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WELSH STATUTORY INSTRUMENTS

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**2019 No. 1482**

**The Official Feed and Food Controls (Wales)  
(Miscellaneous Amendments) Regulations 2019**

**Title and commencement**

1.—(1) The title of these Regulations is the Official Feed and Food Controls (Wales) (Miscellaneous Amendments) Regulations 2019.

(2) These Regulations come into force on 14 December 2019.

**Amendment of the Coffee Extracts and Chicory Extracts (Wales) Regulations 2001**

2. In the Coffee Extracts and Chicory Extracts (Wales) Regulations 2001(1), in regulation 7 (penalties and enforcement), in paragraph (3), for “Annex 3 to Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules” substitute “Annex 3 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products”.

**Amendment of the Food Hygiene (Wales) Regulations 2006**

3. The Food Hygiene (Wales) Regulations 2006 are amended as follows.

4. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “the Community Regulations” substitute—

““the Community Regulations” (“*Rheoliadau'r Gymuned*”) means Regulation 852/2004, Regulation 853/2004, Regulation 2073/2005, Regulation 2015/1375, Regulation 2017/185, Regulation 2017/625 and the Regulation 2017/625 package insofar as it and they apply to food;”;

(ii) for the definition that begins ““Decision 2006/766”” substitute—

““Directive 2004/41” (“*Cyfarwyddeb 2004/41*”), “Regulation 178/2002” (“*Rheoliad 178/2002*”), “Regulation 852/2004” (“*Rheoliad 852/2004*”), “Regulation 853/2004” (“*Rheoliad 853/2004*”), “Regulation 1688/2005” (“*Rheoliad 1668/2005*”), “Regulation 2073/2005” (“*Rheoliad 2073/2005*”), “Regulation 2074/2005” (“*Rheoliad 2074/2005*”), “Regulation 931/2011” (“*Rheoliad 931/2011*”), “Regulation 1169/2011” (“*Rheoliad 1169/2011*”), “Regulation 28/2012” (“*Rheoliad 28/2012*”), “Regulation 208/2013” (“*Rheoliad 208/2013*”), “Regulation 210/2013” (“*Rheoliad 210/2013*”), “Regulation 579/2014” (“*Rheoliad 579/2014*”), “Regulation 2015/1375” (“*Rheoliad 2015/1375*”), “Regulation 2017/185” (“*Rheoliad 2017/185*”), “Regulation 2017/625” (“*Rheoliad 2017/625*”), “Regulation

2018/329” (“*Rheoliad 2018/329*”), “Regulation 2018/631” (“*Rheoliad 2018/631*”), “Regulation 2019/66” (“*Rheoliad 2019/66*”), “Regulation 2019/478” (“*Rheoliad 2019/478*”), “Regulation 2019/530” (“*Rheoliad 2019/530*”), “Regulation 2019/624” (“*Rheoliad 2019/624*”), “Regulation 2019/625” (“*Rheoliad 2019/625*”), “Regulation 2019/626” (“*Rheoliad 2019/626*”), “Regulation 2019/627” (“*Rheoliad 2019/627*”), “Regulation 2019/628” (“*Rheoliad 2019/628*”), “Regulation 2019/723” (“*Rheoliad 2019/723*”), “Regulation 2019/1012” (“*Rheoliad 2019/1012*”), “Regulation 2019/1013” (“*Rheoliad 2019/1013*”), “Regulation 2019/1014” (“*Rheoliad 2019/1014*”), “Regulation 2019/1081” (“*Rheoliad 2019/1081*”), “Regulation 2019/1602” (“*Rheoliad 2019/1602*”), “Regulation 2019/1666” (“*Rheoliad 2019/1666*”) “Regulation 2019/1715” (“*Rheoliad 2019/1715*”), “Regulation 2019/1793” (“*Rheoliad 2019/1793*”) and “Regulation 2019/1873” (“*Rheoliad 2019/1873*”), have the meanings respectively given to them in Schedule 1;”;

(iii) at the appropriate place insert—

““the Regulation 2017/625 package” (“*pecyn Rheoliad 2017/625*”) means “Regulation 2018/329”, “Regulation 2018/631”, “Regulation 2019/66”, “Regulation 2019/478”, “Regulation 2019/530”, “Regulation 2019/624”, “Regulation 2019/625”, “Regulation 2019/626”, “Regulation 2019/627”, “Regulation 2019/628”, “Regulation 2019/723”, “Regulation 2019/1012”, “Regulation 2019/1013”, “Regulation 2019/1014”, “Regulation 2019/1081”, “Regulation 2019/1602”, “Regulation 2019/1666”, “Regulation 2019/1715”, “Regulation 2019/1793” and “Regulation 2019/1873”;”;

(b) in paragraph (6), omit “any annex to it may be”.

5. In regulation 5 (enforcement), for paragraph (6) substitute—

“(6) In this regulation—

“cutting plant” (“*safle torri*”) means an establishment which is used for boning and/or cutting up fresh meat for placing on the market and which is approved or conditionally approved under Article 148 of Regulation 2017/625;

“game-handling establishment” (“*sefydliad trin anifeiliaid hela*”) means an establishment in which game and game meat obtained after hunting are prepared for placing on the market and which is approved or conditionally approved under Article 148 of Regulation 2017/625;

“slaughterhouse” (“*lladd-dy*”) means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption, and which is approved or conditionally approved under Article 148 of Regulation 2017/625.”

6. For Schedule 1 (definitions of EU legislation) substitute the Schedule set out in Schedule 1 to these Regulations.

7. In Schedule 3A (requirements referred to in regulation 17(5)), in paragraph (e), for “under Article 5 of Regulation 854/2004 as read with point 1 of Part C of Chapter IX of Section IV of Annex I to that Regulation, require examination for *Trichinosis* takes place at the slaughterhouse” substitute “under Article 18(2) of Regulation 2017/625 as read with Article 31 of Regulation 2019/627, require that examination for *Trichinella* takes place in accordance with Article 2 of Regulation 2015/1375”.

### **Amendment of the Official Feed and Food Controls (Wales) Regulations 2009**

8. The Official Feed and Food Controls (Wales) Regulations 2009 are amended as follows.

9. In regulation 2 (interpretation)—

- (a) in paragraph (1)—
- (i) in the definition of “competent authority”, for “Regulation 882/2004” substitute “Regulation 2017/625”;
  - (ii) for the definition that begins ““Directive 2004/41”” substitute—
    - ““Decision 2007/275” (“*Penderfyniad 2007/275*”), “Directive 2004/41” (“*Cyfarwyddeb 2004/41*”), “Regulation 999/2001” (“*Rheoliad 999/2001*”), “Regulation 178/2002” (“*Rheoliad 178/2002*”), “Regulation 852/2004” (“*Rheoliad 852/2004*”), “Regulation 853/2004” (“*Rheoliad 853/2004*”), “Regulation 1688/2005” (“*Rheoliad 1668/2005*”), “Regulation 2073/2005” (“*Rheoliad 2073/2005*”), “Regulation 2074/2005” (“*Rheoliad 2074/2005*”), “Regulation 2017/185” (“*Rheoliad 2017/185*”), “Regulation 2017/625” (“*Rheoliad 2017/625*”), “Regulation 2018/329” (“*Rheoliad 2018/329*”), “Regulation 2018/631” (“*Rheoliad 2018/631*”), “Regulation 2019/66” (“*Rheoliad 2019/66*”), “Regulation 2019/478” (“*Rheoliad 2019/478*”), “Regulation 2019/530” (“*Rheoliad 2019/530*”), “Regulation 2019/624” (“*Rheoliad 2019/624*”), “Regulation 2019/625” (“*Rheoliad 2019/625*”), “Regulation 2019/626” (“*Rheoliad 2019/626*”), “Regulation 2019/627” (“*Rheoliad 2019/627*”), “Regulation 2019/628” (“*Rheoliad 2019/628*”), “Regulation 2019/723” (“*Rheoliad 2019/723*”), “Regulation 2019/1012” (“*Rheoliad 2019/1012*”), “Regulation 2019/1013” (“*Rheoliad 2019/1013*”), “Regulation 2019/1014” (“*Rheoliad 2019/1014*”), “Regulation 2019/1081” (“*Rheoliad 2019/1081*”), “Regulation 2019/1602” (“*Rheoliad 2019/1602*”), “Regulation 2019/1666” (“*Rheoliad 2019/1666*”), “Regulation 2019/1715” (“*Rheoliad 2019/1715*”), “Regulation 2019/1793” (“*Rheoliad 2019/1793*”) and “Regulation 2019/1873” (“*Rheoliad 2019/1873*”), have the meanings respectively given to them in Schedule 1;”;
  - (iii) for the definition of “the Import Provisions” substitute—
    - ““the Import Provisions” (“*y Darpariaethau Mewnforio*”) means Part 3 of these Regulations, Chapter 5 of Title 2 of Regulation 2017/625 and the Regulation 2017/625 package insofar as it and they apply to product as defined in regulation 22;”;
  - (iv) in the definition of “the Official Control Regulations”, for “Regulation 882/2004” substitute “Regulation 2017/625 or the Regulation 2017/625 package”;
  - (v) at the appropriate place, insert—
    - ““the Regulation 2017/625 package” (“*pecyn Rheoliad 2017/625*”) means “Regulation 2018/329”, “Regulation 2018/631”, “Regulation 2019/66”, “Regulation 2019/478”, “Regulation 2019/530”, “Regulation 2019/624”, “Regulation 2019/625”, “Regulation 2019/626”, “Regulation 2019/627”, “Regulation 2019/628”, “Regulation 2019/723”, “Regulation 2019/1012”, “Regulation 2019/1013”, “Regulation 2019/1014”, “Regulation 2019/1081”, “Regulation 2019/1602”, “Regulation 2019/1666”, “Regulation 2019/1715”, “Regulation 2019/1793” and “Regulation 2019/1873”;”;
- (b) in paragraph (3), for “Regulation 882/2004 or Regulation 669/2009”, in both places it occurs, substitute “Regulation 2017/625 or any of the EU Regulations in the Regulation 2017/625 package”.
- 10.** In regulation 3 (competent authorities)—
- (a) in paragraph (1), for “Regulation 882/2004” substitute “Regulation 2017/625”;
  - (b) in paragraph (3), for “Regulation 882/2004” substitute “Regulation 2017/625”;

- (c) omit paragraph (5);
  - (d) in paragraph (6), for “Article 31(2) of Regulation 882/2004, the designation extends as regards Article 31(2)(a) to (e),” substitute “Article 148 of Regulation 2017/625, the designation extends”.
- 11.** In regulation 4 (exchanging and providing information)—
- (a) in paragraph (1), for “Regulation 882/2004” substitute “Regulation 2017/625”;
  - (b) in paragraph (5), for “Regulation 882/2004” substitute “Regulation 2017/625”.
- 12.** In regulation 5 (obtaining information)—
- (a) in paragraph (1)—
    - (i) for “control body”, in each place it occurs, substitute “delegated body”;
    - (ii) for “Regulation 882/2004” substitute “Regulation 2017/625”;
  - (b) in paragraph (4), for “control body”, in both places it occurs, substitute “delegated body”.
- 13.** In regulation 6 (power to issue codes of recommended practice)—
- (a) in paragraph (1)(a), for “Regulation 882/2004” substitute “Regulation 2017/625”;
  - (b) in paragraph (3), for “Regulation 882/2004” substitute “Regulation 2017/625”.
- 14.** In regulation 12 (right of appeal), in paragraph (1)—
- (a) in sub-paragraph (a), for “Article 31(2)(c) of Regulation 882/2004 (approval)” substitute “Article 148(3) of Regulation 2017/625 (approval)”;
  - (b) in sub-paragraph (b), for “Article 31(2)(d) of Regulation 882/2004 (conditional approval and full approval)” substitute “Article 148(4) of Regulation 2017/625 (conditional approval and full approval)”;
  - (c) in sub-paragraph (c), for “Article 31(2)(e) of Regulation 882/2004 (withdrawal of approval and suspension of approval)” substitute “Article 138(2)(j) of Regulation 2017/625 (suspension or withdrawal of approval)”.
- 15.** In regulation 14 (staff of competent authority of another member State), for “Article 36 of Regulation 882/2004” substitute “Article 104(3) of Regulation 2017/625”.
- 16.** In regulation 15 (Commission experts), in paragraph (1)—
- (a) for “to enable that expert” substitute “and a national expert, appointed for the purposes of Article 116(4) of Regulation 2017/625, to accompany and to enable the Commission expert”;
  - (b) for “Article 45 of Regulation 882/2004” substitute “Article 116 of Regulation 2017/625”.
- 17.** In regulation 17 (execution and enforcement)—
- (a) in paragraph (1), for “control body” substitute “delegated body”;
  - (b) in paragraph (5)(b), after “Commission expert” insert “and, where relevant, a national expert”.
- 18.** In regulation 22 (interpretation of this Part of these Regulations)—
- (a) for the definition of “product” substitute—
    - ““product” (“*cynnyrch*”) means feed and food whose import is regulated by Article 44 of Regulation 2017/625 and includes those composite products and foodstuffs which are not required to be subject to veterinary checks as provided in Commission [Decision 2007/275/EC](#) concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives [91/496/EEC](#) and [97/78/EC](#)”;

- (b) in the definition of “the relevant territories” for “Regulation 882/2004” substitute “Regulation 2017/625”;
- (c) for the definition of “specified import provision” substitute—
  - ““specified import provision” (*“darpariaeth fewnforio benodedig”*) means any provision of Regulation 2017/625 or the Regulation 2017/625 package that is specified in Column 1 of Schedule 6 and whose subject-matter is described in Column 2 of that Schedule.”
- 19. In regulation 23 (feed enforcement responsibilities and competent authority status)—
  - (a) in paragraph (2), for “Regulation 669/2009 apart from Article 19” substitute “Regulation 2019/1793”;
  - (b) omit paragraph (4).
- 20. In regulation 24 (food enforcement responsibilities and competent authority status)—
  - (a) in paragraph (2), for “Regulation 669/2009 apart from Article 19” substitute “Regulation 2019/1793”;
  - (b) omit paragraph (4).
- 21. In regulation 25 (functions of the Commissioners), for “customs services under Article 24 of Regulation 882/2004 and Article 10 of Regulation 669/2009” substitute “customs authorities under Articles 46, 57, 75 and 76 of Regulation 2017/625 and Article 4 of Regulation 2019/1793”.
- 22. In regulation 27 (deferred execution and enforcement), in paragraph (6), for “Article 15(5) of Regulation 882/2004” substitute “Article 47(1)(d) and (2)(b) and Article 54(4) of Regulation 2017/625”.
- 23. In regulation 29 (checks on products), for “Article 16 of Regulation 882/2004”, in each place it occurs, substitute “Articles 34(5) and (6), 44(2) and 45(1), (2) and (4) of Regulation 2017/625”.
- 24. For regulation 30 (suspension of designation of points of entry) substitute—

**“Withdrawal and suspension of border control posts**

30.—(1) Where the Agency is satisfied that a border control post has ceased to comply with the requirements referred to in Article 64 of Regulation 2017/625 and Regulation 2019/1014 it may withdraw the designation of the border control post for all or for certain categories of animals and goods for which the designation was made by service on the operator of the border control post of a written notice to that effect.

(2) Where the Agency is satisfied that the conditions referred to in Article 63(1) of Regulation 2017/625 apply it may suspend the designation of the border control post for all or for certain categories of animals and goods for which the designation was made by service on the operator of the border control post of a written notice to that effect and if there is a serious risk to human or animal health the suspension may be with immediate effect.

(3) Upon service of a notice under paragraph (2), the border control post ceases to be a designated border control post to the extent specified in that notice until the suspension is removed by service by the Agency on the operator of the border control post of a written notice to that effect.

(4) Where the Agency is satisfied that it is reasonable to withdraw or suspend the designation for reasons other than those referred to in paragraphs (1) and (2) it may do so for all or for certain categories of animals and goods for which the designation was made by service on the operator of the border control post of a written notice to that effect.”

25. In regulation 31 (detention, destruction, special treatment, re-dispatch and other appropriate measures and costs)—

- (a) in paragraph (1), for “Articles 18 to 21 and 24(3) of Regulation 882/2004” substitute “Articles 46, 65 to 69, 71, and 72 of Regulation 2017/625”;
- (b) for paragraph (2) substitute—

“(2) The measures taken by the enforcement authority under Articles 66, 67 and 69 of Regulation 2017/625 pursuant to paragraph (1) are to be taken at the expense of the operator responsible for the consignment.”

26. For regulation 32 (notices pursuant to Articles 18 and 19 of Regulation 882/2004 (imports of feed and food from third countries)) substitute—

**“Notices in relation to imports of feed and food from third countries**

32.—(1) If an authorised officer of an enforcement authority proposes to place a consignment of feed or food under official detention under Article 65, 66 or 67 of Regulation 2017/625 the officer must serve a notice to that effect on the operator responsible for it.

(2) Before ordering the operator to take action in accordance with Article 66(3)(a), (b) or (c), the enforcement officer must hear that operator as provided in the fourth subparagraph of Article 66(3) of Regulation 2017/625 unless immediate action is necessary.

(3) If an authorised officer of an enforcement authority proposes to take any of the measures referred to in Article 66 or 67 of Regulation 2017/625 in respect of a consignment of feed or food, the officer must serve a notice to that effect on the operator responsible for it.”

27. For regulation 36 (costs and fees) substitute—

**“Costs and fees**

36.—(1) The costs incurred by the enforcement authority in taking the measures for which the operator is liable under Articles 66, 67 and 69 of Regulation 2017/625 are payable by the operator on the written demand of the enforcement authority.

(2) The costs of official controls and other activities as referred to in Article 80 of Regulation 2017/625 are payable by the operator on the written demand of the enforcement authority.”

28. Omit regulation 43 (expenses arising from additional official controls).

29. Omit regulation 44 (expenses arising in respect of co-ordinated assistance and follow-up by the Commission).

30. For Schedule 1 (definitions of EU legislation) substitute the Schedule that is set out in Schedule 2 to these Regulations.

31. For Schedule 4 (competent authorities for the purposes of certain provisions of Regulation 882/2004 in so far as they apply in relation to relevant feed law), substitute the Schedule set out in Schedule 3 to these Regulations.

32. For Schedule 5 (competent authorities for the purposes of certain provisions of Regulation 882/2004 in so far as they apply in relation to relevant food law), substitute the Schedule set out in Schedule 4 to these Regulations.

33. For Schedule 6 (specified import provisions) substitute the Schedule that is set out in Schedule 5 to these Regulations.

### **Amendment of the Plastic Kitchenware (Conditions on Imports from China) (Wales) Regulations 2011**

34. The Plastic Kitchenware (Conditions on Imports from China) (Wales) Regulations 2011(2) are amended as follows.

35. In regulation 7 (expenses arising from official controls)—

- (a) in paragraph (1), for “Article 27(1) of Regulation 882/2004” substitute “Article 80 of Regulation 2017/625”;
- (b) in paragraph (2), for “Article 54(5) of Regulation 882/2004” substitute “Article 138(4) of Regulation 2017/625”;
- (c) for paragraph (3) substitute—

“(3) In paragraphs (1) and (2) and in regulation 8(3), “Regulation 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.”

36. In regulation 8 (notices and actions in the case of non-compliance), in paragraph (3)(b), for “Article 54(2) and (5) of Regulation 882/2004” substitute “Article 138(2) and (4) of Regulation 2017/625”.

37. Omit regulation 10 (suspension of designation of first point of introduction).

### **Amendment of the Food Safety (Sampling and Qualifications) (Wales) Regulations 2013**

38. In the Food Safety (Sampling and Qualifications) (Wales) Regulations 2013(3), in Schedule 2, in Part 2, in paragraph 3, for “official control laboratory under Regulation 882/2004” substitute ““official laboratory under Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products””.

### **Amendment of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (Wales) Regulations 2016**

39. The Animal Feed (Hygiene, Sampling etc. and Enforcement) (Wales) Regulations 2016(4) are amended as follows.

40. In regulation 15 (procedure relating to samples for analysis)—

- (a) for paragraph (1)(c) substitute—
  - “(c) send another part to—
    - (i) the person on whose premises the material was sampled or to that person’s agent; or
    - (ii) the person who offered the material for sale by means of distance communication if the material was ordered from such a person or to that person’s agent; and”;
- (b) for paragraph (4)(a) and (b) substitute—
  - “(a) the person on whose premises the material was sampled or that person’s agent;
  - (b) the person who offered the material for sale by means of distance communication if the material was ordered from such a person or to that person’s agent; and

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(2) [S.I. 2011/1605 \(W. 186\)](#), to which there are amendments not relevant to these Regulations.

(3) [S.I. 2013/479 \(W. 55\)](#), to which there are amendments not relevant to these Regulations.

(4) [S.I. 2016/387 \(W. 121\)](#), amended by [S.I. 2018/40 \(W. 12\)](#) and [S.I. 2018/806 \(W. 162\)](#).

(c) if part of the sample was sent under paragraph (2), to the person to whom that part was sent.”

**41.** In regulation 33 (liability for expenditure)—

- (a) in paragraph (1), for “Article 54(5) (action in the case of non-compliance) of Regulation 882/2004” substitute “Article 138(4) (action in the case of non-compliance) of Regulation 2017/625”;
- (b) omit paragraph (2).

27 November 2019

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