WELSH STATUTORY INSTRUMENTS

2019 No. 435 (W. 103)

EXITING THE EUROPEAN UNION, WALES
FOOD, WALES

The Food Standards and Labelling (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

Sift requirements satisfied	*18 February 2019*
Made - - - -	*4 March 2019*
Laid before the National Assembly for Wales - -	*5 March 2019*
Coming into force in accordance with regulation 1(3)	

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018(**1**) and by section 16(1)(a) and (e) of the Food Safety Act 1990(**2**).

The requirements of paragraph 4(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate National Assembly for Wales scrutiny procedure for these Regulations) have been satisfied.

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(**3**) there has been open and transparent public consultation during the preparation of these Regulations.

Title, application and commencement

1.—(1) The title of these Regulations is the Food Standards and Labelling (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on exit day.

(**1**) 2018 c. 16.

(**2**) 1990 c. 16. Section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) ("the 1999 Act"). Functions formerly exercisable by "the Ministers" so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act, and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**3**) OJNo. L 31, 1.2.2002, p. 1, to which there are amendments not relevant to these Regulations.

The Food (Lot Marking) Regulations 1996

2.—(1) The Food (Lot Marking) Regulations 1996(**4**) are amended as follows.

(2) In regulation 2, omit the definition of "first seller established within the European Union".

(3) In regulation 3(2)(a), for "European Union" substitute "United Kingdom".

The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008

3.—(1) The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008(**5**) are amended as follows.

(2) In regulation 2(1)—

(a) omit the definition of "EU provision";

(b) at the appropriate place, insert—

> ""specified provision" ("*darpariaeth benodedig*") means a provision referred to in regulation 6(2);".

(3) In regulation 5, for "EU" substitute "specified".

(4) In regulation 6—

(a) in paragraph (1)(b), for "EU" substitute "specified";

(b) in paragraph (2), in the words before sub-paragraph (a), for "EU" substitute "specified".

(5) In regulation 7(2), for "EU" substitute "specified".

The Fish Labelling (Wales) Regulations 2013

4.—(1) The Fish Labelling (Wales) Regulations 2013(**6**) are amended as follows.

(2) In regulation 2—

(a) omit the definition of "the EU Regulations";

(b) at the appropriate place, insert—

> ""the specified Regulations" ("*y Rheoliadau Penodedig*") means Regulation 1224/2009, Regulation 404/2011 and Regulation 1379/2013."

(c) in paragraph (2)(a) and (b), for "EU", in each place it occurs, substitute "specified".

(3) In regulation 4—

(a) in paragraph (3), for "and (5)", in the second place it occurs, substitute ", (5) to (7) and (9)";

(b) in paragraph (7), for "the sterling equivalent of 50 euros" substitute "£45".

(4) In regulation 5(3), in the definition of "operator", for "EU" substitute "specified".

The Food Information (Wales) Regulations 2014

5. In Schedule 5 to the Food Information (Wales) Regulations 2014(**7**), in Part 2, omit entry numbers 33 and 34.

(**4**) S.I. 1996/1502, amended by S.I. 2011/1043 and S.I. 2014/2303 (W. 227).

(**5**) S.I. 2008/1341 (W. 141), amended by S.I. 2011/1043; there are other amending instruments but none is relevant to these Regulations.

(**6**) S.I. 2013/2139 (W. 209), amended by S.I. 2014/3079 (W. 304); there are other amending instruments but none is relevant to these Regulations.

(**7**) S.I. 2014/2303 (W. 227), to which there are amendments not relevant to these Regulations.

The Honey (Wales) Regulations 2015

6. In the Honey (Wales) Regulations 2015(**8**), after regulation 18 insert—

"**Methods of analysis**

18A. In carrying out its obligations under regulation 18, a food authority must, whenever possible, use a method of analysis approved by the Codex Alimentarius, or another internationally recognised validated method of analysis, to verify compliance with the provisions of these Regulations."

The Country of Origin of Certain Meats (Wales) Regulations 2015

7. In regulation 3(a) of the Country of Origin of Certain Meats (Wales) Regulations 2015(**9**), for "member State or third" substitute "single".

Vaughan Gething
Minister for Health and Social Services, one of the Welsh Ministers

4 March 2019

(**8**) S.I. 2015/1507 (W. 174).
(**9**) S.I. 2015/1519 (W. 177).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, other than regulation 6, are made in exercise of the powers conferred on the Welsh Ministers by paragraph 1(1) of Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Regulation 6 is made under section 16 of the Food Safety Act 1990 (c. 16) to amend the Honey (Wales) Regulations 2015 to set the method of analysis that food authorities must use to verify compliance with those Regulations' requirements.

These Regulations make amendments to subordinate legislation applying in Wales in the field of food composition and labelling.

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.