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WELSH STATUTORY INSTRUMENTS

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**2020 No. 92**

**The Food for Specific Groups (Information and Compositional Requirements) (Wales) (Amendment) Regulations 2020**

**Title, commencement and application**

1.—(1) The title of these Regulations is the Food for Specific Groups (Information and Compositional Requirements) (Wales) (Amendment) Regulations 2020.

(2) These Regulations come into force on 22 February 2020.

(3) These Regulations apply in relation to Wales.

**Interpretation**

2. In these Regulations, “the 2016 Regulations” means the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016(1).

**Amendment of the 2016 Regulations**

3. The 2016 Regulations are amended in accordance with regulations 4 to 8.

4. In regulation 2 (interpretation), omit paragraph (6).

5. In regulation 4 (application of provisions of the Act), in paragraph (5) for “applies to an improvement notice” substitute “applies to an appeal against an improvement notice”.

6. For regulation 7 (transitional arrangements) substitute—

“7. Food for special medical purposes that does not comply with any specified provision of the Delegated Regulation specified in Schedule 1 may continue to be marketed until stocks of such food are exhausted provided that—

(a) it complies with the provisions of the EU Regulation specified in Schedule 1,

(b) it was placed on the market or labelled—

(i) before 22 February 2019, or

(ii) before 22 February 2020 in the case of food for special medical purposes developed to satisfy the nutritional requirements of infants, and

(c) the requirements specified in regulation 3(1) and (2) of the Medical Food (Wales) Regulations 2000(2) are met.”

7. In Schedule 1(3) (specified EU requirements)—

(a) in the part of the table relating to the EU Regulation, in the entry relating to “Article 15(1) (Union list)”, in column 2, for “Articles 1(1)(c), 4(1) and the Annex insofar as it applies to food for special medical purposes” substitute “Articles 1(1)(a) and (c) and 4(1) and

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(1) S.I. 2016/639 (W. 175), amended by S.I. 2019/70 (W. 22) and prospectively amended by S.I. 2019/179 (W. 45).

(2) S.I. 2000/1866 (W. 125); amended by S.I. 2014/1102 (W. 110); there are other amending instruments but none are relevant to these Regulations.

(3) The table in Schedule 1 was substituted by S.I. 2019/70 (W. 22).

the Annex insofar as it applies to infant formula, follow-on formula, and food for special medical purposes”;

(b) for the part of the table relating to the Delegated Regulation substitute—

<b>“Specified provision of the Delegated Regulation</b>	<b>Provisions to be read with the specified provision of the Delegated Regulation</b>
Article 2(2) (requirement for the formulation of food to be based on sound medical and nutritional principles)	Article 1
The first sub-paragraph of Article 2(3) (requirement for food for special medical purposes developed to satisfy the nutritional requirements of infants to comply with the compositional requirements in Part A of Annex 1)	Articles 1 and 2(4) and Part A of Annex 1
The second sub-paragraph of Article 2(3) (requirement for food other than that developed to satisfy the nutritional requirements of infants to comply with the compositional requirements in Part B of Annex 1)	Articles 1 and 2(4) and Part B of Annex 1
Article 3(2) (requirement relating to residue threshold for certain active substances where food for special medical purposes is developed to satisfy the nutritional requirements of infants and young children)	Articles 1 and 3(1), (3) and (5) and Annex 2
Article 3(3) (maximum residue levels for substances listed in Annex 2)	Articles 1 and 3(1), (2) and (5) and Annex 2
Article 3(4) (prohibition on the use of plant protection products)	Articles 1 and 3(1) and (5) and Annex 3
Article 4 (name of the food)	Article 1 and Annex 4
Article 5(1) (requirement for food for special medical purposes to comply with Regulation (EU) No. 1169/2011(4) unless otherwise specified)	Articles 1 and 5(2)
Article 5(2) (additional mandatory particulars relating to food information)	Articles 1 and 5(1) and (3)
Article 5(3) (application of Articles 13(2) and (3) of Regulation (EU) No. 1169/2011 to additional mandatory particulars)	Articles 1 and 5(1) and (2)
Article 6 (specific requirements on the nutrition declaration)	Article 1 and Annex 1

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(4) Regulation (EU) No. 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No. 1924/2006 and (EC) No. 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No. 608/2004 (OJ No. L 304, 22.11.2011, p. 18).

<b>“Specified provision of the Delegated Regulation</b>	<b>Provisions to be read with the specified provision of the Delegated Regulation</b>
Article 7 (nutrition and health claims)	Article 1
Article 8(1) (requirement for mandatory particulars to appear in a language easily understood by consumers)	Article 1
The first sub-paragraph of Article 8(2) (prohibition of pictures of infants or certain other pictures or text)	Article 1
Article 8(3) (requirements relating to labelling, presentation and advertising)	Article 1
The first sub-paragraph of Article 8(4) (restriction on publication)	Article 1 and the third sub-paragraph of Article 8(4)
Article 8(5) (prohibition on use of promotional devices to induce sales)	Article 1
Article 8(6) (prohibition on providing free or low-priced products, samples or other promotional gifts)	Article 1
Article 9 (notification)	Article 1”

**8.** In Schedule 2 (modification of provisions of the Act), in Part 3 (modification of section 35)—

(a) before paragraph 7 insert—

“**6A.** In section 35(1), after “section 33(1) above” insert “, as applied by regulation 4(6) and (7) of the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016,”;

(b) after paragraph 7 insert—

“**7A.** In section 35(2), after “any other offence under this Act” insert “including an offence under section 33(2), as applied by regulation 4(6) and (7) of the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016,”.

**Revocations and savings**

**9.—(1)** The instruments specified in column 1 of the table in the Schedule are revoked to the extent specified in column 3 of that table, subject to paragraph (2).

(2) The instruments specified in column 1 of the table in the Schedule continue to have effect (so far as otherwise revoked to the extent specified in column 3 of that table) for the purposes of—

(a) regulation 7(c) of the 2016 Regulations as substituted by regulation 6 of these Regulations, and

(b) regulation 5(3)(b) of the Infant Formula and Follow-on Formula (Wales) Regulations 2020(5).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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30 January 2020

*Vaughan Gething*  
Minister for Health and Social Services, one of  
the Welsh Ministers