
WELSH STATUTORY INSTRUMENTS

2004 No. 392 (W.40)

FOOD, WALES

The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Amendment) (Wales) Regulations 2004

Made - - - - *16th February 2004*

Coming into force - - *17th February 2004*

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 measures relating to food, in exercise of the powers conferred on it by that section, makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Amendment) (Wales) Regulations 2004 and shall come into force on 17 February 2004.

Amendments to the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003

2.—(1) The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003⁽³⁾ shall be amended in accordance with paragraph (2).

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

(a) for the definition of “the Commission Decision” (“*Penderfyniad y Comisiwn*”) there shall be substituted the following definition —

““the Commission Decision” (“*Penderfyniad y Comisiwn*”) means the Commission Decision of 21 January 2004 on emergency measures regarding chilli and chilli products;” and

(b) for the definition of “hot chilli and hot chilli products” (“*tsilis poeth a chynhyrchion tsilis poeth*”) there shall be substituted the following definition —

““hot chilli and hot chilli products” (“*tsilis poeth a chynhyrchion tsilis poeth*”) means —

(1) S.I. 2003/2901.

(2) 1972 c. 68.

(3) S.I. 2003/2455 (W.238).

- (a) fruits of the genus Capsicum, dried and crushed or ground within CN Code 09042090; and
- (b) curry powder within CN Code 091050;”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

16th February 2004

D.Elis-Thomas
The Presiding Officer of the National Assembly

(4) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003 (S.I.2003/2455 (W.238)) to implement the Commission Decision of 21st January 2004 on emergency measures regarding chilli and chilli products (“the new Decision”). The new Decision repealed Commission Decision 2003/460/EC on emergency measures regarding hot chilli and hot chilli products (OJNo. L154, 21.6.2003, p.114).

The differences between the new Decision and Commission Decision 2003/460/EC are that —

- (a) the new Decision extends in relation to curry powder the emergency measures previously set out in Commission Decision 2003/460/EC in relation to chillies which have been dried and crushed or ground. This change is implemented by inserting a revised definition of “hot chilli and hot chilli products” (“*tsilis poeth a chynhyrchion tsilis poeth*”) into S.I. 2003/2455 (W.238) (regulation 2(2)(b)); and
- (b) the new Decision amends the conditions for import of chilli and chilli products by providing that import is now prohibited unless the analytical report accompanying the consignment shows that the product not only does not contain Sudan I (CAS Number 842-07-9) but additionally does not contain Sudan II (CAS Number 3118-97-6), Sudan III (CAS Number 85-86-9) or Scarlet Red or Sudan IV (CAS Number 85-83-6). This change is implemented by inserting a revised definition of “the Commission Decision” into S.I. 2003/2455 (W. 238) (regulation 2(2)(a)).

The CN codes referred to in the definition of “hot chilli and hot chilli products” are the code numbers of the combined nomenclature established by Regulation 2658/87 on the tariff and statistical nomenclature and on the customs tariff (OJ No. L256, 7.9.87, p.1).

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