
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to enforce, in Wales, certain provisions of Regulation (EU) No 609/2013 of the European Parliament and of the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ No L 181, 29.6.2013, p. 35) (“Regulation (EU) 609/2013”).

Regulation (EU) 609/2013 repeals and replaces a regime regulating (mostly, but not exclusively) compositional and labelling requirements which must be met by certain groups of food before such food may be marketed in Member States. These Regulations provide for the enforcement of certain provisions of Regulation (EU) No 609/2013 and provide for an improvement notice enforcement regime alongside existing domestic criminal sanctions in the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997, the Medical Food (Wales) Regulations 2000, the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004, the Infant Formula and Follow-on Formula (Wales) Regulations 2007, and the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009.

Regulation 4 and Schedule 2 apply, with modifications, certain provisions of the Food Safety Act 1990 (“the Act”). This includes the application (with modifications) of section 10(1) of the Act, enabling an improvement notice to be served requiring compliance with a specified EU requirement of Regulation (EU) No 609/2013. The specified requirements are listed in Schedule 1. The provisions, as applied and modified, make the failure to comply with an improvement notice a criminal offence.

Schedule 3 amends statutory instruments applying to this area of regulation to enable an improvement notice to be served requiring compliance with relevant regulations. The provisions, as applied and modified in the statutory instruments, make the failure to comply with an improvement notice a criminal offence.

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.