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WELSH STATUTORY INSTRUMENTS

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**2019 No. 1482 (W. 266)**

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

The Official Feed and Food Controls (Wales)  
(Miscellaneous Amendments) Regulations 2019

<i>Made</i>	- - - -	<i>27 November 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>28 November 2019</i>
<i>Coming into force</i>	- -	<i>14 December 2019</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<sup>(1)</sup>.

The Welsh Ministers have been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to—

- (a) measures in respect of food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals<sup>(2)</sup>;
- (b) measures in the veterinary and phytosanitary fields for the protection of public health<sup>(3)</sup>;
- (c) measures in relation to the common agricultural policy of the European Union<sup>(4)</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for—

- (a) any reference in the Food Hygiene (Wales) Regulations 2006<sup>(5)</sup> to an EU instrument defined in Schedule 1 to those Regulations, as those Regulations are amended by these Regulations, and
- (b) any reference in the Official Food and Feed Controls (Wales) Regulations 2009<sup>(6)</sup> to an EU instrument defined in Schedule 1 to those Regulations, as those Regulations are amended by these Regulations,

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(1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and S.I. 2007/1388.

(2) S.I. 2005/1971. The functions conferred on the National Assembly for Wales by this designation are transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(3) S.I. 2008/1792.

(4) S.I. 2010/2690.

(5) S.I. 2006/31 (W. 5); relevant amending instruments are S.I. 2010/893 (W. 92), S.I. 2012/1765 (W. 225), S.I. 2013/479 (W. 55), S.I. 2013/3007 (W. 298), S.I. 2013/3049 (W. 308), S.I. 2014/1858 (W. 192), S.I. 2016/845 (W. 214) and S.I. 2018/806 (W. 162). It is prospectively amended by S.I. 2019/1046 (W. 185).

(6) S.I. 2009/3376 (W. 298), amended by S.I. 2010/2652 (W. 220), S.I. 2011/626 (W. 90), S.I. 2011/1043, S.I. 2013/479 (W. 55), S.I. 2013/3007 (W. 298), S.I. 2013/3049 (W. 308), S.I. 2014/2714 (W. 271), S.I. 2016/386 (W. 120), S.I. 2016/387 (W. 121),

to be construed as a reference to that instrument as amended from time to time.

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>(7)</sup> there has been open and transparent public consultation during the preparation of these Regulations.

### **Title and commencement**

1.—(1) The title of these Regulations is the Official Feed and Food Controls (Wales) (Miscellaneous Amendments) Regulations 2019.

(2) These Regulations come into force on 14 December 2019.

### **Amendment of the Coffee Extracts and Chicory Extracts (Wales) Regulations 2001**

2. In the Coffee Extracts and Chicory Extracts (Wales) Regulations 2001<sup>(8)</sup>, in regulation 7 (penalties and enforcement), in paragraph (3), for “Annex 3 to Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules” substitute “Annex 3 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products”.

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

3. The Food Hygiene (Wales) Regulations 2006 are amended as follows.

4. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “the Community Regulations” substitute—

““the Community Regulations” (“*Rheoliadau'r Gymuned*”) means Regulation 852/2004, Regulation 853/2004, Regulation 2073/2005, Regulation 2015/1375, Regulation 2017/185, Regulation 2017/625 and the Regulation 2017/625 package insofar as it and they apply to food;”;

(ii) for the definition that begins ““Decision 2006/766”” substitute—

““Directive 2004/41” (“*Cyfarwyddeb 2004/41*”), “Regulation 178/2002” (“*Rheoliad 178/2002*”), “Regulation 852/2004” (“*Rheoliad 852/2004*”), “Regulation 853/2004” (“*Rheoliad 853/2004*”), “Regulation 1688/2005” (“*Rheoliad 1668/2005*”), “Regulation 2073/2005” (“*Rheoliad 2073/2005*”), “Regulation 2074/2005” (“*Rheoliad 2074/2005*”), “Regulation 931/2011” (“*Rheoliad 931/2011*”), “Regulation 1169/2011” (“*Rheoliad 1169/2011*”), “Regulation 28/2012” (“*Rheoliad 28/2012*”), “Regulation 208/2013” (“*Rheoliad 208/2013*”), “Regulation 210/2013” (“*Rheoliad 210/2013*”), “Regulation 579/2014” (“*Rheoliad 579/2014*”), “Regulation 2015/1375” (“*Rheoliad 2015/1375*”), “Regulation 2017/185” (“*Rheoliad*

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S.I. 2018/40 (W. 12), S.I. 2018/806 (W. 162), S.I. 2018/968 (W. 195) and S.I. 2019/463 (W. 111). It is prospectively amended by S.I. 2019/434 (W. 102) and S.I. 2019/1046 (W. 185).

(7) OJ No. L 31, 1.2.2002, p. 1, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ No. L 198, 25.7.2019, p. 241).

(8) S.I. 2001/1440 (W. 102), amended by S.I. 2018/806 (W. 162); there are other amending instruments but none is relevant.

2017/185”), “Regulation 2017/625” (“*Rheoliad 2017/625*”), “Regulation 2018/329” (“*Rheoliad 2018/329*”), “Regulation 2018/631” (“*Rheoliad 2018/631*”), “Regulation 2019/66” (“*Rheoliad 2019/66*”), “Regulation 2019/478” (“*Rheoliad 2019/478*”), “Regulation 2019/530” (“*Rheoliad 2019/530*”), “Regulation 2019/624” (“*Rheoliad 2019/624*”), “Regulation 2019/625” (“*Rheoliad 2019/625*”), “Regulation 2019/626” (“*Rheoliad 2019/626*”), “Regulation 2019/627” (“*Rheoliad 2019/627*”), “Regulation 2019/628” (“*Rheoliad 2019/628*”), “Regulation 2019/723” (“*Rheoliad 2019/723*”), “Regulation 2019/1012” (“*Rheoliad 2019/1012*”), “Regulation 2019/1013” (“*Rheoliad 2019/1013*”), “Regulation 2019/1014” (“*Rheoliad 2019/1014*”), “Regulation 2019/1081” (“*Rheoliad 2019/1081*”), “Regulation 2019/1602” (“*Rheoliad 2019/1602*”), “Regulation 2019/1666” (“*Rheoliad 2019/1666*”) “Regulation 2019/1715” (“*Rheoliad 2019/1715*”), “Regulation 2019/1793” (“*Rheoliad 2019/1793*”) and “Regulation 2019/1873” (“*Rheoliad 2019/1873*”), have the meanings respectively given to them in Schedule 1;”;

(iii) at the appropriate place insert—

“the Regulation 2017/625 package” (“*pecyn Rheoliad 2017/625*”) means “Regulation 2018/329”, “Regulation 2018/631”, “Regulation 2019/66”, “Regulation 2019/478”, “Regulation 2019/530”, “Regulation 2019/624”, “Regulation 2019/625”, “Regulation 2019/626”, “Regulation 2019/627”, “Regulation 2019/628”, “Regulation 2019/723”, “Regulation 2019/1012”, “Regulation 2019/1013”, “Regulation 2019/1014”, “Regulation 2019/1081”, “Regulation 2019/1602”, “Regulation 2019/1666”, “Regulation 2019/1715”, “Regulation 2019/1793” and “Regulation 2019/1873”;”;

(b) in paragraph (6), omit “any annex to it may be”.

5. In regulation 5 (enforcement), for paragraph (6) substitute—

“(6) In this regulation—

“cutting plant” (“*safle torri*”) means an establishment which is used for boning and/or cutting up fresh meat for placing on the market and which is approved or conditionally approved under Article 148 of Regulation 2017/625;

“game-handling establishment” (“*sefydliad trin anifeiliaid hela*”) means an establishment in which game and game meat obtained after hunting are prepared for placing on the market and which is approved or conditionally approved under Article 148 of Regulation 2017/625;

“slaughterhouse” (“*lladd-dy*”) means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption, and which is approved or conditionally approved under Article 148 of Regulation 2017/625.”

6. For Schedule 1 (definitions of EU legislation) substitute the Schedule set out in Schedule 1 to these Regulations.

7. In Schedule 3A (requirements referred to in regulation 17(5)), in paragraph (e), for “under Article 5 of Regulation 854/2004 as read with point 1 of Part C of Chapter IX of Section IV of Annex I to that Regulation, require examination for *Trichinosis* takes place at the slaughterhouse” substitute “under Article 18(2) of Regulation 2017/625 as read with Article 31 of Regulation 2019/627, require that examination for *Trichinella* takes place in accordance with Article 2 of Regulation 2015/1375”.

#### **Amendment of the Official Feed and Food Controls (Wales) Regulations 2009**

8. The Official Feed and Food Controls (Wales) Regulations 2009 are amended as follows.

9. In regulation 2 (interpretation)—

- (a) in paragraph (1)—
- (i) in the definition of “competent authority”, for “Regulation 882/2004” substitute “Regulation 2017/625”;
- (ii) for the definition that begins ““Directive 2004/41”” substitute—
- ““Decision 2007/275” (“*Penderfyniad 2007/275*”), “Directive 2004/41” (“*Cyfarwyddeb 2004/41*”), “Regulation 999/2001” (“*Rheoliad 999/2001*”), “Regulation 178/2002” (“*Rheoliad 178/2002*”), “Regulation 852/2004” (“*Rheoliad 852/2004*”), “Regulation 853/2004” (“*Rheoliad 853/2004*”), “Regulation 1688/2005” (“*Rheoliad 1668/2005*”), “Regulation 2073/2005” (“*Rheoliad 2073/2005*”), “Regulation 2074/2005” (“*Rheoliad 2074/2005*”), “Regulation 2017/185” (“*Rheoliad 2017/185*”), “Regulation 2017/625” (“*Rheoliad 2017/625*”), “Regulation 2018/329” (“*Rheoliad 2018/329*”), “Regulation 2018/631” (“*Rheoliad 2018/631*”), “Regulation 2019/66” (“*Rheoliad 2019/66*”), “Regulation 2019/478” (“*Rheoliad 2019/478*”), “Regulation 2019/530” (“*Rheoliad 2019/530*”), “Regulation 2019/624” (“*Rheoliad 2019/624*”), “Regulation 2019/625” (“*Rheoliad 2019/625*”), “Regulation 2019/626” (“*Rheoliad 2019/626*”), “Regulation 2019/627” (“*Rheoliad 2019/627*”), “Regulation 2019/628” (“*Rheoliad 2019/628*”), “Regulation 2019/723” (“*Rheoliad 2019/723*”), “Regulation 2019/1012” (“*Rheoliad 2019/1012*”), “Regulation 2019/1013” (“*Rheoliad 2019/1013*”), “Regulation 2019/1014” (“*Rheoliad 2019/1014*”), “Regulation 2019/1081” (“*Rheoliad 2019/1081*”), “Regulation 2019/1602” (“*Rheoliad 2019/1602*”), “Regulation 2019/1666” (“*Rheoliad 2019/1666*”), “Regulation 2019/1715” (“*Rheoliad 2019/1715*”), “Regulation 2019/1793” (“*Rheoliad 2019/1793*”) and “Regulation 2019/1873” (“*Rheoliad 2019/1873*”), have the meanings respectively given to them in Schedule 1;”;
- (iii) for the definition of “the Import Provisions” substitute—
- ““the Import Provisions” (“*y Darpariaethau Mewnforio*”) means Part 3 of these Regulations, Chapter 5 of Title 2 of Regulation 2017/625 and the Regulation 2017/625 package insofar as it and they apply to product as defined in regulation 22;”;
- (iv) in the definition of “the Official Control Regulations”, for “Regulation 882/2004” substitute “Regulation 2017/625 or the Regulation 2017/625 package”;
- (v) at the appropriate place, insert—
- ““the Regulation 2017/625 package” (“*pecyn Rheoliad 2017/625*”) means “Regulation 2018/329”, “Regulation 2018/631”, “Regulation 2019/66”, “Regulation 2019/478”, “Regulation 2019/530”, “Regulation 2019/624”, “Regulation 2019/625”, “Regulation 2019/626”, “Regulation 2019/627”, “Regulation 2019/628”, “Regulation 2019/723”, “Regulation 2019/1012”, “Regulation 2019/1013”, “Regulation 2019/1014”, “Regulation 2019/1081”, “Regulation 2019/1602”, “Regulation 2019/1666”, “Regulation 2019/1715”, “Regulation 2019/1793” and “Regulation 2019/1873”;”;
- (b) in paragraph (3), for “Regulation 882/2004 or Regulation 669/2009”, in both places it occurs, substitute “Regulation 2017/625 or any of the EU Regulations in the Regulation 2017/625 package”.
- 10.** In regulation 3 (competent authorities)—
- (a) in paragraph (1), for “Regulation 882/2004” substitute “Regulation 2017/625”;
- (b) in paragraph (3), for “Regulation 882/2004” substitute “Regulation 2017/625”;

- (c) omit paragraph (5);
  - (d) in paragraph (6), for “Article 31(2) of Regulation 882/2004, the designation extends as regards Article 31(2)(a) to (e),” substitute “Article 148 of Regulation 2017/625, the designation extends”.
- 11.** In regulation 4 (exchanging and providing information)—
- (a) in paragraph (1), for “Regulation 882/2004” substitute “Regulation 2017/625”;
  - (b) in paragraph (5), for “Regulation 882/2004” substitute “Regulation 2017/625”.
- 12.** In regulation 5 (obtaining information)—
- (a) in paragraph (1)—
    - (i) for “control body”, in each place it occurs, substitute “delegated body”;
    - (ii) for “Regulation 882/2004” substitute “Regulation 2017/625”;
  - (b) in paragraph (4), for “control body”, in both places it occurs, substitute “delegated body”.
- 13.** In regulation 6 (power to issue codes of recommended practice)—
- (a) in paragraph (1)(a), for “Regulation 882/2004” substitute “Regulation 2017/625”;
  - (b) in paragraph (3), for “Regulation 882/2004” substitute “Regulation 2017/625”.
- 14.** In regulation 12 (right of appeal), in paragraph (1)—
- (a) in sub-paragraph (a), for “Article 31(2)(c) of Regulation 882/2004 (approval)” substitute “Article 148(3) of Regulation 2017/625 (approval)”;
  - (b) in sub-paragraph (b), for “Article 31(2)(d) of Regulation 882/2004 (conditional approval and full approval)” substitute “Article 148(4) of Regulation 2017/625 (conditional approval and full approval)”;
  - (c) in sub-paragraph (c), for “Article 31(2)(e) of Regulation 882/2004 (withdrawal of approval and suspension of approval)” substitute “Article 138(2)(j) of Regulation 2017/625 (suspension or withdrawal of approval)”.
- 15.** In regulation 14 (staff of competent authority of another member State), for “Article 36 of Regulation 882/2004” substitute “Article 104(3) of Regulation 2017/625”.
- 16.** In regulation 15 (Commission experts), in paragraph (1)—
- (a) for “to enable that expert” substitute “and a national expert, appointed for the purposes of Article 116(4) of Regulation 2017/625, to accompany and to enable the Commission expert”;
  - (b) for “Article 45 of Regulation 882/2004” substitute “Article 116 of Regulation 2017/625”.
- 17.** In regulation 17 (execution and enforcement)—
- (a) in paragraph (1), for “control body” substitute “delegated body”;
  - (b) in paragraph (5)(b), after “Commission expert” insert “and, where relevant, a national expert”.
- 18.** In regulation 22 (interpretation of this Part of these Regulations)—
- (a) for the definition of “product” substitute—
    - ““product” (“*cynnyrch*”) means feed and food whose import is regulated by Article 44 of Regulation 2017/625 and includes those composite products and foodstuffs which are not required to be subject to veterinary checks as provided in Commission [Decision 2007/275/EC](#) concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives [91/496/EEC](#) and [97/78/EC](#)”;