food with Added Phytosterols  
or Phytosterols (Labelling) (Wales)  
(Amendment) Regulations 2014**

*Made* 24 February 2014

*Laid before the National Assembly for Wales*  
28 February 2014

*Coming into force* 21 March 2014

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(e) and (f), 17, 26(1) and (3) and 48(1) of the Food Safety Act 1990(1) and now vested in them(2).

In accordance with section 48(4A) of the Food Safety Act 1990, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in

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(1) 1990 c. 16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28), “the 1999 Act”. Section 48 was also amended by S.I. 2004/2990. Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c.40), Schedule 6 to the 1999 Act, S.I. 2004/2990 and S.I. 2004/3279.

(2) Functions of “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 Food Standards Act 1999 (1999 c.28), and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

matters of food safety<sup>(1)</sup>, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

#### **Title, application, commencement and expiry**

1.—(1) The title of these Regulations is the Food with Added Phytosterols or Phytosterols (Labelling) (Wales) (Amendment) Regulations 2014.

(2) These Regulations come into force on 21 March 2014, and apply in relation to Wales.

(3) These Regulations cease to have effect on 13 December 2014.

#### **Amendment of the Food with Added Phytosterols or Phytosterols (Labelling) (Wales) Regulations 2005**

2.—(1) The Food with Added Phytosterols or Phytosterols (Labelling) (Wales) Regulations 2005<sup>(2)</sup> are amended in accordance with paragraph (2).

(2) In paragraph (1) of regulation 2 (interpretation) for the definition of “Regulation 608/2004” (“*Rheoliad 608/2004*”) substitute the following definition —

□“Regulation 608/2004” (“*Rheoliad 608/2004*”) means Commission Regulation (EC) No 608/2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytosterols and/or phytosterol esters<sup>(3)</sup> as amended by and as read with Commission Regulation (EU) No 718/2013 amending Regulation (EC) No 608/2004<sup>(4)</sup>; □.

*Mark Drakeford*

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

24 February 2014

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(1) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Commission 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 No. L188, 18.7.2009, p.14).

(2) S.I. 2005/1224.(W.82).

(3) OJ No. L97, 1.4.2004, p.44.

(4) OJ No. L201, 26.7.2013, p.49.