
WELSH STATUTORY INSTRUMENTS

2003 No. 2292 (W.228)

FOOD, WALES

**The Food (Figs, Hazelnuts and Pistachios from Turkey)
(Emergency Control) (Wales) (Amendment) Regulations 2003**

Made - - - - *5th September 2003*

Coming into force - - *6th September 2003*

The National Assembly for Wales, being designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by that section, makes the following Regulations:

Title, commencement and application

1.—(1) These Regulations may be cited as the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (Wales) (Amendment) Regulations 2003 and shall come into force on 6th September 2003.

(2) These Regulations apply in relation to Wales only.

Amendment to the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) Wales) (No. 2) Regulations 2002

2.—(1) Paragraph (1) of regulation 2 (interpretation) to the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (Wales) (No. 2) Regulations⁽³⁾ is amended in accordance with paragraphs (2) and (3).

(2) The definition of “the Commission Decision” shall be replaced by the following definition —
““the Commission Decision” means Commission Decision [2002/80/EC](#) imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey⁽⁴⁾ as amended by Commission Decision [2002/233/EC](#)⁽⁵⁾, Commission Decision [2002/679/EC](#)⁽⁶⁾ and Commission Decision [2003/552/EC](#)⁽⁷⁾.”.

(1) [S.I. 1999/2788](#).

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

(3) [S.I. 2002/2296 \(W.225\)](#).

(4) [OJ No. L34, 5.2.2002, p.26](#).

(5) [OJ No. L78, 31.3.2002, p.14](#).

(6) [OJ No. L229, 27.8.2002, p.37](#).

(7) [OJ No. L187, 26.7.2003, p.47](#).

- (3) The following paragraph is substituted for paragraph (4) of regulation 4 —
- “(4) The requirements are those specified in —
- (a) Article 1.4 of the Commission Decision (which is concerned with documentary checks relating to consignments of controlled Turkish products);
 - (b) Article 1.5 and 1.6 of that Decision (which provisions are concerned with the sampling and analysis of such consignments), other than the requirement under Article 1.5 to supply the Commission with specified information; and
 - (c) Article 1.7 of that Decision (which is concerned with the case where consignments are split)”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁸⁾.

5th September 2003

Jane Hutt
Minister for Health and Social Services

⁽⁸⁾ 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales only, amend the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (Wales) (No. 2) Regulations 2002 ([S.I. 2002/2296 \(W.225\)](#) (regulation 2)). [S.I. 2002/2296 \(W.225\)](#) implements Commission Decision [2002/80/EC](#) imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey (OJ No. L34, 5.2.2002, p.26) as amended by Commission Decision [2002/233/EC](#) (OJ No. L78, 21.3.2002, p.14) and Commission Decision [2002/679/EC](#) (OJ No. L229, 27.8.2002, p.37).

The effect of the amendment made by these Regulations is that [S.I. 2002/2296 \(W.225\)](#) now implements Commission Decision [2002/80/EC](#) as now also amended by Commission Decision [2003/552/EC](#) (OJ No. L187, 26.7.2003, p.47). The categories of products which are subject to the special import conditions referred to above are specified in Article 1(1) of Commission Decision [2002/80/EC](#) as amended by Commission Decision [2002/679/EC](#) and Commission Decision [2003/552/EC](#).

The principal changes effected by these Regulations are that —

- (a) the definition of “the Commission Decision” in regulation 2(1) of [S.I. 2002/2296 \(W.225\)](#) is updated to reflect the amendment made to it by Commission Decision [2003/552/EC](#);
- (b) there is a consequential amendment to the definition of “Turkish Products” in regulation 2(1) of [S.I. 2002/2296 \(W. 225\)](#); and
- (c) the previous requirement that consignments of controlled Turkish products be subjected to random sampling and analysis to ensure compliance with Commission Decision [2002/80/EC](#), as amended, is modified by providing that —
 - (i) sampling and analysis in relation to aflatoxin B1 and total aflatoxin shall be undertaken in respect of consignments of dried figs, hazelnuts and pistachios and certain products derived thereof,
 - (ii) the period of detention for the purpose of random sampling and analysis must not exceed 15 working days, and
 - (iii) each part of a split consignment must be accompanied by a copy of the health certificate and accompanying documents.

No regulatory appraisal has been prepared in relation to these Regulations.