
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—

[^{F1}“Commission Implementing Regulation 543/2011” (*“Rheoliad Gweithredu'r Comisiwn 543/2011”*) means Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors, 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;

[^{F2}“marketing rules” (*“rheolau marchnata”*)] means the general marketing standard and the specific marketing standards covering fresh fruit and vegetables listed in Part IX of Annex I to [^{F3}Regulation (EU) 2013, and includes the rules relating to those standards contained in Articles 74 [^{F4}and 76 of Regulation (EU) 2013,]] and Title II of Commission Implementing Regulation 543/2011

“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;

^{F5} ...

[^{F6}“general marketing standard” (*“safon farchnata gyffredinol”*) means the requirements of [^{F7}Article 76(1) of Regulation (EU) 2013] as detailed in Article 3(1) and Part A of Annex I to Commission Implementing Regulation 543/2011]

“horticultural produce” (*“cynnyrch garddwriaethol”*) means fruit and vegetables listed in Part IX of Annex I to [^{F8}Regulation (EU) 2013] to which [^{F9}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;

[^{F10}“Regulation (EU) 2013” (“*Rheoliad (EU) 2013*”) means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products, as amended from time to time;]

“specific marketing standards” (“*safonau marchnata penodol*”) means the marketing standards ^{F11}... as detailed in [^{F12}Article 3(2) and Part B of Annex I to Commission Implementing Regulation 543/2011], 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 [^{F13}Regulation (EU) 2013] and [^{F14}Commission Implementing Regulation 543/2011].

Textual Amendments

- F1 Words in reg. 2(1) substituted (8.11.2011) by [The Marketing of Fresh Horticultural Produce \(Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2486\)](#), regs. 1(3), **4(a)**
- F2 Words in reg. 2(2) substituted (31.12.2020) by [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/732\)](#), regs. 1(2), **2(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3 Words in reg. 2(2) substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) \(Wales\) Regulations 2013 \(S.I. 2013/3270\)](#), regs. 1(c), **6(2)(a)**
- F4 Words in reg. 2(2) substituted (14.12.2022) by [The Common Organisation of the Markets in Agricultural Products \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/1215\)](#), regs. 1(2), **9(2)(a)**
- F5 Words in reg. 2(2) omitted (1.1.2014) by virtue of [The Single Common Market Organisation \(Consequential Amendments\) \(Wales\) Regulations 2013 \(S.I. 2013/3270\)](#), regs. 1(c), **6(2)(b)**
- F6 Words in reg. 2(2) substituted (8.11.2011) by [The Marketing of Fresh Horticultural Produce \(Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2486\)](#), regs. 1(3), **4(b)(ii)**
- F7 Words in reg. 2(2) substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) \(Wales\) Regulations 2013 \(S.I. 2013/3270\)](#), regs. 1(c), **6(2)(c)**
- F8 Words in reg. 2(2) substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) \(Wales\) Regulations 2013 \(S.I. 2013/3270\)](#), regs. 1(c), **6(2)(d)**
- F9 Words in reg. 2(2) substituted (31.12.2020) by [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/732\)](#), regs. 1(2), **2(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10 Words in reg. 2(2) substituted (17.12.2018) by [The Environment, Planning and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/1216\)](#), regs. 1(3), **23**
- F11 Words in reg. 2(2) omitted (14.12.2022) by virtue of [The Common Organisation of the Markets in Agricultural Products \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/1215\)](#), regs. 1(2), **9(2)(b)**
- F12 Words in reg. 2(2) substituted (8.11.2011) by [The Marketing of Fresh Horticultural Produce \(Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2486\)](#), regs. 1(3), **4(b)(iii)**
- F13 Words in reg. 2(3) substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) \(Wales\) Regulations 2013 \(S.I. 2013/3270\)](#), regs. 1(c), **6(3)**

F14 Words in reg. 2(3) substituted (8.11.2011) by [The Marketing of Fresh Horticultural Produce \(Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2486\)](#), regs. 1(3), **4(c)**

Designations, provision of information, and appointment of authorised officers

3.—(1) The Welsh Ministers are designated as the inspection body under [^{F15}Article 9(1)(b) of Commission Implementing Regulation 543/2011].

(2) For the purposes of fulfilling the obligations on inspection bodies contained in the [^{F16}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 [^{F17}or Scotland inspection bodies].

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

Textual Amendments

F15 Words in reg. 3(1) substituted (8.11.2011) by [The Marketing of Fresh Horticultural Produce \(Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2486\)](#), regs. 1(3), **5**

F16 Words in reg. 3(2) substituted (31.12.2020) by [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/732\)](#), regs. 1(2), **2(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F17 Words in reg. 3(2) substituted (31.12.2020) by [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/732\)](#), regs. 1(2), **2(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Fresh Horticultural Produce (Wales) Regulations 2009, PART 1 .