

**2011 No. 2486 (W. 270)**

**HORTICULTURE, WALES**

**The Marketing of Fresh  
Horticultural Produce (Wales)  
(Amendment) Regulations 2011**

**EXPLANATORY NOTE**

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

These Regulations give effect, in relation to Wales, to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors (OJ No L 157, 15.6.2011, p.1) “the Commission Implementing Regulation 543/2011”.

The Commission Implementing Regulation 543/2011 consolidates Regulation (EC) No 1580/2007 (OJ No L 350, 31.12.2007, p.1) which had been amended.

These Regulations amend the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009, S.I. 2009/1551 (W. 151) to update the necessary references to the relevant EU legislation.

A regulatory impact assessment for this instrument has not been produced as no impact on the private, voluntary or public sectors is foreseen.

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(Amendment) Regulations 2011**

*Made* 18 October 2011

*Laid before the National Assembly for Wales*  
18 October 2011

*Coming into force* 8 November 2011

The Welsh Ministers are designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Union.

These Regulations make provision for a purpose mentioned in that section of that Act and it appears to the Welsh Ministers that it is expedient for references to provisions of Commission Implementing Regulation (EU) No 543/2011<sup>(3)</sup> in the instrument which these Regulations amend to be construed as references to those provisions as amended from time to time.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2<sup>(4)</sup> to, the European Communities Act 1972.

**Title, application, and commencement**

1.—(1) The title of these Regulations is the Marketing of Fresh Horticultural Produce (Wales) (Amendment) Regulations 2011.

(2) These Regulations apply in relation to Wales.

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(1) By virtue of article 3 of the European Communities (Designation) (No. 5) Order 2010, S.I. 2010/2690.  
(2) 1972, c.68.  
(3) OJ No L 157, 15.6.2011, p.1.  
(4) Paragraph 1A was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).

(3) These Regulations come into force on 8 November 2011.

### **Amendments to the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009**

2. The Marketing of Fresh Horticultural Produce Regulations (Wales) 2009<sup>(1)</sup> are amended as follows.

#### **Amendment of references to “Community marketing rules”**

3. For “Community marketing rules”, in each place (including the heading of regulation 4) it occurs, substitute “EU marketing rules”.

#### **Amendments to regulation 2**

4. In regulation 2—

(a) in paragraph (1), for the definition of “Commission Regulation 1580/2007”, substitute—

□ “Commission Implementing Regulation 543/2011” (*“Rheoliad Gweithredu'r Comisiwn 543/2011”*) means Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors<sup>(2)</sup>, as amended from time to time. □;

(b) in paragraph (2)—

(i) for the definition of “EU marketing rules” (as amended by regulation 3), substitute—

““EU marketing rules” (*“rheolau marchnata'r UE”*) means the general marketing standard and the specific marketing standards covering fresh fruit and vegetables listed in Part IX of Annex I to Council Regulation 1234/2007, and includes the rules relating to those standards contained in Articles 113 and 113a of Council Regulation 1234/2007 and Title II of Commission Implementing Regulation 543/2011”;

(ii) for the definition of “general marketing standard”, substitute—

““general marketing standard” (*“safon farchnata gyffredinol”*) means the requirements of Article 113a(1) of Regulation 1234/2007 as detailed in

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(1) S.I. 2009/1551 (W. 151).

(2) OJ No L 350, 31.12.2007, p.1.

Article 3(1) and Part A of Annex I to Commission Implementing Regulation 543/2011”;

(iii) in the definition of “specific marketing standards”, for “Article 2a(2) and Part B of Annex I to Commission Regulation 1580/2007” substitute “Article 3(2) and Part B of Annex I to Commission Implementing Regulation 543/2011”;

(c) in paragraph (3), for “Commission Regulation 1580/2007”, substitute “Commission Implementing Regulation 543/2011”.

#### **Amendment to regulation 3**

5. In regulation 3(1), for “Article 8(1)(b) of Commission Regulation 1580/2007”, substitute “Article 9(1)(b) of Commission Implementing Regulation 543/2011”.

#### **Amendment to regulation 4**

6. In regulation 4(3), for “Commission Regulation 1580/2007”, substitute “Commission Implementing Regulation 543/2011”.

#### **Amendment to regulation 8**

7. In regulation 8(2), for “Annex VI to Commission Regulation 1580/2007”, substitute “Annex V to Commission Implementing Regulation 543/2011”.

#### **Substitution of the Schedule**

8. For the Schedule, substitute the following Schedule.

“SCHEDULE

Regulation 4(3)

Provisions under Commission Implementing Regulation 543/2011

<i>Column 1</i> <b>Relevant provision of Commission Implementing Regulation 543/2011</b>	<i>Column 2</i> <b>Provision of Commission Implementing Regulation 543/2011 to be read with the provision in column 1</b>	<i>Column 3</i> <b>Subject matter</b>
Article 5(1)	Annex I, Art 4(3), Art 5(2) to (4), Art 6, Art 7	General requirement for information particulars
Article 5(2)	Annex I, Art 5(1), (3) and (4), Art 7	Requirements for information particulars in documents accompanying bulk shipments and goods loaded directly onto a means of transport
Article 5(3)	Annex I, Art 5(1) and (4), Art 7	Requirement for information particulars in the case of distance contracts to be available before the purchase is concluded
Article 5(4)	Annex I, Art 5(1) to (3), Art 7	Requirement for information particulars on invoices and accompanying documents
Article 6	Annex I, Art 4(3), Art 7	Requirement for information particulars at the retail stage
Article 7(1)	Annex I, Art 4(3), Art 6, Art 7(2) and (3)	Requirements for sale of mixes of different types of fruit and vegetables
Article 10(6)	Art 10(1) to (5)	Requirement for traders to provide information that Member States consider necessary for the database
Article 11(4)	Art 11(1) to (3), Art 12, Art 14 and Annex III, Art 15	Requirement for traders to provide inspection bodies with all information required by them for organising and carrying out conformity checks
Article 17(3), final subparagraph	Art 10, Art 17(1), (2) and the rest of (3), Annex V	Requirement for traders to supply all information deemed necessary by the inspection body for method of inspection□.

*Alun Davies*

Deputy Minister for Agriculture, Food, Fisheries and European Programmes, under authority of the Minister for Business, Enterprise, Technology and Science, one of the Welsh Ministers

18 October 2011