The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to measures relating to food(2) and in relation to the common agricultural policy(3), and make these Regulations in exercise of the powers conferred by sections 16(1)(4), 17(2)(5), 26(1)(a) and (3)(6) and 48(1)(7) of the Food Safety Act 1990(8), and paragraph 1A of Schedule 2 to the European Communities Act 1972(9).

So far as these Regulations are made in exercise of powers under the Food Safety Act 1990, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of that Act(10).

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 in these Regulations to the following Regulations to be construed as references to those Regulations as amended from time to time—

(a) Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy(11);

control system for ensuring compliance with the rules of the common fisheries policy (12); and


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 (14), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title, application and commencement

1.—(1) The title of these Regulations is the Fish Labelling (Wales) (Amendment) Regulations 2014.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 13 December 2014.

Amendments to the Fish Labelling (Wales) Regulations 2013

2.—(1) The Fish Labelling (Wales) Regulations 2013 (15) are amended in accordance with paragraphs (2) and (3).

(2) For regulation 2(1) substitute—

“2.—(1) In these Regulations—

“the EU Regulations” (“Rheoliadau’r UE”) means Regulation 1224/2009, Regulation 404/2011 and Regulation 1379/2013;


(3) In regulation 4 (consumer information and traceability requirements)—

(a) in paragraph (1)(a), for “(4) to” substitute “(6) and”;

(b) in paragraph (2), for sub-paragraph (a) substitute—

“(a) a requirement specified in Article 35 of Regulation 1379/2013 (provision of consumer information) as read with Article 38 of that Regulation, and a

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(14) OJ No L 31, 1.2.2002, p 1, as last amended by OJ No L 189, 27.06.2014, p 1.
(15) S.I. 2013/2139 (W. 209).
requirement as specified in Article 39(3) or (4) of Regulation 1379/2013 as read with paragraph (1) of that Article;

(c) in paragraph (3), for “and Article 67(1) to (3) and (5) to (13) of Regulation 404/2011” substitute “, Article 67(1) to (3) and (5) to (13) of Regulation 404/2011 and Articles 35(1) (c) and 38 of Regulation 1379/2013”;

(d) omit paragraphs (4) and (5);

(e) for paragraph (6) substitute—

“(6) The requirement referred to in paragraph (2)(a) does not apply in circumstances described in Article 35(4) of Regulation 1379/2013 as read with Article 58(8) of Regulation 1224/2009.”

References to the Fish Labelling (Wales) Regulations 2013

3. The references to the Fish Labelling (Wales) Regulations 2013 in regulations 5(3), 6(2) and 7(2) of, and in paragraphs 1 and 2(b) of the Schedule to, those Regulations are to be construed as references to the Fish Labelling (Wales) Regulations 2013 as amended by these Regulations.

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

19 November 2014
EXPLANATORY NOTE

(This note is not part of the Regulations)


Regulation 2 also provides that a “consumer information requirement” for the purpose of Part 2 of the 2013 Regulations is a requirement specified in Article 35 of Regulation (EU) No 1379/2013 (mandatory information to be provided to consumers) as read with Article 38 (indication of catch or production area) and Article 39 (provision of voluntary information) of that Regulation.

The information to be provided allows consumers to understand what species of fish they are buying, whether the fish was caught or farmed, and where the fish was caught or farmed. The information also shows whether the fish or fish product has been defrosted and the minimum durability of the product. In addition it ensures that any information provided voluntarily is clear and unambiguous and can be verified.

Regulation 2 also amends the definition of “traceability requirement” for the purpose of Part 2 of the 2013 Regulations to take account of the requirement in Article 58(5) of Regulation (EC) No 1224/2009, as amended by Article 45(2) of Regulation (EU) No 1379/2013, to give the information required under Article 35 of that Regulation.

Regulation 3 ensures that the references to the 2013 Regulations in the modifications made by those Regulations to the provisions of the Food Safety Act 1990 (as they apply for the purposes of those Regulations) are references to the 2013 Regulations as amended by these Regulations.

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 or from the Agency’s website at www.food.gov.uk/wales.