

2021 No. (W.)

FOOD, WALES

**The Food Information (Wales)
(Amendment) Regulations 2021**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of powers conferred by the European Union (Future Relationship) Act 2020 (c. 29). They implement Article 5 of Annex 15 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland (“the TCA”). Annex 15 to the TCA makes provision for trade in wine and Article 5 provides for transitional measures relating to the labelling and placing on the market of wine produced before the date of entry into force of the TCA. Regulation 2 makes consequential amendments to the Food Information (Wales) Regulations 2014 (S.I. 2014/2303) (W. 227) to ensure such wine can continue to be sold.

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.

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Sift requirements satisfied 23 November 2021

Made ***

Laid before Senedd Cymru ***

Coming into force 1 January 2022

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by section 31(1)(a) of, and paragraph 27 of Schedule 5 to, the European Union (Future Relationship) Act 2020(1).

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(2) there has been open and transparent public consultation during the preparation of these Regulations.

Title and coming into force

1.—(1) The title of these Regulations is the Food Information (Wales) (Amendment) Regulations 2021.

(2) These Regulations come into force on 1 January 2022.

(1) 2020 c. 29. See section 37(1) for the definition of “relevant national authority”.

(2) EUR 2002/178, to which there are amendments not relevant to these Regulations.

Amendment of the Food Information (Wales) Regulations 2014

2. In the Food Information (Wales) Regulations 2014⁽¹⁾, after regulation 15 insert—

“Transitional provision: the Trade and Cooperation Agreement

16.—(1) An authorised officer of an enforcement authority must not serve an improvement notice, in respect of EU Annex 15 wine (including EU Annex 15 wine labelled on or after 1 May 2021) that is placed on the market in Wales—

- (a) by a wholesaler or producer during the period beginning on 1 January 2022 and expiring on 1 May 2023;
- (b) by a retailer on or after 1 January 2022 until stocks of EU Annex 15 wine are exhausted.

(2) In this regulation—

“EU Annex 15 wine” (“*gwin Atodiad 15 yr UE*”) means wine—

- (a) to which Article 5 (transitional measures) of Annex 15 (trade in wine) to the Trade and Cooperation Agreement, as read with Article 1(1) (scope) of that Annex, applies, and
- (b) that is imported into Great Britain from a member State;

“improvement notice” (“*hysbysiad gwella*”) means an improvement notice pursuant to regulation 12(1);

“placed on the market” (“*a roddir ar y farchnad*”) is to be construed taking into account the definition of “placing on the market” in point 8 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council;

“the Trade and Cooperation Agreement” (“*y Cytundeb Masnach a Chydweithredu*”) has the same meaning as in section 37(1) of the European Union (Future Relationship) Act 2020.”

Name

Minister for Rural Affairs and North Wales, and
Trefnydd, one of the Welsh Ministers

Date

(1) S.I. 2014/2303 (W. 227), to which there are amendments not relevant to these Regulations.

