

# Welsh Statutory Instrument 2004 No. 2731 (W.238)

## **The Food Safety (Act of Accession concerning the Czech Republic and other States) (Consequential Amendments) (Wales) Regulations 2004**

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### STATUTORY INSTRUMENTS

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**2004 No. 2731 (W.238)**

### **FOOD, WALES**

**The Food Safety (Act of Accession concerning the Czech Republic and other States) (Consequential Amendments) (Wales) Regulations 2004**

*Made*

*19 October 2004*

*Coming into force*

*31 October 2004*

The National Assembly for Wales, being designated<sup>[1]</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>[2]</sup> in relation to measures relating to food (including drink) including the primary production of food, in exercise of the powers conferred by that section, after consultation 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<sup>[3]</sup>, makes the following Regulations:

**Title, application and commencement**

1. These Regulations may be cited as the Food Safety (Act of Accession concerning the Czech Republic and other States) (Consequential Amendments) (Wales) Regulations 2004, apply in relation to Wales only and come into force on 31 October 2004.

**Amendment of the Quick-frozen Foodstuffs Regulations 1990**

2. - (1) Insofar as they apply in relation to Wales, the Quick-frozen Foodstuffs Regulations 1990<sup>[4]</sup> are amended in accordance with paragraph (2).

(2) In regulation 5 (labelling of quick-frozen foodstuffs), insert at the end the following paragraph -

" (5) In this regulation "Council Directive 89/108/EEC" means Council Directive 89/108/EEC on the approximation of the laws of Member States relating to quick-frozen foodstuffs for human consumption<sup>[5]</sup> as amended by amendments up to and including those effected by the Act of the European Community concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded<sup>[6]</sup>."

**Amendment of the Egg Products Regulations 1993**

3. - (1) Insofar as they apply in relation to Wales, the Egg Products Regulations 1993<sup>[7]</sup> are amended in accordance with paragraph (2).

(2) In each of paragraphs (a)(ii) and (b)(iii) of sub-paragraph (2) of paragraph 1 of Schedule 10 (marking of egg products) substitute the following list of abbreviations for the existing list of abbreviations set out in each of those paragraphs: "CEE - EØF - EWG - EOK - EEC - EEG - ETY - EHS - EMÜ - EEK - EEB - EGK - KEE - EGS".

**Amendment of the Food Labelling Regulations 1996**

4. - (1) Insofar as they apply in relation to Wales, the Food Labelling Regulations 1996<sup>[8]</sup> are amended in accordance with paragraph (2).

(2) In the definition of "Directive 2000/13" in paragraph (1) of regulation 2 (interpretation) insert the phrase "the Act of the European Community concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments

to the Treaties on which the European Union is founded" immediately before the words "and as read with".

**Amendments to the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998**

5. - (1) Insofar as they apply in relation to Wales, the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998<sup>[9]</sup> are amended in accordance with paragraphs (2) and (3).

(2) In the first indent of paragraph 2(1) of Part I of Chapter VII of Schedule 3 (production and placing on the market conditions for fishery products) substitute the following list of abbreviations for the existing list of abbreviations set out in that indent: "B / CZ / DK / D / EE / EL / E / F / IRL / I / CY / LV / LT / L / HU / MT / NL / AT / PL / P / SI / SK / FI / SE / UK".

(3) In the third indent of paragraph 2(1) of Part I of Chapter VII of Schedule 3 substitute the following list of abbreviations for the existing list of abbreviations set out in that indent: "CE - EC - EG - EK - EF - EY - ES - EÜ - KB - KE - WE".

**Amendment of the Medical Food (Wales) Regulations 2000**

6. - (1) The Medical Food (Wales) Regulations 2000<sup>[10]</sup> are amended in accordance with paragraph (2).

(2) At the end of the definition of "the Directive" in regulation 2 (interpretation) insert the following text -

" as amended by the Act of the European Community concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded".

**Amendment of the Condensed Milk and Dried Milk (Wales) Regulations 2003**

7. - (1) The Condensed Milk and Dried Milk (Wales) Regulations 2003<sup>[11]</sup> are amended in accordance with paragraph (2).

(2) At the end of regulation 8(b) insert the following text -

" as amended by the Act of the European Community concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>[12]</sup>.

*D. Elis-Thomas*

The Presiding Officer of the National Assembly

19 October 2004

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## EXPLANATORY NOTE

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

1. These Regulations make, in relation to Wales only, amendments to the food legislation specified below which are necessitated by amendments to the European Community food legislation implemented by those Regulations made by the Act of the European Community concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ No. L236, 23.9.2003, p.33) ("the Act").

2. The Regulations -

(a) in regulation 5 (labelling of quick-frozen foodstuffs) of the Quick-Frozen Foodstuffs Regulations 1990 (S.I. 1990/2615 as already amended) -

(i) add a definition of "Council Directive 89/108/EEC", and

(ii) thereby add to the list of languages in which (under paragraphs (2) and (3) of that regulation) it may be indicated that the food concerned is quick-frozen, the languages of certain of the States which, by virtue of the Act, become new Member States of the European Community (regulation 2);

(b) amend sub-paragraph (2) of paragraph 1 of Schedule 10 (marking of egg products) to the Egg Products Regulations 1993 (S.I. 1993/1520 as already amended) by substituting revised particulars for the particulars which (under paragraphs (a) (ii) and (b) (iii) of that sub-paragraph) are required, for each consignment of egg products leaving an establishment, to be specified in a label relating to the consignment concerned (regulation 3);

(c) in paragraph (1) of regulation 2 (interpretation) of the Food Labelling Regulations 1996 (S.I. 1996/1499 as already amended) -

(i) update the definition of "Directive 2000/13" by including in the list of legislation which amends Directive 2000/13/EC (OJ No. L109, 6.5.2000, p.29) reference to the Act, and

(ii) thereby extend the coverage of the exports defence in regulation 47 of those Regulations by making it apply where the offence charged relates to the labelling requirement in the Regulations concerning the "use by" date or to the labelling

requirement concerning irradiated food, the destination State is an EEA State and its legislation complies with the corresponding requirement laid down in Directive 2000/13/EC (as amended by the Act so as to provide that the labelling concerned may be in the language of one of certain of the new member States) (regulation 4);

(d) amend sub-paragraph (1) of paragraph 2 of Schedule 3 (production and placing on the market conditions for fishery products (based on the corresponding provisions of the Annex to the Fishery Products Directive)) to the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994 as already amended) by substituting revised particulars for the particulars which (under the first and third indents of that sub-paragraph) are required, for each consignment of fishery products despatched from an establishment, to be specified in a label relating to the consignment concerned or in the accompanying documents (regulation 5);

(e) in regulation 2 (interpretation) of the Medical Food (Wales) Regulations 2000 (S.I. 2000/1866 (W.125)) update the definition of "the Directive" by including in the list of legislation which amends Commission Directive 1999/21/EC on dietary foods for special medical purposes (OJ No. L91, 7.4.1999, p.29) reference to the Act (regulation 6); and

(f) in paragraph (b) of regulation 8 (defence in relation to exports) of the Condensed Milk and Dried Milk (Wales) Regulations 2003 (S.I. 2003/3053 (W.291)) -

(i) update the reference to Council Directive 2001/114 EC relating to certain partly or wholly dehydrated preserved milk for human consumption (OJ No. L15, 17.1.2002, p.19) by adding reference to the amendment of that Directive by the Act, and

(ii) thereby extend the coverage of the exports defence in regulation 8 of those Regulations by making it apply where the offence charged relates to one of the labelling requirements in regulations 4 and 5 of those Regulations concerning the use of reserved descriptions, the destination State is an EEA State and its legislation complies with the corresponding requirement laid down in Directive 2001/114/EC (as amended by the Act so as to provide that the labelling concerned may be in the language of one of certain of the new member States) (regulation 7).

**3.** A full regulatory appraisal has not been produced for this instrument as it has no impact on the costs of business.

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*Notes:*

[1] S.I. 2003/2901.[back](#)

[2] 1972 c. 68.[back](#)

[3] OJ No. L31, 1.2.2002, p.1.[back](#)

[4] S.I. 1990/2615, to which there are amendments not relevant to these Regulations.[back](#)

[5] OJ No. L40, 11.2.89, p.34.[back](#)

[6] OJ No. L236, 23.9.2003, p.33.[back](#)

[7] S.I. 1993/1520, to which there are amendments not relevant to these Regulations.[back](#)

[8] S.I. 1996/1499, amended by S.I. 2004/249 (W.26); there are other amending instruments but none is relevant.[back](#)

[9] S.I. 1998/994, to which there are amendments not relevant to these Regulations.[back](#)

[10] S.I. 2000/1866 (W.125).[back](#)

[11] S.I. 2003/3053 (W.291).[back](#)

[12] 1998 c.38.[back](#)

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