

2007 No. 3379 (W.301)

FOOD, WALES

**The Food Labelling (Declaration of
Allergens) (Wales) Regulations
2007**

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations further amend the Food Labelling Regulations 1996 (“the principal Regulations”) in so far as they apply in relation to Wales. The principal Regulations extend to the whole of Great Britain.

2. These Regulations implement in Wales Commission Directive No. 2006/142/EC (OJ No. L368, 23.12.2006, pp.110-111) amending Annex IIIa of Directive 2000/13/EC of the European Parliament and of the Council listing the ingredients which must under all circumstances appear on the labelling of foodstuffs. Two new ingredients are added to that list.

3. A full regulatory impact assessment of the effect that these Regulations will have on the costs of business has been prepared and copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff CF10 1EW.

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**The Food Labelling (Declaration of
Allergens) (Wales) Regulations
2007**

Made 27 November 2007

Laid before the National Assembly for Wales

29 November 2007

Coming into force 23 December 2007

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a), (e) and (f), 17(2), 26(1)(a) and (3), and 48(1) of the Food Safety Act 1990⁽¹⁾.

In accordance with section 48(4A) of that Act, they have had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in

⁽¹⁾ 1990 c. 16. section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28), “the 1999Act”. Section 48 was also amended by S.I. 2004/2990. Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c.40), Schedule 6 to the 1999 Act and S.I. 2004/2990. Functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, article 2 and Schedule 1. Those functions were transferred to Welsh Ministers by section 162 and Schedule 11, paragraph 30 of the Government of Wales Act 2006.

matters of food safety⁽¹⁾, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title, application and commencement

1. These Regulations are called the Food Labelling (Declaration of Allergens) (Wales) Regulations 2007, they apply in relation to Wales and come into force on 23 December 2007.

Amendment of the Food Labelling Regulations 1996

2.—(1) The Food Labelling Regulations 1996⁽²⁾ are amended (in so far as they apply in relation to Wales) in accordance with paragraphs (2) and (3).

(2) In regulation 50 (transitional provision), after paragraph (13) insert the following —

“(14) In any proceedings for an offence under regulation 44(1)(a) it is a defence to prove that —

- (a) the food concerned was sold before 23 December 2008 or marked or labelled before that date; and
- (b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by regulation 2(3) of the Food Labelling (Declaration of Allergens) (Wales) Regulations 2007⁽³⁾ had not been in operation when the food was sold.”.

(3) In Schedule AA1 (allergenic ingredients) —

- (a) after paragraph 2 insert “**2(a)**. Molluscs and products thereof”;
- (b) after paragraph 6 insert “**6(a)**. Lupin and products thereof”.

G.Thomas

Under authority of the Minister for Health and Social Services, one of the Welsh Ministers

27 November 2007.

(1) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Commission Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, p3).

(2) S.I. 1996/1499; the relevant amending instruments are S.I. 1998/1398, 1999/747, 1136, 1483, 2000/1232 (w.66), 2003/832 (W.104), 2004/249 (W.26), 2731 (W.238), 3022 (W.261), 2005/1309 (W.91),, 3236 (W.241).

(3) S.I. 2007/