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## EXPLANATORY NOTE

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

1. These Regulations apply in relation to Wales only. They revoke and re-enact in relation to Wales the Quick-frozen Foodstuffs Regulations 1990 (S.I. 1990/2615, as amended), which extend to the whole of Great Britain. In addition to continuing the implementation of the Directives specified in paragraph 3 below, these Regulations now also provide for the execution and enforcement of Commission Regulation (EC) No. 37/2005 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption (OJ No. L10, 13.1.2005, p.18).

2. These Regulations—

- (a) prohibit the placing on the market of a quick-frozen foodstuff unless certain conditions are satisfied (*regulation 3*);
- (b) prohibit the placing on the market of a quick-frozen foodstuff intended for the ultimate consumer unless certain conditions regarding packaging are satisfied (*regulation 4*);
- (c) impose requirements relating to the labelling of quick-frozen foodstuffs (*regulation 5*);
- (d) impose requirements in relation to the equipment used in respect of quick-frozen foodstuffs intended for placing on the market for human consumption (*regulation 6*);
- (e) provide for additional inspections of quick-frozen foodstuffs and of the temperatures maintained in respect of them (*regulation 7*);
- (f) require a food operator to make records available in certain circumstances (*regulation 8*);
- (g) provide that a person who contravenes or fails to comply with any of the provisions of these Regulations is guilty of an offence and create a penalty for that offence (*regulation 9(1)*);
- (h) provide that subject to certain exceptions, namely compliance with transitional requirements for measuring instruments installed before 1st January 2006 in the case of a contravention of the first paragraph of Article 2.2 of Commission Regulation (EC) No. 37/2005 and a contravention of Article 2 of Commission Regulation (EC) No. 37/2005 in respect of small cold stores in retail outlets where the air temperature is measured by an easily visible thermometer) a person who contravenes or fails to comply with specified provisions of that Regulation is guilty of an offence and create a penalty for that offence (*regulation 9(2), (3) and (4)*);
- (i) provide for the execution and enforcement of these Regulations (*regulation 9(5)*); and
- (j) apply with modifications certain provisions of the Food Safety Act 1990 (1990 c. 16) for the purposes of these Regulations (*regulation 10*).

3. The Directives implemented by S.I. 1990/2615 that these Regulations continue to implement are—

- (a) <sup>MI</sup>Council Directive 89/108/EEC on the approximation of the laws of Member States relating to quick-frozen foodstuffs for human consumption ; and
- (b) Commission Directive 92/2/EEC laying down the sampling procedure and the Community method of analysis for the official control of the temperatures of quick-frozen foods intended for human consumption (OJ No. L34, 11.2.92, p.30).

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Quick-frozen Foodstuffs (Wales) Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

**Marginal Citations**

**M1** OJ No. L40, 11.12.89, p.34 as last amended as at the making of this instrument by Council Directive 2006/107/EC adapting Directive 89/108/EEC relating to quick frozen foodstuffs for human consumption and Directive 2000/13/EC of the European Parliament and of the Council relating to the labelling, presentation and advertising of foodstuffs, by reason of the accession of Bulgaria and Romania (OJ No. L363, 20.12.06, p.411).

**4.** A full Regulatory Appraisal of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff CF10 1EW, and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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**Changes and effects yet to be applied to :**

- reg. 5(4) words substituted by [S.I. 2019/434 reg. 4\(3\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/434, reg. 4(3)(c) substituted immediately before IP completion day by S.I. 2020/1581, regs. 1(2), 3(2))

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)