

2013 No. 1653 (W. 154)

AGRICULTURE, WALES

FOOD, WALES

**The Specified Products from China
(Restriction on First Placing on the
Market) (Wales) (Amendment)
Regulations 2013**

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which come into force on 4 July 2013, amend the Specified Products from China (Restriction on First Placing on the Market) (Wales) Regulations 2008 (S.I. 2008/1080 (W.114), as amended by S.I. 2012/64 (W.15)) (“the 2008 Regulations”) in order to implement certain requirements introduced by Commission Implementing Decision 2013/287/EU amending Implementing Decision 2011/884/EU on emergency measures regarding unauthorised genetically modified rice in rice products originating from China (OJ No. L162, 14.6.2013, p.10) (“Decision 2013/287”).

2. In particular these Regulations amend the 2008 Regulations by —

- (a) amending the definition of “the Commission Decision” so as to include reference to Decision 2013/287 (*regulation 2(2)*);
- (b) providing that rice products from China may not be lawfully placed on the market if they do not comply with certain requirements, including new conditions contained in Article 3.2 of the Commission Decision (*regulation 2(3)*); and
- (c) providing for transitional arrangements in relation to rice products imported into the EU from China before 5th August 2013 in the case of some products and 5th October 2013 in the case of others (*regulation 2(4)*).

A regulatory impact assessment is in preparation and will be published as soon as completed. Due to the emergency nature of this instrument, the Food Standards Agency was unable to complete the regulatory impact assessment before the coming into force of the instrument.

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Market) (Wales) (Amendment)
Regulations 2013**

Made 3 July 2013

Laid before the National Assembly for Wales

4 July 2013

Coming into force 4 July 2013

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972(1).

The Welsh Ministers have been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals(2).

(1) 1972 c.68.

(2) The relevant designation order is the European Communities (Designation) (No.2) Order 2005 (S.I. 2005/1971). Article 4 of that order designated the National Assembly for Wales constituted by the Government of Wales Act 1998 (c.38) ("the Assembly") for the purposes of section 2(2) of the European Communities Act 1972 in relation to the matters specified in Schedule 3 to that order which includes measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food producing animals. Functions exercisable by the Assembly under that order are now vested in the Welsh Ministers by virtue of section 162 and paragraph 30(2)(b) of Schedule 11 to the Government of Wales Act 2006 (c.32).

Title and commencement

1. The title of these Regulations is the Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2013, they come into force on 4 July 2013 and apply in relation to Wales.

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

2.—(1) The Specified Products from China (Restriction on First Placing on the Market) (Wales) Regulations 2008⁽¹⁾ are amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1) of regulation 2 (interpretation), for the definition of “the Commission Decision” substitute the following definition —

““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⁽²⁾, as amended by Commission Implementing Decision 2013/287/EU⁽³⁾”.

(3) For paragraph (1) of regulation 3 (restriction on first placing on the market of specified products), substitute the following —

“3.—(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

(1) S.I. 2008/1080(W.114).

(2) OJ No. L343, 23.12.2011, p.140.

(3) OJ No. L162, 14.6.2013, p.10.

analytical report accompanies each part of the split consignment.”.

(4) For regulation 8 (transitional provision) substitute the following —

“8.—(1) In this regulation, paragraph (2) applies to specified products other than those which correspond to CN Codes 1905 90 60, 1905 90 90 or 2103 90 90, and paragraph (3) applies only to specified products which correspond to those CN Codes.

(2) Until 5th August 2013, the prohibition in regulation 3(1) does not apply in relation to a specified product, provided that —

- (a) the product arrived in the EU before 4th July 2013, and
- (b) the placing on the market of the product would not have constituted an offence under these Regulations as they stood immediately before the coming into force of the Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2013.

(3) Until 5th October 2013, the prohibition in regulation 3(1) does not apply.”

Mark Drakeford

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

3 July 2013