WELSH STATUTORY INSTRUMENTS

2008 No. 1080 (W.114)

AGRICULTURE, WALES

FOOD, WALES

The Specified Products from China (Restriction on First Placing on the Market) (Wales) Regulations 2008

Made - - - -	*14 April 2008*
Laid before the National Assembly for Wales - -	*14 April 2008*
Coming into force - -	*15 April 2008*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 [F1].

The Welsh Ministers have been designated for the purpose of that section in relation to 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 [F2].

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 [F3] there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

F1 1972 c. 68.
F2 S.I. 2005/1971.
F3 OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L100, 8.4.2006, p.3).

Title, application and commencement

1. The title of these Regulations is the Specified Products from China (Restriction on First Placing on the Market (Wales) Regulations 2008; they apply in relation to Wales and come into force on 15 April 2008.

Interpretation

2.—(1) In these Regulations—

"the Agency" ("*yr Asiantaeth*") means the Food Standards Agency;

"authorised officer" ("*swyddog awdurdodedig*"), in relation to a feed authority or a food authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in matters arising under these Regulations;

[F4"the Commission Decision" ("*Penderfyniad y Comisiwn*") means Commission Implementing Decision 2011/884/EU on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC, as amended by Commission Implementing Decision 2013/287/EU;**]**

"feed" ("*bwyd anifeiliaid*") has the meaning given to it in Article 3.4 of Regulation 178/2002;

"feed authority" ("*awdurdod bwyd anifeiliaid*") means the authority required by section 67(1A) of the Agriculture Act 1970 F5 to enforce that Act within its area;

"food" ("*bwyd*") has the meaning given to it in Article 2 of Regulation 178/2002;

F6…

"food authority" ("*awdurdod bwyd*") has the meaning that it bears by virtue of section 5(1A) of the Food Safety Act 1990 F7;

"operator" ("*gweithredydd*") has the meaning that it bears in the Commission Decision;

[F8"placing on the market" has the meaning given to it in Article 3.8 of Regulation 178/2002;**]**

"Regulation 178/2002" ("*Rheoliad 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; and

"specified product" ("*cynnyrch penodedig*") means any product listed in **[**F9Annex I**]** to the Commission Decision that originates from or has been consigned from China.

(2) Where any functions under the Food Safety Act 1990 are assigned—

(a) by an order under section 2 of the Public Health (Control of Disease) Act 1984 F10, to a port health authority; or

(b) by an order under section 6 of the Public Health Act 1936 F11, to a joint board for a united district,

any reference in these Regulations to a food authority will be construed, so far as relating to those functions, as a reference to the authority to whom they are so assigned.

[F12(3) Any expression used in the Commission Decision and in these Regulations has the same meaning in these Regulations as it bears in the Commission Decision.**]**

F4 Words in reg. 2(1) substituted (4.7.2013) by The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2013 (S.I. 2013/1653), regs. 1, **2(2)**

F5 1970 c. 40.

F6 Words in reg. 2(1) omitted (12.1.2012) by virtue of The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2012 (S.I. 2012/64), regs. 1, **2(2)(a)(ii)**

F7 1990 c. 16.

F8 Words in reg. 2(1) inserted (12.1.2012) by The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2012 (S.I. 2012/64), regs. 1, **2(2)(a)(iii)**

F9 Words in reg. 2(1) substituted (12.1.2012) by The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2012 (S.I. 2012/64), regs. 1, **2(2)(a)(iv)**

F10 1984 c. 22.

F11 1936 c. 49; section 6 is to be read with paragraph 1 of Schedule 3 to the Food Safety Act 1990.

F12 Reg. 2(3) inserted (12.1.2012) by The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2012 (S.I. 2012/64), regs. 1, **2(2)(b)**

[F13Restriction on placing on the market of specified products]

3.—[F14(1) The placing on the market of any specified product is prohibited unless —

(a) in relation to the product —

(i) the requirement contained in Article 3.2 of the Commission Decision, in respect of products containing, consisting or produced from rice, to transmit a common entry document or common veterinary entry document, as appropriate, with relevant parts completed, has been met, and

(ii) conditions specified in Article 4 of the Commission Decision have been complied with; and

(b) where the consignment of the specified product has been split following official control, an authenticated copy of the health certificate and the analytical report accompanies each part of the split consignment.**]**

(2) Any person who knowingly contravenes the prohibition in paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale, to imprisonment for a term not exceeding three months or to both.

F13 Reg. 3 heading substituted (12.1.2012) by The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2012 (S.I. 2012/64), regs. 1, **2(3)**

F14 Reg. 3(1) substituted (4.7.2013) by The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2013 (S.I. 2013/1653), regs. 1, **2(3)**

Notification of positive results

F15**4.** . . . . . .

F15 Reg. 4 omitted (12.1.2012) by virtue of The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2012 (S.I. 2012/64), regs. 1, **2(4)**

Enforcement

5.—(1) It is to be the duty of each feed authority to execute and enforce these Regulations within its area in relation to feed.

(2) It is to be the duty of each food authority to execute and enforce these Regulations within its area in relation to food.

(3) For the purposes of enabling the feed authority to exercise its duty under paragraph (1) and the food authority to exercise its duty under paragraph (2), an authorised officer of the authority concerned will ensure that the requirements referred to in paragraph (4) are adhered to.

[F16(4) The requirements are those specified in —

(a) Article 5 of the Commission Decision (which is concerned with the conditions under which specified products may be placed on the market, the official controls to be carried out and the measures to be taken with regard to non-compliant consignments); and

(b) the first sentence of Article 7 of that Decision (which is concerned with the control of splitting of consignments).**]**