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WELSH STATUTORY INSTRUMENTS

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**2010 No. 2069 (W.191)**

**FOOD, WALES**

**The Addition of Vitamins, Minerals and Other Substances (Wales) (Amendment) Regulations 2010**

<i>Made</i>	- - - -	<i>14 August 2010</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>17 August 2010</i>
<i>Coming into force</i>	- -	<i>1 October 2010</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a), (e) and (f), 17(2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990<sup>(1)</sup>, and now vested in them<sup>(2)</sup>, as read with paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>(3)</sup>.

In accordance with section 48(4A) of the Food Safety Act 1990 the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency.

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 it is expedient for references to the EU instrument mentioned in regulation 3 to be construed as references to that instrument as Annexes I and II to it may be amended from time to time.

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>(4)</sup>, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

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- (1) 1990 c. 16, section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c. 28). Section 48 was also amended by S.I. 2004/2990.
- (2) Functions of “the Ministers” in the Food Safety Act 1990, 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, and are now vested in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (2006 c. 32).
- (3) 1972, c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c. 51) and amended by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (2008 c. 7).
- (4) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny — Part Four (OJ No. L188, 18.7.2009, p.14).

### **Title and commencement**

1. The title of these Regulations is the Addition of Vitamins, Minerals and Other Substances (Wales) (Amendment) Regulations 2010 and they come into force on 1 October 2010.

### **Amendment to the Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007**

2. The Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007<sup>(5)</sup> are amended in accordance with regulation 3.

3. In regulation 2(1) (interpretation) for the definition of “the EC Regulation” substitute the following definition—

““the EC Regulation” (“*y Rheoliad CE*”) means Regulation (EC) No. 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods, as Annex I or II to that Regulation may be amended from time to time<sup>(6)</sup>”.

*Gwenda Thomas*  
Deputy Minister for Social Services, under  
authority of the Minister for Health and Social  
Services, one of the Welsh Ministers

14 August 2010

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<sup>(5)</sup> S.I. 2007/1984 (W.165), as amended by S.I. 2009/3252 (W.282).

<sup>(6)</sup> OJ No. L404, 30.12.2006, p.26. This Regulation was last amended by Commission Regulation (EC) No. 1170/2009 (OJ No. L314, 1.12.2009, p.36).

## EXPLANATORY NOTE

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

These Regulations amend the Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007 (S.I.2007/1984 (W.165)) to the effect that where those Regulations mention “the EC Regulation”, that reference will be ambulatory to a specified extent. Any such reference will be to Regulation (EC) No. 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods (OJ No. L404, 30.12.2006, p.26) as that Regulation may be amended from time to time by changes made to its Annexes I or II. These Annexes have been previously amended by Commission Regulation (EC) No. 1170/2009 (OJ No. L314, 1.12.2009, p.36).