

2014 No. 2714 (W. 271)

AGRICULTURE, WALES

FOOD, WALES

**The Official Feed and Food
Controls (Wales) (Amendment)
Regulations 2014**

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations implement Commission Regulation (EU) No. 704/2014 amending Commission Regulation (EU) No. 211/2013 on certification requirements for import into the Union of sprouts and seeds intended for the production of sprouts.

2. Regulation 2 implements Commission Regulation (EU) No. 704/2014 in whole by amending the Official Feed and Food Control (Wales) Regulations 2009 (S.I. 2009/3376 (W. 298)).

3. 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.

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**The Official Feed and Food
Controls (Wales) (Amendment)
Regulations 2014**

Made 8 October 2014

Laid before the National Assembly for Wales
10 October 2014

Coming into force 6 November 2014

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972⁽¹⁾.

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals⁽²⁾, the common agricultural policy

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- (1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) ("the 2006 Act") and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) ("the 2008 Act"). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and has been amended by section 3(3) of and the Schedule to the 2008 Act and by article 3 of and paragraph 1 of Schedule 1 to the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388).
- (2) S.I. 2005/1971. Functions of the National Assembly for Wales under this designation were transferred to the Welsh Ministers by section 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).

of the European Community⁽¹⁾ and measures in the veterinary and phytosanitary fields for the protection of public health⁽²⁾.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for any reference to an EU instrument defined in Schedule 1 to be construed as a reference to that instrument as amended from time to time.

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 matters of food safety⁽³⁾ there has been open and transparent public consultation during the preparation and evaluation of the following Regulations.

Title, commencement and application

1. The title of these Regulations is the Official Feed and Food Controls (Wales) (Amendment) Regulations 2014, they come into force on 6 November 2014 and apply in relation to Wales.

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

2.—(1) The Official Feed and Food Controls (Wales) Regulations 2009⁽⁴⁾ are amended in accordance with paragraphs (2) and (3).

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

(a) for the definition that begins with the words ““Directive 2004/41” (“*Cyfarwydddeb 2004/41*”)” substitute the following definition—

□ “Directive 2004/41” (“*Cyfarwydddeb 2004/41*”), “Regulation 999/2001” (“*Rheoliad 999/2001*”), “Regulation

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- (1) S.I. 2005/2766. Functions of the National Assembly for Wales under this designation were transferred to the Welsh Ministers by section 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).
- (2) S.I. 2008/1792.
- (3) OJ No. 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 No. L 188, 18.7.2009, p. 14).
- (4) S.I. 2009/3376 (W. 298), amended by S.I. 2011/626 (W. 90), S.I. 2013/479 (W. 55) and S.I. 2013/3007 (W. 298).

178/2002” (*Rheoliad 178/2002*),
 “Regulation 852/2004” (*“Rheoliad
 852/2004”*), “Regulation 853/2004”
 (*“Rheoliad 853/2004”*), “Regulation
 882/2004” (*“Rheoliad 882/2004”*),
 “Regulation 1688/2005” (*“Rheoliad
 1688/2005”*), “Regulation 2073/2005”
 (*“Rheoliad 2073/2005”*), “Regulation
 2074/2005” (*“Rheoliad 2074/2005”*),
 “Regulation 1020/2008” (*“Rheoliad
 1020/2008”*), “Regulation 669/2009”
 (*“Rheoliad 669/2009”*), “Regulation
 211/2013” (*“Rheoliad 211/2013”*) and
 “Regulation 702/2013” (*“Rheoliad
 702/2013”*) have the meanings respectively
 given to them in Schedule 1;□; and

- (b) for the definition of “the Import Provisions”
 (“y *Darpariaethau Mewnforio*”)(1)
 substitute—

□“the Import Provisions” (“y
Darpariaethau Mewnforio”) means Part 3
 of these Regulations, Article 14 of
 Regulation 882/2004 in so far as it applies
 to official controls to verify compliance
 with aspects of feed or food law not covered
 by Directive 97/78/EC(2), Articles 15 to 24
 of Regulation 882/2004, Regulation
 669/2009, Commission Regulation (EU)
 No. 211/2013(3) and Commission
 Regulation (EU) No. 704/2014 amending
 Regulation 211/2013 on certification
 requirements for import into the Union of
 sprouts and seeds intended for the
 production of sprouts(4).□

- (3) In Schedule 1 (definitions of EU legislation) after
 the final paragraph, insert—

““Regulation 211/2013” (*“Rheoliad
 211/2013”*) means Commission Regulation
 (EU) No. 211/2013 on certification
 requirements for imports into the Union of
 sprouts and seeds intended for the
 production of sprouts.”

Mark Drakeford

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

8 October 2014

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- (1) The definition of “the Import Provisions” was inserted by
 S.I. 2013/3007 (W. 298).
 (2) Council Directive 97/78/EC laying down the principles
 governing the organisation of veterinary checks on products
 entering the Community from third countries (OJ L 24,
 30.1.1998, p. 9).
 (3) OJ No. L 68, 12.3.2013, p. 26, as last amended by
 Regulation (EU) No. 704/2014.
 (4) OJ No. L 186, 26.6.2014, p. 49.