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WELSH STATUTORY INSTRUMENTS

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**2014 No. 1858 (W. 192)**

**FOOD, WALES**

**The Food Hygiene (Wales) (Amendment) Regulations 2014**

<i>Made</i>	- - - -	<i>14 July 2014</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>16 July 2014</i>
<i>Coming into force</i>	- -	<i>8 August 2014</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>(1)</sup>.

The Welsh Ministers have been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food<sup>(2)</sup>.

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>(3)</sup>, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

**Title, commencement and application**

1.—(1) The title of these Regulations is the Food Hygiene (Wales) (Amendment) Regulations 2014.

(2) These Regulations come into force on 8 August 2014 and apply in relation to Wales.

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(1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) (“the 2006 Act”) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) (“the 2008 Act”). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and has been amended by section 3(3) of and the Schedule to the 2008 Act and by article 3 of paragraph 1 of Schedule 1 to the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388).

(2) S.I. 2005/1971. By virtue of section 162 and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006, functions conferred on the National Assembly for Wales by this designation are transferred to the Welsh Ministers.

(3) OJ No L 31, 1.2.2002, p1, as 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/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L 188, 18.7.2009, p14).

## **Amendments to the Food Hygiene (Wales) Regulations 2006**

2.—(1) The Food Hygiene (Wales) Regulations 2006<sup>(4)</sup> are amended in accordance with paragraphs (2) to (5).

(2) Regulation 32A (special health mark) is revoked.

(3) In Schedule 1 (definitions of EU legislation), for the definition of “Regulation 2075/2005” (“*Rheoliad 2075/2005*”), substitute—

““Regulation 2075/2005” (“*Rheoliad 2075/2005*”) means [Commission Regulation \(EC\) No. 2075/2005](#) laying down specific rules on official controls for *Trichinella* in meat as last amended in respect of its articles by Commission Regulation (EU) No. 216/2014”<sup>(5)</sup>.

(4) In paragraph 2(2) of Schedule 3 (bulk transport in sea-going vessels of liquid oils or fats and the bulk transport by sea of raw sugar), for “Commission Directive [96/3/EC](#)” substitute “Commission Regulation (EU) No. 579/2014”<sup>(6)</sup>.

(5) Schedule 6A (the special health mark) is revoked.

14 July 2014

*Mark Drakeford*  
Minister for Health and Social Services, one of  
the Welsh Ministers

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(4) [S.I. 2006/31 \(W. 5\)](#) as amended by [S.I. 2006/1534 \(W.151\)](#), [S.I. 2007/373 \(W.33\)](#), [S.I. 2010/893 \(W.92\)](#), [S.I. 2012/975 \(W.129\)](#) and [S.I. 2012/1765 \(W. 225\)](#).

(5) The principal instrument is published in OJ L 338, 22.12.2005, p.60 and the amending instrument in OJ L 69, 08.03.2014, p.85.

(6) OJ L 160, 29.05.2014, p.14-20.

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## EXPLANATORY NOTE

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

These Regulations, which apply to Wales, implement Commission Regulation (EU) No. 216/2014 amending Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat. They also implement Commission Regulation (EU) No. 218/2014 amending Annexes to Regulations (EC) No. 853/2004 and (EC) No. 854/2004 of the European Parliament and of the Council and Commission Regulation (EC) No. 2074/2005, which removes the requirement for a special health mark and the restriction to the national market for emergency slaughter meat. These Regulations also implement Commission Regulation (EU) No. 579/2014 granting derogation from certain provisions of Annex II to Regulations (EC) No. 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea.

These Regulations implement Commission Regulation (EU) No. 218/2014 by amending the Food Hygiene (Wales) Regulations 2006 to revoke regulation 32A (special health mark) and Schedule 6A (the special health mark) (regulation 2(2) and (5)).

These Regulations implement Commission Regulation (EU) No. 216/2014 by amending the Food Hygiene (Wales) Regulations 2006 so that the definition of Regulation 2075/2005 in Schedule 1 includes the amendments made to its articles by Regulation 216/2014 (regulation 2(3)).

These Regulations implement Commission Regulation (EU) No. 579/2014 by amending the Food Hygiene (Wales) Regulations 2006 so that the reference to the Annex to Commission Directive 96/3/EC (list of acceptable previous cargoes) at paragraph 2(2) of Schedule 3 is substituted by the Annex to Regulation EU 579/2014 (regulation 2(4)).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Standards Agency at Food Standards Agency Wales, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.