
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the execution and enforcement in Wales of Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (OJ No L 327, 11.12.2015, p 1) (“the Novel Foods Regulation”).

Regulation 3 makes food authorities responsible for the enforcement of the Regulations.

Regulation 4 provides that it is an offence for a person to fail to comply with Article 6(2) of the Novel Foods Regulation, punishable on summary conviction by a fine. Article 6(2) provides that only novel foods authorised by the European Commission and included in the European Union’s list of novel foods may be placed on the market within the European Union, and the foods must be in accordance with conditions of use and the labelling requirements set out in the list.

Regulation 5 and Schedule 2 apply certain provisions of the Food Safety Act 1990 (1990 c. 16) with modifications. This includes the application (with modifications) of—

- (a) section 9, enabling an authorised officer, if he or she considers that Article 6(2) of the Novel Foods Regulation is being or has been contravened, to give notice to the person in charge of the food that it is not to be used for human consumption or is not to be removed except to some place specified in the notice, or to seize the food in order to have it dealt with by a justice of the peace; and
- (b) section 10(1), enabling an improvement notice to be served requiring the person in charge of the food to comply with the provisions of the Novel Foods Regulation specified in Schedule 1 to these Regulations. The provisions, as applied, make the failure to comply with an improvement notice an offence.

Regulation 6 revokes—

- (a) The Novel Foods and Novel Food Ingredients Regulations 1997 (S.I. 1997/1335) in relation to Wales;
- (b) The Novel Foods and Novel Food Ingredients (Fees) Regulations 1997 (S.I. 1997/1336) in relation to Wales;
- (c) The Food Enzymes (Wales) Regulations 2009 (S.I. 2009/3377 (W. 299)).

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.