

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations provide for the continued implementation in Wales of Commission Directive [96/5/EC](#) on processed cereal-based foods and baby foods for infants and young children, as amended by Commission Directives [1998/36/EC](#) and [1999/39/EC](#) and now as further amended by Commission Directive [2003/13/EC](#). These Regulations revoke and replace in relation to Wales the Processed Cereal-based Foods and Baby Foods for Infants and Young Children Regulations 1997, as amended.

2. These Regulations come into force on 6th March 2005. They —

- (a) prohibit the sale of processed cereal-based foods and baby foods for infants and young children unless they comply with the manufacturing and compositional requirements in regulations 5 to 7 and the labelling requirements in regulation 8 (regulation 4);
- (b) exempt from their application any baby food which is a milk intended for young children (regulation 3);
- (c) specify the enforcement authorities (regulation 9);
- (d) create an offence and prescribe a penalty (regulation 10);
- (e) provide a defence in relation to exports in accordance with Articles 2 and 3 of Council Directive [89/397/EEC](#) (OJ No. L186, 30.6.89, p.23) on the official control of foodstuffs (regulation 11);
- (f) apply certain provisions of the Food Safety Act 1990 (regulation 12); and
- (g) contain a revocation provision (regulation 13) and make a consequential amendment (regulation 14).

3. In implementation of Directive [2003/13/EC](#) these Regulations prohibit the sale of processed cereal-based foods and baby foods for infants and young children if those foods contain pesticide residues above certain levels. Different levels are set depending on the pesticide in question (regulation 7 and Schedules 6 and 7). In implementation of the final sentence of Article 6(2) of Directive [96/5/EC](#) as substituted by Directive [1999/39/EC](#), provision is made as to analytical methods (regulation 7(5)).

4. These Regulations also make some minor, drafting and technical changes, particularly to the provision applying certain provisions of the 1990 Act (regulation 12). Port health authorities now have a role in enforcement (regulation 9). The offence provision now relates only to a contravention of the restrictions on sale in regulation 4 (regulation 10).

5. A full regulatory appraisal of the effect that this instrument will have on the costs of business has been prepared and placed in the Library of the National Assembly for Wales together with a Transposition Note setting out how the main elements of Directive [2003/13/EC](#) are transposed in these Regulations. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

**Changes to legislation:**

There are currently no known outstanding effects for the The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004.