
WELSH STATUTORY INSTRUMENTS

2013 No. 3007 (W. 298)

FOOD, WALES

**The Food Safety, Food Hygiene and Official
Controls (Sprouting Seeds) (Wales) Regulations 2013**

<i>Made</i>	- - - -	<i>27 November 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>29 November 2013</i>
<i>Coming into force</i>	- -	<i>31 December 2013</i>

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

The Welsh Ministers are designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food⁽²⁾ and in relation to the veterinary and phytosanitary fields for the protection of public health⁽³⁾.

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⁽⁴⁾ there has been open and transparent public consultation during the preparation of the following Regulations.

Title, application and commencement

1.—(1) The title of these Regulations is the Food Safety, Food Hygiene and Official Controls (Sprouting Seeds) (Wales) Regulations 2013.

(2) These Regulations come into force on 31 December 2013 and apply in relation to Wales.

(1) 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 has been amended by section 3(3) of and the Schedule to the European Union (Amendment) Act 2008 (2008 c.7).
(2) S.I. 2005/1971. Functions conferred on the National Assembly for Wales were subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32)
(3) S.I. 2008/1792.
(4) OJ No. L31, 1.2.2002, p.1, 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. L188, 18.7.2009, p.14).

Amendment to the General Food Regulations 2004

2. In regulation 2(1) (interpretation) of the General Food Regulations 2004⁽⁵⁾, for the definition of “Regulation (EC) No 178/2002” substitute the following definition—

““Regulation (EC) No 178/2002” means 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, as read with Commission Implementing Regulation (EU) No 931/2011 on the traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin⁽⁶⁾, and with Commission Implementing Regulation (EU) No 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts⁽⁷⁾.”

Amendment to the Food Hygiene (Wales) Regulations 2006

3. In Schedule 1 (definitions of EU legislation) to the Food Hygiene (Wales) Regulations 2006⁽⁸⁾, at the end of the definition of “Regulation 852/2004” add the words “and with Commission Regulation (EU) No 210/2013 on the approval of establishments producing sprouts pursuant to Regulation (EC) No 852/2004 of the European Parliament and of the Council”⁽⁹⁾.

Amendments to the Official Feed and Food Controls (Wales) Regulations 2009

4.—(1) The Official Feed and Food Controls (Wales) Regulations 2009⁽¹⁰⁾ are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation), for the definition of “the Import Provisions” substitute the following definition—

““the Import Provisions” means Part 3 of these Regulations, Articles 15 to 24 of Regulation 882/2004, Regulation 669/2009 and Commission Regulation (EU) No 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts;”⁽¹¹⁾.

(3) In regulation 41 (offences and penalties), after paragraph (1) insert the following as paragraph (1A)—

“(1A) Any person who imports into Wales or places on the market any sprouts or seeds intended for sprouting which do not comply with the certification requirements of Article 3 of Commission Regulation (EU) No 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts shall be guilty of an offence.”

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

27 November 2013

(5) S.I. 2004/3279, amended by S.I. 2005/3254 (W.247).

(6) OJ No. L242, 20.9.2011, p.2.

(7) OJ No. L68, 12.3.2013, p.16.

(8) S.I. 2006/31 (W.5), amended by S.I. 2006/1534 (W.151), 2007/373 (W.33), S.I. 2010/893 (W.92), S.I. 2012/975 (W.129), S.I. 2012/1765 (W.225) and S.I. 2013/479 (W.55).

(9) OJ No. L68, 12.3.1013, p.24.

(10) S.I. 2009/3376 (W.298), amended by S.I. 2011/626 (W.90) and S.I. 2013/479 (W.55).

(11) OJ No. L68, 12.3.2013, p.26.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the General Food Regulations 2004 (S.I. 2004/3279) (regulation 2), the Food Hygiene (Wales) Regulations 2006 (S.I. 2006/31 (W.5)) (regulation 3) and the Official Feed and Food Controls (Wales) Regulations 2009 (S.I. 2009/3376 (W.298)) (regulation 4) in order to provide for the enforcement of the following EU Regulations —

- (a) Commission Implementing Regulation (EU) No 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts (OJNo. L68, 12.3.2013, p.16);
- (b) Commission Regulation (EU) No 210/2013 on the approval of establishments producing sprouts pursuant to Regulation (EC) No 852/2004 of the European Parliament and of the Council (OJ No. L68, 12.3.2013, p.24); and
- (c) Commission Regulation (EU) No 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts (OJ No. L68, 12.3.2013, p.26).

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 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.