WELSH STATUTORY INSTRUMENTS

2005 No. 257 (W.23)

FOOD, WALES

The Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) (Amendment) Regulations 2005

Made - - - -	*8 February 2005*
Coming into force - -	*10 February 2005*

The National Assembly for Wales being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to food (including drink) including the primary production of food, in exercise of the powers conferred by that section, makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) (Amendment) Regulations 2005 and come into force on 10 February 2005.

Commencement Information
I1 Reg. 1 in force at 10.2.2005, see **reg. 1**

Amendments to the Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) Regulations 2003

2.—(1) The Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) Regulations 2003(**3**) are amended in accordance with paragraphs (2) to (5).

(2) In paragraph (1) of regulation 2 (interpretation) —

(a) for the definition of "the Commission Decision" there is substituted the following definition —

> ""the Commission Decision" ("*Penderfyniad y Comisiwn*") means Commission Decision 2005/85/EC imposing special conditions on the import of pistachios

(**1**) S.I. 2003/2901.
(**2**) 1972 c. 68.
(**3**) S.I. 2003/2288 (W.227), amended by S.I. 2004/245 (W.24) and S.I. 2004/1804 (W.192).

and certain products derived from pistachios originating in, or consigned from Iran(**4**);"; and

(b) for the definition of "Directive 98/53/EC" there is substituted the following definition —

""Directive 98/53/EC" ("*Cyfarwyddeb 98/53/EC*") means Commission Directive 98/53/EC laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs(**5**) as last amended by Commission Directive 2004/43/EC(**6**);".

(3) For paragraph (1) of regulation 3 (prohibition on import) there is substituted the following paragraph —

"(1) Subject to paragraph (3), no person is to import into Wales any Iranian pistachios unless —

(a) the conditions specified in Article 1.1, 3, 5 and (so far as applicable at the point of import) 7 of the Commission Decision are satisfied in relation to those pistachios; and

(b) the costs resulting from sampling, analysis, storage and issuing of accompanying official documents and of copies of health certificates and accompanying documents pursuant to Article 1.4 to 7 of the Commission Decision have been met.".

(4) For paragraph (4) of regulation 4 (enforcement) there is substituted the following paragraph —

"(4) The requirements are those specified in —

(a) Article 1.4 of the Commission Decision (which is concerned with documentary checks relating to consignments of Iranian pistachios);

(b) Article 1.5 and 1.6 of that Decision (which is concerned with the sampling and analysis of such consignments), other than the requirement under Article 1.5 to supply the Commission with specified information; and

(c) Article 1.7 of that Decision (which is concerned with the case where consignments are split).".

(5) For regulation 6 (re-dispatch or destruction of illegal imports) there is substituted the following regulation —

"**6.**—(1) If on an inspection or examination of any Iranian pistachios it appears to an authorised officer of a port health authority or as the case may be food authority that they have been imported in contravention of paragraph (1) or (2) of regulation 3 he or she may after appropriate consultation with a person appearing to him or her to be the importer of the pistachios serve on that person a notice requiring —

(a) the re-dispatch of the pistachios outside the European Community within such reasonable period as is specified in the notice if all costs related to official measures taken in respect of those pistachios and identified in that notice have been met; or

(b) if —

(i) such re-dispatch would in his or her opinion involve serious risks to human health, or

(ii) such costs have not been met,

(**4**) OJ No. L30, 3.2.2005, p12.
(**5**) OJ No. L201, 17.7.98, p.93.
(**6**) OJ No. L113, 20.4.2004, p.14.