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## EXPLANATORY NOTE

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

These Regulations, which apply to Wales only, provide for the enforcement of Commission Regulation (EC) No. 608/2004 (OJ No. L97, 1.4.2004, p.44) concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters. That Regulation requires such foods and food ingredients to be labelled with additional information, including the words “with added plant sterols/plant stanols”.

Regulation 608/2004 was made pursuant to Directive 2000/13/EC of the European Parliament and of the Council (OJ No. L109, 6.5.2000, p.29) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (“the Directive”). In consequence, the products covered by Regulation 608/2004 are foods and food ingredients which are to be delivered as such to the ultimate consumer or which are intended for supply to mass caterers. By virtue of Article 13(4) of the Directive, certain small packages and indelibly marked glass bottles are exempt from the labelling requirements of Regulation 608/2004. There is a transitional provision in Article 3 of that Regulation.

Pursuant to Articles 14 and 15 of the Directive, these Regulations contain an exemption from the need to be labelled with some of the particulars required by Regulation 608/2004 in the case of food which is not prepacked, certain similar foods and fancy confectionery products (regulation 4).

Pursuant to Articles 13(1) and (2) and 14 of the Directive, these Regulations make provision as to the manner of labelling in the case of the required particulars (regulations 5 to 7).

These Regulations also —

- (a) create offences and prescribe a penalty (regulation 3) and specify enforcement authorities (regulation 8);
- (b) provide a defence in relation to exports, in accordance with Articles 2 and 3 of Council Directive 89/397/EEC (OJ No. L186, 30.6.89, p. 23) on the official control of foodstuffs, as read with the ninth recital to that Directive (regulation 9);
- (c) incorporate specified provisions of the Food Safety Act 1990 (regulation 10).

A regulatory appraisal pursuant to section 65 of the Government of Wales Act 1998 has been prepared for these regulations and placed in the library of the National Assembly for Wales (together with a Transposition Note). Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff CF10 1EW.