
WELSH STATUTORY INSTRUMENTS

2009 No. 1551

**The Marketing of Fresh Horticultural
Produce (Wales) Regulations 2009**

PART 1

Introduction

Title, commencement, extent and application

1. The title of these Regulations is The Marketing of Fresh Horticultural Produce (Wales) Regulations 2009 and they come into force on 16 July 2009 and apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“Commission Regulation 1580/2007” (*“Rheoliad y Comisiwn 1580/2007”*) means Commission Regulation (EC) No 1580/2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector⁽¹⁾ as amended from time to time.

(2) In these Regulations—

“authorised officer” (*“swyddog awdurdodedig”*) means an officer appointed by the Welsh Ministers in accordance with regulation 3(3) of these Regulations;

“Community marketing rules” (*“rheolau marchnata'r Gymuned”*) means the general marketing standard and the specific marketing standards covering fresh fruit and vegetables listed in Part IX of Annex I to Council Regulation 1234/2007, and includes the rules relating to those standards contained in Articles 113 and 113a of Council Regulation 1234/2007 and Title II of Commission Regulation 1580/2007;

“container” (*“cynhwysydd”*) includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

“controlled” (*“sydd dan reolaeth”*) in relation to horticultural produce, means that the power conferred by regulation 12(1) (stop notice) has been exercised in relation to it and that the stop notice is for the time being in force;

“Council Regulation 1234/2007” (*“Rheoliad y Cyngor 1234/2007”*) means Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)⁽²⁾ as amended from time to time;

“general marketing standard” (*“safonau marchnata cyffredinol”*) means the requirements of Article 113a(1) of Regulation 1234/2007 as detailed in Article 2a(1) and Part A of Annex I to Commission Regulation 1580/2007;

(1) OJ No L 350, 31.12.2007, p.1, last amended by Commission Regulation (EC) No 313/2009 (OJ No L 98, 17.4.2009, p.24).

(2) OJ No L 299, 16.11.2007, p.1, last amended by Commission Regulation (EC) No 183/2009 (OJ No L 63, 7.3.2009, p 9).

“horticultural produce” (“*cynnyrch garddwriaethol*”) means fruit and vegetables listed in Part IX of Annex I to Council Regulation 1234/2007 to which Community marketing rules apply;

“label” (“*label*”) includes any device for conveying information by written characters or other symbols, and any characters or symbols stamped or otherwise placed directly on to any horticultural produce or container, and references to the affixing of a label are construed accordingly;

“labelling defect label” (“*label labelu diffygiol*”) has the meaning given in regulation 11;

“out-graded label” (“*label allraddio*”) has the meaning given in regulation 10;

“premises” (“*mangre*”) includes any place, vehicle or trailer, stall, vessel, container, moveable structure, aircraft, or hovercraft;

“re-graded label” (“*label ailraddio*”) has the meaning given in regulation 9;

“specific marketing standards” (“*safonau marchnata penodol*”) means the marketing standards provided for under Article 113(1)(b) of Council Regulation 1234/2007 as detailed in Article 2a(2) and Part B of Annex I to Commission Regulation 1580/2007⁽³⁾, and “specific marketing standard” (“*safon farchnata benodol*”) means one of those specific marketing standards;

“stop notice label” (“*label hysbysiad atal*”) has the meaning given in regulation 13.

(3) Unless otherwise provided in this regulation, terms used in these Regulations have the same meaning as they have in Council Regulation 1234/2007 and Commission Regulation 1580/2007.

Designations, provision of information, and appointment of authorised officers

3.—(1) The Welsh Ministers are designated as the inspection body under Article 8(1)(b) of Commission Regulation 1580/2007.

(2) For the purposes of fulfilling the obligations on inspection bodies contained in the Community marketing rules and for the enforcement of these Regulations, the Welsh Ministers may as appropriate or where required to do so provide information to the Secretary of State, the Northern Ireland and Scotland inspection bodies or the European Commission.

(3) The Welsh Ministers may appoint officers for the purposes of the enforcement of these Regulations, in these Regulations referred to as authorised officers.

(3) Part B of Annex I to Commission Regulation 1580/2007 contains specific marketing standards for the following products: apples, citrus fruit, kiwifruit, lettuces, curled leaved and broad-leaved endives, peaches and nectarines, pears, strawberries, sweet peppers, table grapes and tomatoes.