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WELSH STATUTORY INSTRUMENTS

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**2022 No. 939 (W. 203)**

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

The Food Information (Amendment of  
Transitional Provisions) (Wales) Regulations 2022

<i>Made</i>	- - - -	<i>5 September 2022</i>
<i>Laid before Senedd Cymru</i>		<i>7 September 2022</i>
<i>Coming into force</i>	- -	<i>30 September 2022</i>

The Welsh Ministers, in exercise of the powers conferred by sections 16(1)(e) and 48(1)(c) of the Food Safety Act 1990<sup>(1)</sup>, make the following Regulations.

In accordance with section 48(4A) of the Food Safety Act 1990<sup>(2)</sup>, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency.

There has been consultation 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>(3)</sup>.

**Title, commencement, application and extent**

1.—(1) The title of these Regulations is the Food Information (Amendment of Transitional Provisions) (Wales) Regulations 2022.

(2) These Regulations come into force on 30 September 2022.

(3) These Regulations apply in relation to Wales and extend to England and Wales.

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(1) 1990 c. 16. Functions of the “Secretary of State” under the Food Safety Act 1990 are exercisable by the Welsh Ministers (in relation to Wales), by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). See amendments to sections 16 and 48 of the Food Safety Act 1990 by section 40 of and paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999 (c. 28). The powers in the Food Safety Act 1990, when read with paragraph 5 of Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16), allow for modifications to be made to retained direct minor EU legislation as defined in section 7(6) of the Act. “Modify” is defined in section 20(1) of the European Union (Withdrawal) Act 2018 and includes “amend, repeal or revoke”.

(2) Subsection (4A) was inserted by paragraphs 7 and 21 of Schedule 5 to the Food Standards Act 1999.

(3) EUR 2002/178.

**Amendment of the Food Hygiene (Wales) Regulations 2006**

2. In regulation 17 (offences and penalties) of the Food Hygiene (Wales) Regulations 2006(4), in paragraph (9)(b), for “the end of 30 September 2022” substitute “1 January 2024”.

**Amendment of the Quick-frozen Foodstuffs (Wales) Regulations 2007**

3. In regulation 12 (transitional provision: withdrawal from the EU) of the Quick-frozen Foodstuffs (Wales) Regulations 2007(5), in paragraph (a) for “before the end of 30 September 2022” substitute “before 1 January 2024”.

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

4.—(1) The Marketing of Fresh Horticultural Produce (Wales) Regulations 2009(6) are amended as follows.

(2) In regulation 23 (transitional provisions: withdrawal from the EU)—

- (a) in paragraph (1)(a), for “the end of the period of 21 months beginning on the day on which IP completion day falls” substitute “1 January 2024”; and
- (b) in paragraph (2)(a), for “the end of the period of 21 months beginning on the day on which IP completion day falls” substitute “1 January 2024”.

**Amendment of the Beef and Veal Labelling (Wales) Regulations 2011**

5.—(1) The Beef and Veal Labelling (Wales) Regulations 2011(7) are amended as follows.

(2) In regulation 4 (offences under retained direct EU legislation), for paragraph 4 substitute—

“(4) Paragraphs (1)(a)(vi) and (1)(b)(ii) do not apply if the matter constituting the alleged contravention—

- (a) relates to a product that was placed on the market before 1 January 2024; and
- (b) would not have constituted a contravention—
  - (i) in the case of paragraph (1)(a)(vi), of Article 15 of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as that Regulation had effect in EU law immediately before IP completion day; or
  - (ii) in the case of paragraph (1)(b)(ii), of Article 2(2)(b) of Regulation (EC) No 1825/2000 of the European Parliament and of the Council as that Regulation had effect in EU law immediately before IP completion day.”.

**Amendment of the Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013**

6. In regulation 22 (transitional provision: withdrawal from the EU) of the Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013(8), in paragraph (1)(a) for “on or before 30 September 2022” substitute “before 1 January 2024”.

(4) S.I. 2006/31 (W. 5), amended by S.I. 2021/371 (W. 114).

(5) S.I. 2007/389 (W. 40), amended by S.I. 2021/371 (W. 114).

(6) S.I. 2009/1551 (W. 151), amended by S.I. 2019/1376 (W. 242). S.I. 2019/1376 (W. 242) came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and was amended before it came into force by S.I. 2020/1308 (W. 289).

(7) S.I. 2011/991 (W. 145); relevant amending instruments are S.I. 2013/3270 (W. 320), S.I. 2018/1188 (W. 242) and S.I. 2019/732 (W. 137). S.I. 2019/732 (W. 137) came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.

(8) S.I. 2013/2591 (W. 255), amended by S.I. 2021/371 (W. 114).

#### **Amendment of the Food Information (Wales) Regulations 2014**

7. In regulation 15 (transitional provisions: withdrawal from the EU) of the Food Information (Wales) Regulations 2014(9), in paragraph (1)(a), for “on or before 30 September 2022” substitute “before 1 January 2024”.

#### **Amendment of the Honey (Wales) Regulations 2015**

8. In regulation 23 (transitional provisions: withdrawal from the EU) of the Honey (Wales) Regulations 2015(10), in paragraph (2)(a) for “on or before 30 September 2022” substitute “before 1 January 2024”.

#### **Amendment of the Country of Origin of Certain Meats (Wales) Regulations 2015**

9. In regulation 7 (transitional provision: withdrawal from the EU) of the Country of Origin of Certain Meats (Wales) Regulations 2015(11), in paragraph (2)(a) for “on or before 30 September 2022” substitute “before 1 January 2024”.

#### **Amendment of the Caseins and Caseinates (Wales) Regulations 2016**

10. In regulation 10 (transitional provision: withdrawal from the EU) of the Caseins and Caseinates (Wales) Regulations 2016(12), in paragraph (1)(a), for “on or before 30 September 2022” substitute “before 1 January 2024”.

#### **Amendment of Commission Regulation (EC) No 1825/2000**

11. In Article 2 (labelling where information is not available) of [Commission Regulation \(EC\) No 1825/2000](#) laying down detailed rules for the application of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products(13), in paragraphs 3 and 4, for the words from “of 21” to “falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”.

#### **Amendment of Commission Regulation (EC) No 589/2008**

12. In Article 30 (imported eggs) of [Commission Regulation \(EC\) No 589/2008](#) laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs(14), in paragraph 3, for the words from “for a period” to “falls” substitute “for the period beginning with 30 September 2022 and ending with 31 December 2023”.

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(9) [S.I. 2014/2303 \(W. 227\)](#), amended by [S.I. 2021/911 \(W. 207\)](#).

(10) [S.I. 2015/1507 \(W. 174\)](#), amended by [S.I. 2021/371 \(W. 114\)](#).

(11) [S.I. 2015/1519 \(W. 177\)](#), amended by [S.I. 2021/911 \(W. 207\)](#).

(12) [S.I. 2016/1130 \(W. 270\)](#), amended by [S.I. 2021/371 \(W. 114\)](#).

(13) [EUR 2000/1825](#), as amended by [S.I. 2019/822](#). [S.I. 2019/822](#) came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and was amended before it came into force by [S.I. 2020/1453](#) and [S.I. 2020/1481](#).

(14) [EUR 2008/589](#), as amended by [S.I. 2019/1402](#) and [S.I. 2019/1422](#). [S.I. 2019/1402](#) and [S.I. 2019/1422](#) came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020. [S.I. 2019/1402](#) was amended before it came into force by [S.I. 2020/1445](#) and [S.I. 2020/1452](#). [S.I. 2019/1422](#) was amended before it came into force by [S.I. 2020/1445](#) and [S.I. 2020/1453](#).

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

**13.**—(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>(15)</sup> is amended as follows.

(2) In Article 7 (mixes), in paragraph 4(b), for the words from “of 21” to “falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”.

(3) In Annex 1 (marketing)—

(a) in Part A (general marketing standard), in point 4(A) (identification), in the second indent of the second paragraph, for the words from “of 21” to “falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”; and

(b) in Part B (specific marketing standards), in each of Parts 1 to 10, in point 6(A) (identification), in the second indent of the second paragraph, for the words from “of 21” to “falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”.

### **Amendment of Commission Implementing Regulation (EU) No 29/2012**

**14.** In Article 2 of Commission Implementing Regulation (EU) No 29/2012 on marketing standards for olive oil (codification)<sup>(16)</sup>, in point (b) of the third paragraph, for the words from “of 21” to “falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”.

### **Amendment of Commission Delegated Regulation (EU) 2019/33**

**15.** In Article 46 (indication of the bottler, producer, importer and vendor) of Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation<sup>(17)</sup>, in paragraph 1, in points (a) and (d), for “30 September 2022” substitute “31 December 2023”.

5 September 2022

*Lynne Neagle*  
Deputy Minister for Mental Health and  
Wellbeing, one of the Welsh Ministers

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(15) EUR 2011/543, as amended by S.I. 2019/822, S.I. 2019/828, S.I. 2021/756, S.I. 2021/1396 and S.I. 2022/608. S.I. 2019/822 and S.I. 2019/828 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020. S.I. 2019/822 was amended before it came into force by S.I. 2019/1405 and S.I. 2020/1453, the latter of which also amended S.I. 2019/1405 before it came into force. S.I. 2020/828 was amended before it came into force by S.I. 2020/1452.

(16) EUR 2012/29, as amended by S.I. 2019/1422. S.I. 2019/1422 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and was amended before it came into force by S.I. 2020/1453.

(17) EUR 2019/33, as amended by S.I. 2020/1637, S.I. 2020/1661 and S.I. 2021/632.

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## **EXPLANATORY NOTE**

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

These Regulations amend statutory instruments and retained EU law in relation to food labelling in Wales. The amendments extend previous transitional arrangements, which were due to expire at the end of September 2022, so that they continue to apply until the end of 2023.

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.