
WELSH STATUTORY INSTRUMENTS

2005 No. 3236 (W.241)

FOOD, WALES

**The Food Labelling (Amendment) (Wales)
(No. 2) (Amendment) Regulations 2005**

Made - - - - 22 November 2005

Coming into force - - 24 November 2005

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 16(1)(e) and (f), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(1) and now vested in it(2).

It has had regard to relevant advice given by the Food Standards Agency as required by section 48(4A) of that Act.

There has been open and transparent public consultation during the preparation of the Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(3) 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.

Title and commencement

1. The title of these Regulations is the Food Labelling (Amendment) (Wales) (No. 2) (Amendment) Regulations 2005; they come into force on 24 November 2005.

Amendment of the Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005

2. The Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005(4) shall be amended in accordance with regulations 3 and 4.

(1) 1990 c. 16; section 1(1) and (2) (definition of “food”) was substituted by S.I.2004/2990; section 53(2) was amended by Schedule 6 to the Food Standards Act 1999 (1999 c. 28) and S.I. 2004/2990.
(2) Functions of “the Secretary of State” so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 (1999 c. 28).
(3) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).
(4) S.I. 2005/ 2835 (W. 200).

3. In regulation 3 (amendment of definition of “Directive [2000/13/EC](#)” in regulation 2(1) of the Food Labelling Regulations 1996⁽⁵⁾) there shall be inserted at the end the words “which was itself amended by Commission Directive [2005/63/EC](#)”⁽⁶⁾.

4. In the Schedule, in the text of the new Schedule 2A to be inserted in the Food Labelling Regulations 1996 (list of ingredients which originate from allergenic ingredients and in respect of which the allergen labelling requirements do not apply) in column 2 for the words “Fish gelatine used as carrier for vitamins and flavours” there shall be substituted the words “Fish gelatine used as a carrier for vitamin or carotenoid preparations and flavours”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁷⁾.

22 November 2005

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

(5) S.I. 1996/1499; the relevant amending instruments are S.I. 1998/1398, 2001/1232 (W.66), 2004/249 (W.26), 2004/3022 (W.261), 2005/ 2835 (W. 200).

(6) OJ No. L258, 4.10.2005, p.3.

(7) 1998. c.38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005 which implement in Wales Commission Directive [2005/26/EC](#) establishing a list of food ingredients or substances provisionally excluded from Annex IIIa of Directive [2000/13/EC](#) of the European Parliament and of the Council (OJ No.L75, 22.3.2005, p.33). In accordance with the timetable in that Directive, those Regulations come into force on 25 November 2005. Those Regulations confer an exemption until 25 November 2007 from the allergen labelling requirements in regulation 34B of the Food Labelling Regulations 1996 in the case of certain ingredients originating from allergenic ingredients. The 1996 Regulations extend to the whole of Great Britain; those amendment Regulations apply in relation to Wales only.

2. These Regulations implement in Wales Commission Directive [2005/63/EC](#) correcting Directive [2005/26/EC](#) (OJ No. L258, 4.10.2005, p.3).

3. These Regulations—

- (a) confer an exemption until 25 November 2007 from the allergen labelling requirements in regulation 34B of the 1996 Regulations in the case of fish gelatine used as a carrier for carotenoid preparations (regulation 4);
- (b) update the definition of “Directive [2000/13/EC](#)” (regulation 3).

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