

2014 No. 3079 (W. 304)

FOOD, WALES

**The Fish Labelling (Wales)
(Amendment) Regulations 2014**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Fish Labelling (Wales) Regulations 2013 (“the 2013 Regulations”) in order to enforce the consumer information requirements of Chapter IV of Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products (OJ No L 354, 28.12.2013, p 1) as read with Council Regulation (EC) No 1224/2009 (OJ No L 343, 22.12.2009, p 1).

Regulation 2 amends regulation 2 of the 2013 Regulations to remove references to, and the definitions of, Council Regulation (EC) No 104/2000 and Commission Implementing Regulation (EC) No 2065/2001. Regulations (EC) No 104/2000 and (EC) No 2065/2001 have been repealed by Regulation (EU) No 1379/2013 (OJ No L 354, 28.12.2013, p 1) and Commission Implementing Regulation (EU) No 1420/2013 (OJ No L 353, 28.12.2013, p 48).

Regulation 2 also provides that a “consumer information requirement” for the purpose of Part 2 of the 2013 Regulations is a requirement specified in Article 35 of Regulation (EU) No 1379/2013 (mandatory information to be provided to consumers) as read with Article 38 (indication of catch or production area) and Article 39 (provision of voluntary information) of that Regulation.

The information to be provided allows consumers to understand what species of fish they are buying, whether the fish was caught or farmed, and where the fish was caught or farmed. The information also shows whether the fish or fish product has been defrosted and the minimum durability of the product. In addition it ensures that any information provided voluntarily is clear and unambiguous and can be verified.

Regulation 2 also amends the definition of “traceability requirement” for the purpose of Part 2 of the 2013 Regulations to take account of the requirement in Article 58(5) of Regulation (EC) No 1224/2009, as amended by Article 45(2) of Regulation (EU) No 1379/2013, to give the information required under Article 35 of that Regulation.

Regulation 3 ensures that the references to the 2013 Regulations in the modifications made by those Regulations to the provisions of the Food Safety Act 1990 (as they apply for the purposes of those Regulations) are references to the 2013 Regulations as amended by these Regulations.

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 Standards Agency at Food Standards Agency Wales, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW or from the Agency’s website at www.food.gov.uk/wales.

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FOOD, WALES

**The Fish Labelling (Wales)
(Amendment) Regulations 2014**

Made 19 November 2014

Laid before the National Assembly for Wales
20 November 2014

Coming into force 13 December 2014

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to measures relating to food(2) and in relation to the common agricultural policy(3), and make these Regulations in exercise of the powers conferred by sections 16(1)(4), 17(2)(5), 26(1)(a) and (3)(6) and 48(1)(7) of the Food Safety Act 1990(8), and paragraph 1A of Schedule 2 to the European Communities Act 1972(9).

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- (1) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
 - (2) S.I. 2005/1971. Functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
 - (3) S.I. 2010/2690.
 - (4) Section 16(1) was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999 (c. 28).
 - (5) Section 17(2) was amended by section 40(1) of, and paragraphs 7, 8 and 12 of Schedule 5 to, the Food Standards Act 1999 and S.I. 2011/1043.
 - (6) Section 26(3) was partially repealed by section 40(4) of, and Schedule 6 to, the Food Standards Act 1999.
 - (7) Section 48(1) was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999.
 - (8) 1990 c. 16. Functions formerly exercisable by “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the Food Standards Act 1999, and subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.
 - (9) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

So far as these Regulations are made in exercise of powers under the Food Safety Act 1990, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of that Act⁽¹⁾.

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 references in these Regulations to the following Regulations to be construed as references to those Regulations as amended from time to time—

- (a) Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy⁽²⁾;
- (b) Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy⁽³⁾; and
- (c) Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000⁽⁴⁾.

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⁽⁵⁾, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

(1) Section 48(4A) was inserted by section 40(1) of, and paragraphs 7 and 21 of Schedule 5 to, the Food Standards Act 1999.

(2) OJ No L 343, 22.12.2009, p 1, as last amended by OJ No L 149, 20.5.2014, p 1.

(3) OJ No L 112, 30.4.2011, p 1.

(4) OJ No L 354, 28.12.2013, p 1, as amended by OJ No L 354, 28.12.2013, p 86.

(5) OJ No L 31, 1.2.2002, p 1, as last amended by OJ No L 189, 27.06.2014, p 1.

Title, application and commencement

1.—(1) The title of these Regulations is the Fish Labelling (Wales) (Amendment) Regulations 2014.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 13 December 2014.

Amendments to the Fish Labelling (Wales) Regulations 2013

2.—(1) The Fish Labelling (Wales) Regulations 2013⁽¹⁾ are amended in accordance with paragraphs (2) and (3).

(2) For regulation 2(1) substitute—

□2.—(1) In these Regulations—

“the EU Regulations” (“*Rheoliadau’r UE*”) means Regulation 1224/2009, Regulation 404/2011 and Regulation 1379/2013;

“Regulation 1224/2009” (“*Rheoliad 1224/2009*”) means Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy;

“Regulation 404/2011” (“*Rheoliad 404/2011*”) means Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy;

“Regulation 1379/2013” (“*Rheoliad 1379/2013*”) means Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products. □

(3) In regulation 4 (consumer information and traceability requirements)—

(a) in paragraph (1)(a), for “(4) to” substitute “(6) and”;

(b) in paragraph (2), for sub-paragraph (a) substitute—

□(a) a requirement specified in Article 35 of Regulation 1379/2013 (provision of consumer information) as read with Article 38 of that Regulation, and a requirement as specified in Article 39(3) or (4) of Regulation 1379/2013

(1) S.I. 2013/2139 (W. 209).

as read with paragraph (1) of that Article;□;

- (c) in paragraph (3), for “and Article 67(1) to (3) and (5) to (13) of Regulation 404/2011” substitute “, Article 67(1) to (3) and (5) to (13) of Regulation 404/2011 and Articles 35(1)(c) and 38 of Regulation 1379/2013”;
- (d) omit paragraphs (4) and (5);
- (e) for paragraph (6) substitute—
 - (6) The requirement referred to in paragraph (2)(a) does not apply in circumstances described in Article 35(4) of Regulation 1379/2013 as read with Article 58(8) of Regulation 1224/2009.□

References to the Fish Labelling (Wales) Regulations 2013

3. The references to the Fish Labelling (Wales) Regulations 2013 in regulations 5(3), 6(2) and 7(2) of, and in paragraphs 1 and 2(b) of the Schedule to, those Regulations are to be construed as references to the Fish Labelling (Wales) Regulations 2013 as amended by these Regulations.

Mark Drakeford

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

19 November 2014