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WELSH STATUTORY INSTRUMENTS

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**2022 No. 1215 (W. 252)**

**AGRICULTURE, WALES**  
**FOOD, WALES**

The Common Organisation of the Markets in Agricultural  
Products (Amendment) (Wales) Regulations 2022

<i>Made</i>	- - - -	<i>21 November 2022</i>
<i>Laid before Senedd Cymru</i>		<i>23 November 2022</i>
<i>Coming into force</i>	- -	<i>14 December 2022</i>

The Welsh Ministers, in exercise of the powers conferred by sections 50(3) and 53(2) of the Agriculture Act 2020<sup>(1)</sup>, make the following Regulations.

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>(2)</sup> there has been open and transparent public consultation during the preparation of these Regulations.

**PART 1**

Introductory

**Title, commencement and application**

1.—(1) The title of these Regulations is the Common Organisation of the Markets in Agricultural Products (Amendment) (Wales) Regulations 2022.

(2) These Regulations come into force on 14 December 2022.

(3) These Regulations apply in relation to Wales.

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(1) 2020 c. 21.

(2) EUR 2002/178, to which there are amendments not relevant to these Regulations.

## PART 2

### Amendment of retained direct EU legislation

#### **Amendment of Commission Regulation (EC) No 543/2008**

2.—(1) [Commission Regulation \(EC\) No 543/2008](#) laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat<sup>(3)</sup> is amended as follows.

(2) In Article 1, for “Article 75(1)(g) of Regulation (EC) No 1308/2013” substitute “paragraph 17(1)(d) (poultry and poultrymeat) of Schedule 5 to the Agriculture Act 2020, excluding live poultry”.

(3) In Article 13, for “Article 75(3)(g) of Regulation (EU) No 1308/2013” substitute “Article 11(1)”.

#### **Amendment of Commission Regulation (EC) No 617/2008**

3. In Article 3(5) of [Commission Regulation \(EC\) No 617/2008](#) laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks<sup>(4)</sup>, omit “75(3),”.

#### **Amendment of Commission Implementing Regulation (EU) No 543/2011**

4.—(1) Commission Implementing Regulation (EU) No 543/2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors<sup>(5)</sup> is amended as follows.

(2) In Article 3(2), omit “referred to in Article 75(1)(b) of Regulation (EU) No 1308/2013”.

(3) In Article 8, for “Articles 75 and” substitute “Article”.

(4) In Article 10(1), omit “pursuant to Article 75 of Regulation (EU) No 1308/2013”.

(5) In Article 11(1), for “Articles 75 and” substitute “Article”.

#### **Amendment of Regulation (EU) No 1308/2013 of the European Parliament and of the Council**

5.—(1) Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products<sup>(6)</sup> is amended as follows.

(2) In Article 76(1), omit “referred to in Article 75”.

(3) In Article 80(1)—

(a) omit “point (g) of Article 75(3) and in”;

(b) after “and (3)” insert “and in Commission Delegated Regulation (EU) 2019/934 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and

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<sup>(3)</sup> EUR 2008/543, amended by [S.I. 2019/1422](#). There are other amending instruments, but none is relevant to these Regulations.

<sup>(4)</sup> EUR 2008/617, amended by [S.I. 2019/1422](#).

<sup>(5)</sup> EUR 2011/543, amended by [S.I. 2019/822](#). There are other amending instruments, but none is relevant to these Regulations.

<sup>(6)</sup> EUR 2013/1308, amended by [S.I. 2019/821](#), [S.I. 2019/831](#) and [S.I. 2019/1422](#). There are other amending instruments, but none is relevant to these Regulations.

conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files(7)".

- (4) In Article 83(1), for "Notwithstanding Article 75(2), nothing" substitute "Nothing".
- (5) In Article 85—
  - (a) in paragraph 1, omit the words from "and the" to the end;
  - (b) in paragraph 2, omit "pursuant to Article 86".
- (6) In Article 90(2), omit "pursuant to Article 80(3)".
- (7) In Article 228(9), omit point (a).
- (8) In Annex 7—
  - (a) in Part 2—
    - (i) in point (1), in the second paragraph—
      - (aa) in point (c), omit the first indent;
      - (bb) in point (d), omit " , subject to derogations provided for under Article 75(2),";
    - (ii) in point (3)—
      - (aa) in point (b), omit the words from " , except for" to the end;
      - (bb) in point (c), in the fourth indent omit the words from "or a mixture" to the end";
      - (cc) in point (d), omit the words from " , except for" to the end;
      - (dd) omit point (f);
    - (iii) in point (6)(a), for the words from "on any list" to the end substitute "set out in the list in the Appendix to Annex 2 to Regulation (EU) 2019/934";
    - (iv) in point (12), omit the second sentence;
    - (v) in point (13), in the first paragraph omit the words from "used in" to "Article 91";
    - (vi) in point (14), in the first paragraph, in point (a)(i), omit the words from "used according" to "Article 91";
  - (b) in Part 6, in point 1(1), omit "Article 75 concerning";
  - (c) in Part 8—
    - (i) in point (1), in the second paragraph—
      - (aa) in point (a), for "accordance with Article 75(2)" substitute "Commission Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis(8) and Commission Implementing Regulation (EU) No 29/2012 on marketing standards for olive oil(9),";
      - (bb) in points (b) and (c), for "accordance with Article 75(2)" substitute "Regulation (EEC) No 2568/91 and Regulation (EU) No 29/2012,";
    - (ii) in points (2) to (6), for "accordance with Article 75(2)" substitute "Regulation (EEC) No 2568/91 and Regulation (EU) No 29/2012,".
- (9) In Annex 8—
  - (a) in Part 1—

(7) EUR 2019/934, amended by S.I. 2020/1637 and S.I. 2021/632.

(8) EUR 1991/2568, amended by S.I. 2019/1422 (which was itself amended by S.I. 2020/1453).

(9) EUR 2012/29, amended by S.I. 2019/1422 (which was itself amended by S.I. 2020/1453) and S.I. 2022/939 (W. 203).

- (i) in Section C, in paragraph 7 omit “, subject to any exceptions made under Article 75(2)”;
  - (ii) in Section D, in paragraph 1, for “under Article 75(2)” substitute “in Regulation (EU) 2019/934”;
- (b) in Part 2, in Section D, in paragraph 5, for “prescribed under Article 75(2)” substitute “set out in Article 14 of Regulation (EU) 2019/934”.

#### **Amendment of Regulation (EU) No 251/2014 of the European Parliament and of the Council**

6.—(1) Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products<sup>(10)</sup> is amended as follows.

(2) In Article 4(4) for the words from “accordance with” to “Regulation (EU) No 1308/2013” substitute “paragraphs A to D of Part 1 of Annex 8 to Regulation (EU) No 1308/2013 and Commission Delegated Regulation (EU) 2019/934 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files”.

#### **Amendment of Commission Delegated Regulation (EU) 2019/934**

7.—(1) Commission Delegated Regulation (EU) 2019/934 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files is amended as follows.

(2) In Article 4(1)(a), omit “and Article 80(3)(b) to (e)”.

(3) In Article 7(1), omit “point (h) of Article 75(3) and”.

(4) In Article 9(1), for “Article 75(3)(f) of Regulation (EU) No 1308/2013” substitute “this regulation”.

#### **Amendment of Commission Implementing Regulation (EU) 2019/935**

8.—(1) Commission Implementing Regulation (EU) 2019/935 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products and notifications of Member States decisions concerning increases in natural alcoholic strength<sup>(11)</sup> is amended as follows.

(2) In Article 2, omit “referred to in point (d) of Article 75(5) of Regulation (EU) No 1308/2013”.

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<sup>(10)</sup> EUR 2014/251, to which there are amendments not relevant to these Regulations.

<sup>(11)</sup> EUR 2019/935, amended by [S.I. 2020/1637](#). There is another amending instrument not relevant to these Regulations.

## PART 3

### Amendment of domestic regulations

#### **Amendment of the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009**

**9.**—(1) The Marketing of Fresh Horticultural Produce (Wales) Regulations 2009<sup>(12)</sup> are amended as follows.

(2) In regulation 2(2)—

- (a) in the definition of “marketing rules”, for “, 75 and 76” substitute “and 76 of Regulation (EU) 2013,”;
- (b) in the definition of “specific marketing standards”, omit “provided for under Article 75(1) (b) of Regulation (EU) 2013”.

#### **Amendment of the Eggs and Chicks (Wales) Regulations 2010**

**10.**—(1) The Eggs and Chicks (Wales) Regulations 2010<sup>(13)</sup> are amended as follows.

(2) In the table in Part 1 of Schedule 2, omit the rows which begin “Articles 75(2) and (3)”.

21 November 2022

*Lesley Griffiths*  
Minister for Rural Affairs and North Wales, and  
Trefnydd, one of the Welsh Ministers

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<sup>(12)</sup> S.I. 2009/1551 (W. 151); relevant amending instruments are S.I. 2011/2486 (W. 270), S.I. 2013/3270 (W. 320) and S.I. 2019/732 (W. 137).

<sup>(13)</sup> S.I. 2010/1671 (W. 158); the relevant amending instrument is S.I. 2019/463 (W. 111).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

These Regulations make amendments consequential on those amendments made by Part 4 of Schedule 7 to the Agriculture Act 2020 (c. 21).

The amendments relate to marketing standards and are made to both retained direct EU legislation and EU derived domestic legislation. The amendments either omit cross references to articles of Regulation (EU) No 1308/2013 (EUR 2013/1308) (“the CMO Regulation”) which have been disapplied by Part 4 of Schedule 7 to the Agriculture Act 2020, in some cases together with associated wording, or operate to substitute references to articles of the CMO Regulation with an appropriate reference to retained EU legislation or to the Agriculture Act 2020.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.