

W E L S H   S T A T U T O R Y   I N S T R U M E N T S

2016 No. 845 (W. 214)

FOOD, WALES

## The Food Hygiene (Wales) (Amendment) Regulations 2016

*Made*

16 August 2016

*Laid before the National Assembly for Wales*

19 August 2016

*Coming into force*

15 October 2016

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<sup>(1)</sup>.

The Welsh Ministers have been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food<sup>(2)</sup>.

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 is expedient for references to an Annex to Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat to be construed as references to that Annex as amended from time to time.

There has been 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> during the preparation and evaluation of these Regulations.

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

1.—(1) The title of these Regulations is the Food Hygiene (Wales) (Amendment) Regulations 2016.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 15 October 2016.

### **Amendment of the Food Hygiene (Wales) Regulations 2006**

2.—(1) The Food Hygiene (Wales) Regulations 2006<sup>(4)</sup> are amended as follows.

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

(a) in the definition of “the Community Regulations” for “Regulation 2075/2005” substitute “Regulation 2015/1375”; and

(b) in the definition beginning “Decision 2006/766”—

(i) for ““Regulation 2075/2005” (“*Rheoliad 2075/2005*”)” substitute ““Regulation 2015/1375” (“*Rheoliad 2015/1375*”)”; and

(ii) omit ““Regulation 1109/2011 (“*Rheoliad 1109/2011*”)”.

(3) In Schedule 1 (definitions of EU legislation)—

(a) in the definition of “Regulation 854/2004” (“*Rheoliad 854/2004*”), for “Regulation 2075/2005” substitute “Regulation 2015/1375”;

(b) omit the definition of “Regulation 2075/2005” (“*Rheoliad 2075/2005*”);

(c) omit the definition of “Regulation 1109/2011” (“*Rheoliad 1109/2011*”); and

(d) at the end of the Schedule add the following definition—

““Regulation 2015/1375” (“*Rheoliad 2015/1375*”) means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat(5).”

(4) In Schedule 2 (specified Community provisions)—

(a) in the first column of the final entry, for “Regulation 2075/2005” substitute “Regulation 2015/1375”; and

(b) in the second column of the final entry, for the existing text substitute the following—

“Requirement that food business operators of holdings officially recognised as applying controlled housing conditions must inform the competent authority of any requirement of Annex IV to Regulation 2015/1375 that is no longer fulfilled or of any other change that might affect the holdings’ *Trichinella* status.”

*Rebecca Evans*

Minister for Social Services and Public Health under authority of the Cabinet Secretary for Health, Well-being and Sport, one of the Welsh Ministers

16 August 2016

## EXPLANATORY NOTE

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

These Regulations make various amendments to the Food Hygiene (Wales) Regulations 2006 ([S.I. 2006/31 \(W. 5\)](#)) to provide for the execution and enforcement in Wales of Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat (OJ No L 212, 11.8.2015, p 7).

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.

**(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 was amended by Part 1 of 2008 Act and [S.I. 2007/1388](#).

**(2)**

[S.I. 2005/1971](#). By virtue of section 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act [2006 \(c. 32\)](#), functions conferred on the National Assembly for Wales by this designation order are transferred to the Welsh Ministers.

**(3)**

OJ No L 31, 1.2.2002, p 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014.

**(4)**

[S.I. 2006/31 \(W. 5\)](#) amended by [S.I. 2010/893 \(W. 92\)](#), [S.I. 2011/1043](#), [S.I. 2012/975 \(W. 129\)](#), [S.I. 2012/1765 \(W. 225\)](#), [S.I. 2013/479 \(W. 55\)](#), [S.I. 2013/3007 \(W. 298\)](#), [S.I. 2013/3049 \(W. 308\)](#), [S.I. 2014/1858 \(W. 192\)](#), [S.I. 2014/2303 \(W. 227\)](#), [S.I. 2014/3080 \(W. 305\)](#).

**(5)**

OJ No L 212, 11.8.2015, p 7.