
WELSH STATUTORY INSTRUMENTS

2014 No. 2303 (W. 227)

FOOD, WALES

The Food Information (Wales) Regulations 2014

Made - - - - 28 August 2014
Laid before National Assembly
for Wales - - - - 29 August 2014
Coming into force in accordance with regulation 1(3)
to (6)

The following Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972⁽¹⁾ and it appears to the Welsh Ministers that it is expedient for references to Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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](#)⁽²⁾ in particular provisions of these Regulations to be construed as references to that Regulation as amended from time to time.

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972—

- (a) in relation to measures relating to food (including drink)⁽³⁾;
- (b) in relation to the common agricultural policy⁽⁴⁾.

So far as the following Regulations are made in exercise of powers under the Food Safety Act 1990⁽⁵⁾, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)⁽⁶⁾ of that Act.

There has been consultation 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 matters of food safety⁽⁷⁾, during the preparation and evaluation of the following Regulations.

The Welsh Ministers make the following Regulations in exercise of the powers conferred by—

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- (1) [1972 c. 68](#); section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#) and Part 1 of the Schedule to the European Union (Amendment) Act [2008 \(c. 7\)](#).
 - (2) OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7).
 - (3) [S.I. 2005/1971](#), functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 ([2006 c. 32](#)).
 - (4) [S.I. 2010/2690](#).
 - (5) [1990 c. 16](#).
 - (6) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act [1999 \(c. 28\)](#).
 - (7) OJ No L 31, 1.2.2002, p 1, last amended by [Commission Regulation \(EC\) No 596/2009](#) (OJ No L 188, 18.7.2009, p 14).

- (a) so far as relating to regulation 2(3) and Schedule 1, paragraph 1A of Schedule 2 to the European Communities Act 1972(8);
- (b) so far as relating to regulations 13 and 14 and Schedules 6 and 7—
 - (i) section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972;
 - (ii) sections 6(4), 16(1), 17, 18, 26, 45 and 48(1) of, and paragraphs 1 and 4(b) of Schedule 1 to, the Food Safety Act 1990(9) and now vested in the Welsh Ministers(10); and
 - (iii) sections 4(1), (2), (3), (4) and (8) and 10 of the Healthy Eating in Schools (Wales) Measure 2009(11); and
- (c) so far as relating to the remaining regulations and Schedules, sections 6(4), 16(1)(e), 17(1) and (2), 26(3) and 48(1) of the Food Safety Act 1990 and now vested in the Welsh Ministers.

Title, application and commencement

- 1.—(1) The title of these Regulations is the Food Information (Wales) Regulations 2014.
- (2) These Regulations apply in relation to Wales.
- (3) Except as provided for in paragraphs (4) to (6), these Regulations come into force on 13 December 2014.
- (4) For the purposes of the following provisions, these Regulations come into force on 19 September 2014—
 - (a) regulation 4;
 - (b) regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Act) they enable an improvement notice to be served on a person requiring that person to comply with the provision of FIC specified in Part 1 of Schedule 5 and an appeal against such a notice to be made and dealt with, and make the failure to comply with such an improvement notice an offence;
 - (c) regulation 14 so far as it relates to Part 1 of Schedule 7;
 - (d) Schedule 2;
 - (e) Part 1 of Schedule 5; and
 - (f) Part 1 of Schedule 7.
- (5) For the purposes of the following provisions, these Regulations come into force on 13 December 2016—
 - (a) Part 3 of Schedule 5; and
 - (b) regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Act) they enable an improvement notice to be served on a person

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- (8) 1972 c.68 Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and S.I. 2007/1388.
 - (9) 1990 c.16 Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40) and paragraph 10(1) and (3) of Schedule 5 to the Food Standards Act 1999 (“the 1999 Act”) and partially repealed by Schedule 6 to the 1999 Act and S.I. 2002/794. Section 16(1) was amended by paragraph 8 of Schedule 5 to the 1999 Act. Section 17 was amended by paragraphs 8 and 12 of Schedule 5 to the 1999 Act and S.I. 2011/1043. Section 18 was amended by paragraphs 8 and 13 of Schedule 5 to the 1999 Act. Section 26 was partially repealed by Schedule 6 to the 1999 Act. Section 45 was amended by paragraphs 8 and 20 of Schedule 5 to the 1999 Act. Section 48(1) was amended by paragraph 8 of Schedule 5 to the 1999 Act.
 - (10) Functions formerly exercisable by “the Ministers” so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act, and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
 - (11) 2009 nawm 3.

requiring that person to comply with the provision of FIC specified in Part 3 of Schedule 5 and an appeal against such a notice to be made and dealt with, and make the failure to comply with such an improvement notice an offence.

(6) For the purposes of Part 2 of Schedule 6, and regulation 13 so far as it relates to that Part of Schedule 6, these Regulations come into force on 13 December 2018.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“Directive 1999/2/EC” (“*Cyfarwyddeb 1999/2/EC*”) means Directive 1999/2/EC of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation⁽¹²⁾;

“FIC” (“*FIC*”) means Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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;

“final consumer” (“*defnyddiwr terfynol*”) has the meaning given in point 18 of Article 3 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 matters of food safety;

“food authority” (“*awdurdod bwyd*”) means—

- (a) a county council;
- (b) a county borough council;

“food business operator” (“*gweithredwr busnes bwyd*”) has the meaning given in point 3 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council;

“mass caterer” (“*arlwywr mawr*”) has the meaning given in Article 2(2)(d) and “mass caterers” (“*arlwywyr mawr*”) is to be construed accordingly;

“means of distance communication” (“*cyfrwng cyfathrebu o hirbell*”) has the meaning given in Article 2(2)(u);

“offered for sale” (“*a gynigir i’w werthu*”) has the same meaning as in Article 44 and “offers for sale” (“*cynnig gwerthu*”) is to be construed accordingly;

“prepacked food” (“*bwyd wedi ei ragbecynnu*”) has the meaning given in Article 2(2)(e);

“prepacked for direct sale” (“*wedi ei ragbecynnu i’w werthu’n uniongyrchol*”) has the same meaning as in Article 2(2)(e); and

“ready for consumption” (“*parod i’w fwyta*”) has the same meaning as in Article 2(2)(d).

(2) Except as otherwise provided for—

- (a) any reference in these Regulations to an Article is a reference to an Article of FIC, and
- (b) any reference in these Regulations to an Annex is a reference to an Annex to FIC.

⁽¹²⁾ OJ No L 66, 13.3.1999, p 16, last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ No L 311, 21.11.2008, p 1).

(3) Any reference to FIC, or a provision of FIC (including a reference to an Article of, or Annex to, FIC to which paragraph (2) applies), in a provision of these Regulations listed in Schedule 1 is a reference to that provision as amended from time to time.

Derogation relating to milk and milk products

3. The requirements laid down in Articles 9(1) and 10(1) do not apply to milk or milk products presented in a glass bottle where the glass bottle is intended for reuse.

Derogation relating to minced meat

4.—(1) The requirements laid down in point 1 of Part B of Annex VI do not prevent minced meat that does not comply with those requirements being placed on the market using a minced meat designation if the national mark in Part 1 of Schedule 2 appears on the labelling.

(2) Part 2 of Schedule 2 applies to the form of the national mark.

(3) In paragraph (1)—

“on the labelling” (“*ar y label*”) has the same meaning as in point 2 of Part B of Annex VI as read with the definition of “labelling” in Article 2(2)(j);

“placed on the market” (“*ei osod ar y farchnad*”) is to be construed taking into account the meaning of “placing on their national market” as used in point 3 of Part B of Annex VI.

Foods that are not prepacked etc. containing an allergenic substance or product etc.

5.—(1) A food business operator who offers for sale a relevant food to which this regulation applies may make available the particulars specified in Article 9(1)(c) (labelling of certain substances or products causing allergies or intolerances) in relation to that food by any means the operator chooses, including, subject to paragraph (3), orally.

(2) This regulation applies to a relevant food that is offered for sale to a final consumer or to a mass caterer otherwise than by means of distance communication and is—

- (a) not prepacked,
- (b) packed on the sales premises at the consumer’s request, or
- (c) prepacked for direct sale.

(3) Where a food business operator intends to make available the particulars specified in Article 9(1)(c) relating to a relevant food orally, and a substance or product listed in Annex II or derived from a substance or product listed in Annex II is used as an ingredient or processing aid in the manufacture or preparation of the food, the operator must indicate that details of that substance or product can be obtained by asking a member of staff.

(4) The indication mentioned in paragraph (3) must be given—

- (a) on a label attached to the food, or
- (b) on a notice, menu, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.

(5) In relation to a relevant food to which this regulation applies, the Article 9(1)(c) particulars made available by a food business operator must be made available with a clear reference to the name of the substance or product listed in Annex II where—

- (a) the relevant ingredient or processing aid is derived from a substance or product listed in Annex II, and
- (b) the particulars are made available otherwise than by means provided for in FIC.

(6) In this regulation “relevant food” (“*bwyd perthnasol*”) means a food in which an ingredient or processing aid listed in Annex II, or derived from a substance or product listed in Annex II, has been used in its manufacture or preparation and that is still present in the finished product (even if in an altered form).

Foods that are not prepacked etc. – general requirement to name them

6.—(1) A food business operator who offers for sale a food to which this regulation applies must provide the particulars required by Article 9(1)(a) (the name of the food) as read with—

- (a) Article 17(1) to (4), and
- (b) in the case of food offered for sale using a minced meat designation as a name—
 - (i) Article 17(5) and point 1 of Part B of Annex VI, and
 - (ii) point 3 of Part B of Annex VI as read with regulation 4 and Schedule 2.

(2) This regulation applies to a food that is offered for sale to a final consumer or a mass caterer and is—

- (a) not prepacked,
- (b) packed on the sales premises at the consumer’s request, or
- (c) prepacked for direct sale.

(3) This regulation does not apply to a food prepared to be ready for consumption by a final consumer that is offered for sale to a final consumer by a mass caterer (whether at a mass catering establishment where sales are made in person to a final consumer or by means of distance communication) as part of their business as a mass caterer.

(4) The particulars must appear—

- (a) on a label attached to the food, or
- (b) on a notice, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.

(5) Paragraph (4) does not apply in the case of an offer for sale made by means of distance communication.

Foods that are not prepacked etc. containing meat and other ingredients

7.—(1) A food business operator who offers for sale a food to which this regulation applies must provide the particulars required by Article 9(1)(d) (quantity of certain ingredients), as read with Article 22 and Annex VIII, in respect of the ingredients in the food that are meat.

(2) This regulation applies to a food (other than a food specified in Schedule 3) that is offered for sale to a final consumer or a mass caterer, contains meat and any other ingredient and is—

- (a) not prepacked,
- (b) packed on the sales premises at the consumer’s request, or
- (c) prepacked for direct sale.

(3) This regulation does not apply to a food prepared to be ready for consumption by a final consumer that is offered for sale to a final consumer by a mass caterer (whether at a mass catering establishment where sales are made in person to a final consumer or by means of distance communication) as part of their business as a mass caterer.

(4) The quantity of meat specified in the particulars mentioned in paragraph (1) is to be determined taking into account the provisions relating to total fat and connective tissue content in point 17 of Part B of Annex VII, including any downward adjustment needed in a case where the total fat and connective tissue content in the food exceeds the values indicated in the table in that point.

- (5) The particulars must appear—
- (a) on a label attached to the food, or
 - (b) on a notice, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.
- (6) Paragraph (5) does not apply in the case of an offer for sale made by means of distance communication.
- (7) In this regulation—
- “meat” (“*cig*”) means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat; and
- “mechanically separated meat” (“*cig a wahrenir yn fecanyddol*”) has the meaning given in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽¹³⁾.

Irradiated foods

- 8.**—(1) Any person who places on the market, in bulk, a product to which this paragraph applies must ensure that the relevant indication appears, together with the name of the product, on a display or notice above or beside the container in which the products are placed on the market.
- (2) Paragraph (1) applies to—
- (a) a product intended for the ultimate consumer or mass caterers that has been treated with ionising radiation, and
 - (b) a product intended for the ultimate consumer or mass caterers that contains an ingredient that has been treated with ionising radiation.
- (3) Any person who places on the market a product to which this paragraph applies must ensure that the relevant indication appears in the list of ingredients of that product to indicate the ingredient that has been irradiated.
- (4) Paragraph (3) applies to a product intended for the ultimate consumer or mass caterers—
- (a) containing a compound ingredient in a case where an ingredient of that compound ingredient has been treated with ionising radiation, and
 - (b) to which, in relation to that compound ingredient, the provisions of point 2 of Part E of Annex VII (setting out cases where a list of ingredients for compound ingredients is not compulsory) would, but for the requirement in paragraph (3), apply.
- (5) The relevant indication is the word “irradiated” or the words “treated with ionising radiation”.
- (6) This regulation does not apply to—
- (a) a product exposed to ionising radiation generated by measuring or inspection devices, provided the dose absorbed is not greater than 0.01 Gy for inspection devices which utilise neutrons and 0.5 Gy in other cases, at a maximum radiation energy level of 10 MeV in the case of X-rays, 14 MeV in the case of neutrons and 5 MeV in other cases, or
 - (b) a product which is prepared for patients requiring sterile diets under medical supervision.
- (7) In this regulation—
- “in bulk” (“*mewn swmp*”) has the same meaning as in the second sub-paragraph of Article 6(1) of Directive 1999/2/EC;

⁽¹³⁾ OJ No L 139, 30.4.2004, p 55, last amended by Commission Regulation (EU) No 633/2014 (OJ No L 175, 16.6.2014, p 6).

“ionising radiation” (“*ymbelydredd ioneiddio*”) has the same meaning as in Directive [1999/2/EC](#);

“places on the market” (“*gosod ar y farchnad*”) is to be construed taking into account the meaning of “placed on the market” as used in Article 2 of Directive [1999/2/EC](#); and

“product” (“*cynnyrch*”) has the same meaning as in Directive [1999/2/EC](#).

Enforcement

9. It is the duty of a food authority within its area and a port health authority within its district to enforce these Regulations.

Offence

10.—(1) A person is guilty of an offence if the person fails to comply with—

- (a) any provision of FIC specified in paragraph (2), as read with Articles 1(3) and 6 and the first sub-paragraph of Article 54(1), or
- (b) regulation [5\(5\)](#).

(2) The provisions of FIC are—

- (a) Article 9(1)(c), as also read with Annex II;
- (b) Article 21(1)(a), as also read with Articles 9(1)(c) and 18(1) and Annex II;
- (c) the second sub-paragraph of Article 21(1), as also read with Articles 9(1)(c) and 19(1) and Annex II; and
- (d) Article 44(1)(a), as also read with Article 9(1)(c) and regulation [5](#).

Penalty

11. A person guilty of an offence under regulation [10](#) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application of provisions of the Act

12.—(1) Subsections (1) and (2) of section 10 of the Act (improvement notices) apply, with the modification (in the case of section 10(1)) specified in Part 1 of Schedule 4, for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring the person to comply with any of the following provisions—
 - (i) a provision of FIC specified in Schedule 5, to the extent provided for in section 10 as applied by paragraph (1) and modified by Part 1 of Schedule 4;
 - (ii) regulation [5\(3\)](#), [\(4\)](#) or [\(5\)](#);
 - (iii) regulation [6\(1\)](#) or [\(4\)](#);
 - (iv) regulation [7\(1\)](#), [\(4\)](#) or [\(5\)](#); or
 - (v) regulation [8\(1\)](#) or [\(3\)](#); and
- (b) making the failure to comply with a notice referred to in sub-paragraph (a) an offence.

(2) Subsections (1) to (8) of section 32(**14**) of the Act (powers of entry) apply, with the modifications (in the case of section 32(1)) specified in Part 2 of Schedule 4, for the purposes of enabling an authorised officer of a food authority or a port health authority—

(14) Subsections (5) and (6) of section 32 were amended by paragraph 18 of Schedule 2 to the Criminal Justice and Police Act [2001 \(c. 16\)](#).

- (a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of a provision of FIC specified in Schedule 5, to the extent provided for in section 32(1)(a) as applied by this paragraph and modified by Part 2 of Schedule 4;
 - (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and
 - (c) when exercising a power of entry under the provisions of section 32 as applied by this paragraph, to exercise the powers in subsections (5) and (6) relating to records.
- (3) Subsections (1) and (6) of section 37 of the Act (appeals) apply, with the modifications specified in Part 3 of Schedule 4, for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.
- (4) Section 39 of the Act (appeals against improvement notices) applies, with the modifications (in the case of subsections (1) and (3) of section 39) specified in Part 4 of Schedule 4, for the purpose of dealing with appeals against a decision to serve a notice referred to in paragraph (1)(a).
- (5) The provisions of the Act specified in column 1 of the table in Part 5 of Schedule 4 apply, with the modifications specified in column 2 of that Part, for the purposes of these Regulations.
- (6) Paragraphs (1) to (4) are without prejudice to the application of sections 10, 32, 37 and 39 of the Act to these Regulations for purposes other than those specified in those paragraphs.

Revocations

13. The Regulations listed in Schedule 6 are revoked to the extent specified.

Consequential and other minor amendments to statutory instruments

14. Schedule 7 has effect.

28 August 2014

Mark Drakeford
Minister for Health and Social Services, one of
the Welsh Ministers

SCHEDULE 1

Regulation 2(3)

Provisions of these Regulations that contain ambulatory references to FIC by virtue of regulation 2(3)

Regulation 2(1) except for the definition of “FIC”

Regulation 3

Regulation 4(1) and (3)

Regulation 5(1), (3), (5) and (6)

Regulation 6(1)

Regulation 7(1) and (4)

Regulation 8(4)(b)

Regulation 10

Paragraph 3 of Part 2 of Schedule 2

Schedule 5

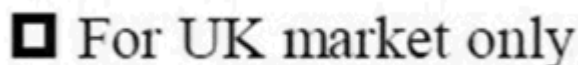
SCHEDULE 2

Regulation 4

National mark for derogation relating to minced meat

PART 1

The national mark



□ For UK market only

PART 2

Specifications for the national mark

1. Any type of font may be used for the national mark so long as it is clearly legible.
2. Any colour font may be used for the national mark so long as it is easily visible.
3. In the case of prepacked food, the font size used for the national mark must not be smaller than—
 - (a) in the case of a package or container of a size to which Article 13(3) applies, the font size required for mandatory particulars under Article 13(3), and
 - (b) in the case of any other package or container, the font size required for mandatory particulars under Article 13(2).
4. The national mark may include the Welsh text “Ar gyfer marchnad y DU yn unig” in addition to the English text in Part 1.

SCHEDULE 3

Regulation 7

Foods to which regulation 7 does not apply

1. Raw meat to which no ingredient other than proteolytic enzymes has been added.
2. Frozen and quick-frozen chicken to which Article 15 of [Commission Regulation \(EC\) No 543/2008](#) laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat⁽¹⁵⁾ applies and the water content of which does not exceed the technically unavoidable values determined as provided for in that Article.
3. Fresh, frozen and quick-frozen poultry-cuts to which Article 20 of [Commission Regulation \(EC\) No 543/2008](#) applies and the water content of which does not exceed the technically unavoidable values determined as provided for in that Article.
4. Sandwiches, filled rolls and filled products of a similar nature to sandwiches and filled rolls, which are ready for consumption without further processing, except for products containing meat which are sold under the name (whether or not qualified by other words) “burger”, “economy burger” or “hamburger”.
5. Pizzas and similar topped products.
6. Any food for which the name is “broth”, “gravy” or “soup”, whether or not qualified by other words.
7. A food consisting of an assemblage of two or more ingredients that has not been subjected to any processing or treatment once it has been assembled, and which is sold to the final consumer as an individual portion intended to be consumed without further processing or treatment.

SCHEDULE 4

Regulation 12

Application and modification of provisions of the Act

PART 1

Modification of section 10(1)

1. For section 10(1) (improvement notices) substitute—
 - “(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with a provision specified in subsection (1A), the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—
 - (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
 - (b) specify the matters which constitute the person’s failure so to comply;
 - (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
 - (d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice.

⁽¹⁵⁾ OJ No L 157, 17.6.2008, p 46, last amended by Regulation (EU) No 1308/2013 of the European Parliament and of the Council (OJ No L 347, 20.12.2013, p 671).

- (1A) The provisions are—
- (a) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers⁽¹⁶⁾ specified in entry 1, 3, 5 to 11, 23 to 27, 29, 31 or 66 of the table in Part 2 of Schedule 5 to the Food Information (Wales) Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to the mandatory particular relating to net quantity required by Article 9(1)(e) of Regulation (EU) No 1169/2011, as read with Article 23 of, and Annex IX to, that Regulation;
 - (b) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in entry 2, 67 or 68 of the table in Part 2 of Schedule 5 to the Food Information (Wales) Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to food information relating to quantity;
 - (c) any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in Schedule 5 to the Food Information (Wales) Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations); or
 - (d) any of the following provisions of the Food Information (Wales) Regulations 2014—
 - (i) regulation 5(3), (4) or (5);
 - (ii) regulation 6(1) or (4);
 - (iii) regulation 7(1), (4) or (5); or
 - (iv) regulation 8(1) or (3).”

PART 2

Modification of section 32(1)

2. For paragraphs (a) to (c) of section 32(1) (powers of entry) substitute—
- “(a) to enter any premises within the authority’s area for the purpose of ascertaining whether there is or has been on the premises any contravention of—
- (i) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers specified in entry 1, 3, 5 to 11, 23 to 27, 29, 31 or 66 of the table in Part 2 of Schedule 5 to the Food Information (Wales) Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to the mandatory particular relating to net quantity required by Article 9(1)(e) of Regulation (EU) No 1169/2011, as read with Article 23 of, and Annex IX to, that Regulation;
 - (ii) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in entry 2, 67 or 68 of the table in Part 2 of Schedule 5 to the Food Information (Wales) Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to food information relating to quantity; and

⁽¹⁶⁾ OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7).

Status: This is the original version (as it was originally made).

- (iii) any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in Schedule 5 to the Food Information (Wales) Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations); and
- (b) to enter any business premises, whether within or outside of the authority’s area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention within that area of any such provisions;”.

PART 3

Modification of section 37(1) and (6)

- 3. For section 37(1) (appeals) substitute—
 - “(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 12(1) of, and Part 1 of Schedule 4 to, the Food Information (Wales) Regulations 2014, may appeal to the magistrates’ court.”
- 4. In section 37(6)—
 - (a) for “(3) or (4)” substitute “(1)”, and
 - (b) in paragraph (a), omit “or to the sheriff”.

PART 4

Modification of section 39(1) and (3)

- 5. For section 39(1) (appeals against improvement notices) substitute—
 - “(1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 12(1) of, and Part 1 of Schedule 4 to, the Food Information (Wales) Regulations 2014, the court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.”
- 6. In section 39(3) omit “for want of prosecution”.

PART 5

Application and modification of other provisions of the Act

| <i>Column 1</i> | <i>Column 2</i> |
|---|--|
| <i>Provision of the Act</i> | <i>Modifications</i> |
| Section 3 (presumptions that food intended for human consumption) | In subsection (1), for “this Act” substitute “the Food Information (Wales) Regulations 2014” |
| Section 20 (offences due to fault of another person) | For “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 12(1) of the Food |

| <i>Column 1</i> | <i>Column 2</i> |
|---|---|
| <i>Provision of the Act</i> | <i>Modifications</i> |
| Section 21(17) (defence of due diligence) | <p>Information (Wales) Regulations 2014, or regulation 10 of those Regulations”</p> <p>In subsection (1), for “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 12(1) of the Food Information (Wales) Regulations 2014, or regulation 10 of those Regulations”</p> <p>In subsection (2), for “section 14 or 15 above” substitute “regulation 10 of the Food Information (Wales) Regulations 2014”</p> |
| Section 22 (defence of publication in the course of business) | For “any of the preceding provisions of this Part” substitute “regulation 10 of the Food Information (Wales) Regulations 2014” |
| Section 29 (procurement of samples) | In paragraph (b)(ii), after “under section 32 below”, insert “, including under section 32 as applied and modified by regulation 12(2) of, and Part 2 of Schedule 4 to, the Food Information (Wales) Regulations 2014” |
| Section 30(8) (which relates to evidence of certificates given by a food analyst or examiner) | For “this Act” substitute “the Food Information (Wales) Regulations 2014” |
| Section 33 (obstruction etc. of officers) | In subsection (1), for “this Act” (in each place occurring) substitute “the Food Information (Wales) Regulations 2014” |
| Section 35(1)(18) and (2) (punishment of offences) | <p>In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 12(5) of, and Part 5 of Schedule 4 to, the Food Information (Wales) Regulations 2014.”</p> <p>After subsection (1), insert—</p> <p>“(1A) A person guilty of an offence under section 10(2), as applied by regulation 12(1) of the Food Information (Wales) Regulations 2014, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”</p> <p>In subsection (2)—</p> |

(17) Section 21(2) was amended by S.I. 2004/3279.

(18) Section 35(1) is amended by paragraph 42 of Schedule 26 to the Criminal Justice Act 2003 (c. 44) from a date to be appointed.

Status: This is the original version (as it was originally made).

| <i>Column 1</i> | <i>Column 2</i> |
|--|---|
| <i>Provision of the Act</i> | <i>Modifications</i> |
| | (a) for “any other offence under this Act” substitute “an offence under section 33(2), as applied by regulation 12(5) of, and Part 5 of Schedule 4 to, the Food Information (Wales) Regulations 2014,”; and |
| | (b) in paragraph (b), for “relevant amount” substitute “statutory maximum” |
| Section 36 (offences by body corporate) | In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 12(1) of the Food Information (Wales) Regulations 2014, or regulation 10 of those Regulations,” |
| Section 36A(19) (offences by Scottish partnerships) | For “this Act” substitute “section 10(2), as applied by regulation 12(1) of the Food Information (Wales) Regulations 2014, or regulation 10 of those Regulations,” |
| Section 44 (protection of officers acting in good faith) | For “this Act” (in each place occurring) substitute “the Food Information (Wales) Regulations 2014” |

SCHEDULE 5

Regulation 12

Improvement notices - specified FIC provisions

PART 1

FIC provision in relation to which an improvement notice may be served on and from 19 September 2014

| <i>Provision of FIC</i> | <i>Provisions to be read with the provision of FIC</i> |
|--|---|
| Article 17(5) so far as it applies to the requirements in Part B of Annex VI concerning the designation “minced meat” (requirements concerning the designation “minced meat” and the particulars that must accompany it) | Articles 1(3) and 6 and the third sub-paragraph of Article 54(1), the second sub-paragraph of Article 55, Part B of Annex VI, regulation 4 and Schedule 2 |

(19) Section 36A was inserted by paragraph 16 of Schedule 5 to the Food Standards Act 1999 (c. 28).

PART 2

FIC provisions in relation to which an improvement
notice may be served on and from 13 December 2014

| <i>No.</i> | <i>Provision of FIC</i> | <i>Provisions to be read with the provisions of FIC</i> |
|------------|--|--|
| 1. | Article 6 (basic requirement for food information to accompany food) | Articles 1(3) and 30(2) and (3), the first sub-paragraph of Article 54(1) and the other Articles of FIC listed in column 1, as appropriate |
| 2. | Article 7(1) (prohibition on misleading information) | Articles 1(3), 6 and 7(4) and the first sub-paragraph of Article 54(1) |
| 3. | Article 7(2) (requirement for accurate, clear and easy to understand information) | Articles 1(3), 6 and 7(4) and the first sub-paragraph of Article 54(1) |
| 4. | Article 7(3) (prohibition on food information attributing health benefits to any food subject to certain derogations) | Articles 1(3), 6 and 7(4) and the first sub-paragraph of Article 54(1) |
| 5. | Article 8(2) (requirement for a food business operator to ensure the presence and accuracy of food information) | Articles 1(3), 6 and 8(1) and the first sub-paragraph of Article 54(1) |
| 6. | Article 8(3) (requirement for a food business operator not to supply non-compliant food) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 7. | Article 8(4) (restrictions on the modification of information accompanying a food) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 8. | Article 8(5) (obligation to ensure and verify compliance with food information law etc.) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 9. | Article 8(6) (requirement to transmit information relating to non-prepacked foods) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 10. | Article 8(7) (requirement relating to the mandatory particulars required by Articles 9 and 10) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 11. | Article 8(8) (requirement for a food business operator to provide sufficient information to other food business operators) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 12. | Article 9(1)(a) (mandatory indication relating to the name of the food) | Articles 1(3), 6, 9(2), 16(1) and (2), 17, 22(1)(a) and 40, the first sub-paragraph of Article 54(1), Annex VI and regulation 3 |
| 13. | Article 9(1)(b) (mandatory indication relating to the list of ingredients) | Articles 1(3), 6, 9(2), 11 and 16(1) and (2), the first sub-paragraph of Article 16(4), Articles 18, 19(1), 20 and 40, the first sub-paragraph of Article 54(1), Annexes VI and VII and regulation 3 |
| 14. | Article 9(1)(c) (mandatory indication relating to ingredients and processing aids causing allergies or intolerances) | Articles 1(3), 6, 9(2), 11, 16(1) and (2), 18(1), 21(1) and 40, the first sub- |

Status: This is the original version (as it was originally made).

| No. | Provision of FIC | Provisions to be read with the provisions of FIC |
|-----|---|--|
| | | paragraph of Article 54(1), Annex II and regulation 3 |
| 15. | Article 9(1)(d) (mandatory indication relating to the quantity of certain ingredients or categories of ingredients) | Articles 1(3), 6, 9(2), 11, 16(1) and (2), 22 and 40, the first sub-paragraph of Article 54(1), Annex VIII and regulation 3 |
| 16. | Article 9(1)(f) (mandatory indication relating to date of minimum durability or the “use by” date) | Articles 1(3), 6, 9(2), 16(1) and (2), 24 and 40, the first sub-paragraph of Article 54(1), points 1 and 2 of Annex X and regulation 3 |
| 17. | Article 9(1)(g) (mandatory indication relating to any special storage conditions, the conditions of use, or both) | Articles 1(3), 6, 9(2), 16(1) and (2), 25 and 40, the first sub-paragraph of Article 54(1) and regulation 3 |
| 18. | Article 9(1)(h) (mandatory indication relating to the name or business name and address of the food business operator) | Articles 1(3), 6, 8(1), 9(2), 16(1) and (2) and 40, the first sub-paragraph of Article 54(1) and regulation 3 |
| 19. | Article 9(1)(i) (mandatory indication relating to country of origin or place of provenance) | Articles 1(3), 6, 9(2), 16(1) and (2), 26(1) and (2) and 40, the first sub-paragraph of Article 54(1) and regulation 3 |
| 20. | Article 9(1)(j) (mandatory indication relating to instructions for use) | Articles 1(3), 6, 9(2), 16(1) and (2), 27 and 40, the first sub-paragraph of Article 54(1) and regulation 3 |
| 21. | Article 9(1)(k) (mandatory indication relating to the actual alcoholic strength of beverages containing more than 1.2% by volume of alcohol) | Articles 1(3), 6, 9(2), 11, 16(1) and (2) and 28, the first sub-paragraph of Article 54(1) and Annex XII |
| 22. | Article 10(1) (additional mandatory particulars for specific types of food) | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex III |
| 23. | Article 12(1) (availability and placement of mandatory food information) | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Article 12(2) for pre-packed foods, Articles 12(5) and 44 for non-prepacked foods and Articles 14 and 44 for foods offered for sale by means of distance communication |
| 24. | Article 12(2) (general requirement for mandatory food information to appear directly on the package or on a label attached to prepacked food) | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) |
| 25. | Article 13(1) (general requirement for the presentation of mandatory particulars) | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and, in the case of foods that are not prepacked etc. containing an allergenic substance or product etc., regulation 5 |
| 26. | Article 13(2) (requirement relating to the presentation of mandatory particulars referred to in Article 9(1)(a) to (l)) | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex IV, and, in relation to Article 13(2) as it applies to the presentation of a mandatory |

| No. | Provision of FIC | Provisions to be read with the provisions of FIC |
|-----|---|--|
| | | nutrition declaration, the second sub-paragraph of Article 55 |
| 27. | Article 13(3) (font size of mandatory particulars on smaller packages) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 28. | Article 13(5) (field of vision requirements) | Articles 1(3), 6, 13(6) and 16(1) and (2) and the first sub-paragraph of Article 54(1) |
| 29. | Article 14(1) (distance selling of prepacked foods) | Articles 1(3), 6, 9 and 14(3) and the first sub-paragraph of Article 54(1) |
| 30. | Article 14(2) (distance selling of non-prepacked foods) | Articles 1(3), 6, 14(1) and 42 and the first sub-paragraph of Article 54(1) |
| 31. | Article 15(1) (language requirements) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 32. | Article 17(1) (name of food) | Articles 1(3), 6 and 9(1), the first sub-paragraph of Article 54(1), regulation 4 and Schedule 2 |
| 33. | Article 17(2) (use of the name used for food in Member State of production in another Member State: need for other descriptive information in addition to the name of the food in certain cases) | Articles 1(3), 6, 9(1) and 17(1) and the first sub-paragraph of Article 54(1) |
| 34. | Article 17(3) (prohibition in certain exceptional cases of the use of a name used for a food in a Member State of production when marketing that food in another Member State) | Articles 1(3), 6, 9(1) and 17(1) and (2) and the first sub-paragraph of Article 54(1) |
| 35. | Article 17(4) (prohibition against replacing the name of a food with another name) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 36. | Article 17(5) (requirements on the name of a food and particulars that must accompany it) except so far as it applies to the specific requirements in Part B of Annex VI concerning the designation “minced meat” | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex VI |
| 37. | Article 18(1) (list of ingredient requirements) | Articles 1(3), 6, 18(4), 19(1) and 20, the first sub-paragraph of Article 54(1), Annex VII, regulation 8 and the first sub-paragraph of paragraph 5 of Article 3 of Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption ⁽²⁰⁾ |
| 38. | Article 18(2) (requirement to designate ingredients by their specific name) | Articles 1(3), 6, 17, 18(4) and 19(1), the first sub-paragraph of Article 54(1) and Annexes VI and VII |

(20) OJ No L 10, 12.1.2002, p 58, last amended by Directive 2012/12/EU of the European Parliament and of the Council (OJ No L 115, 27.4.2012, p 1).

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| No. | <i>Provision of FIC</i> | <i>Provisions to be read with the provisions of FIC</i> |
|-----|---|---|
| 39. | Article 18(3) (requirement relating to nanomaterial ingredients) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 40. | Article 21(1) (requirements relating to certain substances or products that cause an allergy or intolerance) | Articles 1(3), 6, 9(1)(c) and 18(1), the first sub-paragraph of Article 54(1), Annex II and, in the case of foods that are not prepacked etc. containing an allergenic substance or product etc., regulation 5 |
| 41. | Article 22(1) (requirement relating to the need to provide a quantitative indication of an ingredient) | Articles 1(3), 6 and 22(2), the first sub-paragraph of Article 54(1) and Annex VIII |
| 42. | Article 22(2) (technical rules for quantitative indication of ingredients) | Articles 1(3), 6 and 22(1), the first sub-paragraph of Article 54(1) and Annex VIII |
| 43. | Article 24(1), first sentence (requirement relating to “use by” dates) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 44. | Article 24(2) (requirement to express minimum durability date, “use by” date and date of freezing in a particular way) | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex X |
| 45. | Article 25(1) (requirement for special storage conditions or conditions for use, or both, to be indicated on food) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 46. | Article 25(2) (requirement to indicate appropriate storage conditions or time within which food should be consumed after the packaging containing the food is opened or both) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 47. | Article 26(2)(a) (requirement for a mandatory indication relating to country of origin or place of provenance in certain cases) | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex XI |
| 48. | Article 27(1) (instructions for use indication) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 49. | Article 28(2) (alcoholic strength by volume indication for beverages containing more than 1.2% volume of alcohol) | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex XII |
| 50. | Article 30(1) (content of mandatory nutrition declaration) | Articles 1(3), 6, 29, 31(1) (as read with Annex XIV) and 31(3), the first sub-paragraph of Article 31(4), Articles 32(1) (as read with Annex XV), 32(2), 33(1) and 35(1) and the first sub-paragraph of Article 54(1) |
| 51. | Article 31(1) (conversion factors to be used for calculation of energy value) | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex XIV |
| 52. | Article 31(3), first sub-paragraph (requirement for energy value and amounts of nutrients to be | Articles 1(3), 6 and 30(1) to (5) and the first sub-paragraph of Article 54(1) |

| No. | Provision of FIC | Provisions to be read with the provisions of FIC |
|-----|--|--|
| | those of the foods as sold except as provided for in the second sub-paragraph of Article 31(3)) | |
| 53. | Article 31(4), first sub-paragraph (requirement for declared values to be average values based on a methodology set out in the first sub-paragraph of Article 31(4)) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 54. | Article 32(1) (requirement to use the measurement units listed in Annex XV for energy value and amount of nutrients) | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex XV |
| 55. | Article 32(2) (energy value and amount of nutrients to be expressed per 100 grams or per 100 millilitres) | Articles 1(3), 6, 33(1), (2) and (3), the first sub-paragraph of Article 54(1) and Part B of Annex XIII |
| 56. | Article 32(3) (declaration relating to vitamins and minerals also to be expressed as a percentage of reference intakes) | Articles 1(3), 6 and 30(2)(f), the first sub-paragraph of Article 54(1) and Part A of Annex XIII |
| 57. | Article 32(5) (requirement for additional statement relating to the reference intake of an average adult) | Articles 1(3), 6 and 32(4) (as read with Part B of Annex XIII) and the first sub-paragraph of Article 54(1) |
| 58. | Article 33(1) (requirements in cases where energy value and amount of nutrients may be expressed per portion, per consumption unit, or both per portion and per consumption unit, in addition to, or instead of, per 100 grams or per 100 millilitres) | Articles 1(3), 6 and 32(2), (3) and (4) and the first sub-paragraph of Article 54(1) |
| 59. | Article 33(2), second sub-paragraph (requirement for energy value to be expressed both per 100 grams or per 100 millilitres and per portion or consumption unit where information on energy, fat, saturates, sugars and salt is repeated voluntarily in the principal field of vision, and the amounts of the nutrients are expressed on a per portion or per consumption unit basis only) | Articles 1(3), 6, 30(3)(b) and 32(2), the first sub-paragraph of Article 33(2) and the first sub-paragraph of Article 54(1) |
| 60. | Article 33(4) (requirement for the portion or unit used to be in close proximity to the nutrition declaration) | Articles 1(3), 6 and 33(1) and the first sub-paragraph of Article 54(1) |
| 61. | Article 34(1) (presentation of mandatory nutrition declaration and any supplementary information provided in accordance with Article 30(2) – field of vision, format and order of presentation) | Articles 1(3), 6 and 30(1) and (2), the first sub-paragraph of Article 54(1) and Annex XV |
| 62. | Article 34(2) (presentation of mandatory nutrition declaration and any supplementary information provided in accordance with Article 30(2) – format and alignment of numbers) | Articles 1(3), 6, and 30(1) and (2), the second sub-paragraph of Article 34(3), Article 34(4) and the first sub-paragraph of Article 54(1) |

Status: This is the original version (as it was originally made).

| <i>No.</i> | <i>Provision of FIC</i> | <i>Provisions to be read with the provisions of FIC</i> |
|------------|--|---|
| 63. | Article 34(3), first sub-paragraph (presentation of nutrition information in a case where certain mandatory nutrition information is repeated (on a voluntary basis) in accordance with Article 30(3)) | Articles 1(3), 6 and 30(3), the second sub-paragraph of Article 34(3) and the first sub-paragraph of Article 54(1) |
| 64. | Article 34(5), first sub-paragraph (requirement for indication of negligible energy value or amount of nutrients, where used, to be in close proximity to the nutrition declaration, when present) | Articles 1(3), 6 and 30(1) to (5) and the first sub-paragraph of Article 54(1) |
| 65. | Article 35(1) (requirements where additional forms of expression and presentation relating to energy value and the amount of nutrients are used) | Articles 1(3), 6, 7, 30(1) to (5), 32(2) and (4), 33 and 34(2), the first sub-paragraph of Article 54(1) and Annex VIII |
| 66. | Article 36(1) (requirements that voluntary information must comply with) | Articles 1(3) and 6, sections 2 and 3 of Chapter IV and the first sub-paragraph of Article 54(1) |
| 67. | Article 36(2) (additional requirements that voluntary information must comply with) | Articles 1(3), 6 and 7 and the first sub-paragraph of Article 54(1) |
| 68. | Article 37 (presentation of voluntary food information – space availability) | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1) |
| 69. | Article 44(1)(a) (provision of allergen information for non-prepacked food) | Articles 1(3), 6 and 9(1)(c), the first sub-paragraph of Article 54(1) and regulation 5 |
| 70. | Article 54(2) (requirement to comply with provisions relating to content, calculation, expression and presentation when nutrition information is provided on a voluntary basis during the period on and from 13 December 2014 to and including 12 December 2016) | Articles 1(3), 6 and 29 to 35 |

PART 3

FIC provision in relation to which an improvement notice may be served on and from 13 December 2016

| <i>Provision of FIC</i> | <i>Provisions to be read with the provision of FIC</i> |
|---|---|
| Article 9(1)(l) (mandatory nutrition declaration) | Articles 1(3), 6, 9(2), 11 and 16, section 3 of Chapter IV, Article 40, the second sub-paragraph of Article 54(1), the second sub-paragraph of Article 55, Annex V and regulation 3 |

SCHEDULE 6

Regulation 13

Revocations

PART 1

Revocations coming into force on 13 December 2014

| <i>No.</i> | <i>Statutory Instruments revoked</i> | <i>References</i> | <i>Extent of revocation</i> |
|------------|--------------------------------------|--------------------|--|
| 1. | The Food Labelling Regulations 1996 | S.I. 1996/1499(21) | The whole Regulations except for— <ul style="list-style-type: none"> (a) regulation 43; (b) in Schedule 8— <ul style="list-style-type: none"> (i) the entries in Part I of Schedule 8 relating to the descriptions “alcohol-free”, “dealcoholised”, “low alcohol” (or any other word or description which implies that the drink being described is low in alcohol) and “non-alcoholic”; (ii) Part II; and (iii) Part III; and (c) the remainder of the Regulations for the purposes of the provisions specified in sub-paragraphs (a) and (b), including— <ul style="list-style-type: none"> (i) in regulation 2(1), the definitions of “the Act”, “advertisement”, “cheese”, “clotted cream”, “cream”, “ingredient”, “labelling”, “milk”, “sell”, “semi-skimmed milk”, “skimmed milk” and “wine”; (ii) regulation 3(1) and (3); (iii) regulation 42; (iv) regulation 44(1)(b); (v) regulation 45; (vi) regulation 48; and (vii) regulation 50(1). |
| 2. | The Bread and Flour Regulations 1998 | S.I. 1998/141(22) | Regulations 5(3) and 11 |

(21) Relevant amending instruments are S.I. 1998/141, 1398, 1999/747, 1136, 1483, 1603, 2000/1925 (W. 134), 2001/1232 (W. 66), 1440 (W. 102), 2003/832 (W. 104), 1635 (W. 177), 3037 (W. 285), 3044 (W. 288), 3047 (W. 290), 3053 (W. 291), 2004/249 (W. 26), 553 (W. 56), 1396 (W. 141), 2558 (W. 229), 2731 (W. 238), 3022 (W. 261), 2005/1309 (W. 91), 2006/31 (W. 5), 2007/2611 (W. 222), 2008/1268 (W. 128), 2009/2705 (W. 224), 3377 (W. 299), 2010/363 (W. 45), 1492 (W. 135), 2288 (W. 200), 2922 (W. 243), 2011/465 (W. 70), 1043, 2936, 2012/1809, 2705 (W. 291), 2013/545 (W. 58), 2750 (W. 267), 2591 (W. 255), 3235. S.I. 1996/1499 is amended on 19 September 2014 by paragraphs 1 to 3 of Schedule 7 to these Regulations.

(22) There are amendments to S.I. 1998/141 not relevant to this revocation.

Status: This is the original version (as it was originally made).

| <i>No.</i> | <i>Statutory Instruments revoked</i> | <i>References</i> | <i>Extent of revocation</i> |
|------------|---|--|--|
| 3. | The Food Labelling (Amendment) Regulations 1998 | S.I. 1998/1398 (23) | The whole Regulations except for regulations 2 and 11 |
| 4. | The Food Labelling (Amendment) Regulations 1999 | S.I. 1999/747 (24) | The whole Regulations except for regulations 2 and 11 |
| 5. | The Miscellaneous Food Additives (Amendment) Regulations 1999 | S.I. 1999/1136 (25) | In regulation 14(1), the words “the Food Labelling Regulations 1996” and the whole of regulation 14(3) |
| 6. | The Food Labelling (Amendment) (No. 2) Regulations 1999 | S.I. 1999/1483 | The whole Regulations |
| 7. | The Contaminants in Food (Amendment) Regulations 1999 | S.I. 1999/1603 (26) | The whole Regulations |
| 8. | The Food Irradiation Provisions (Wales) Regulations 2001 | S.I. 2001/1232 (W. 66) (27) | The whole Regulations |
| 9. | The Coffee Extracts and Chicory Extracts (Wales) Regulations 2001 | S.I. 2001/1440 (W. 102) (28) | Regulations 6 and 11(1) and (2)(g) |
| 10. | The Colours in Food (Amendment) (Wales) Regulations 2001 | S.I. 2001/3909 (W. 321) | The whole Regulations |
| 11. | The Food Labelling (Amendment) (Wales) Regulations 2003 | S.I. 2003/832 (W. 104) | The whole Regulations |
| 12. | The Cocoa and Chocolate Products (Wales) Regulations 2003 | S.I. 2003/3037 (W. 285) (29) | Regulations 7(1) and 11(1) and (2)(f) |
| 13. | The Honey (Wales) Regulations 2003 | S.I. 2003/3044 (W. 288) (30) | Regulations 6 and 10(2)(g) and (4) |
| 14. | The Specified Sugar Products (Wales) Regulations 2003 | S.I. 2003/3047 (W. 290) (31) | Regulations 6 and 10(2) |

(23) There are amendments to [S.I. 1998/1398](#) not relevant to this revocation.

(24) There are amendments to [S.I. 1999/747](#) not relevant to this revocation.

(25) There are amendments to [S.I. 1999/1136](#) not relevant to these Regulations.

(26) There are amendments to [S.I. 1999/1603](#) not relevant to these Regulations.

(27) [S.I. 2001/1232](#) (W. [66](#)) was amended by [S.I. 2009/1795](#) (W. [162](#)).

(28) There are amendments to [S.I. 2001/1440](#) (W. [102](#)) not relevant to this revocation.

(29) There are amendments to [S.I. 2003/3037](#) (W. [285](#)) not relevant to these Regulations.

(30) There are amendments to [S.I. 2003/3044](#) (W. [288](#)) not relevant to these Regulations.

(31) There are amendments to [S.I. 2003/3047](#) (W. [290](#)) not relevant to these Regulations.

| <i>No.</i> | <i>Statutory Instruments</i> | <i>References</i> | <i>Extent of revocation</i> |
|------------|---|--------------------------------------|-------------------------------------|
| 15. | The Food (Provisions relating to Labelling) (Wales) Regulations 2004 | S.I. 2004/249 (W. 26)(32) | The whole Regulations |
| 16. | The Food Labelling (Amendment) (Wales) Regulations 2004 | S.I. 2004/2558 (W. 229) | The whole Regulations |
| 17. | The Food Labelling (Amendment) (No. 2) (Wales) Regulations 2004 | S.I. 2004/3022 (W. 261)(33) | The whole Regulations |
| 18. | The Food with Added Phytosterols or Phytostanols (Labelling) (Wales) Regulations 2005 | S.I. 2005/1224 (W. 82)(34) | The whole Regulations |
| 19. | The Food Labelling (Amendment) (Wales) Regulations 2005 | S.I. 2005/1309 (W. 91) | The whole Regulations |
| 20. | The Food Hygiene (Wales) Regulations 2006 | S.I. 2006/31 (W. 5)(35) | In Schedule 7, paragraphs 12 to 14. |
| 21. | The Nutrition and Health Claims (Wales) Regulations 2007 | S.I. 2007/2611 (W. 222)(36) | Regulation 8 |
| 22. | The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007 | S.I. 2007/3165 (W. 276)(37) | Regulation 22(2) and (3) |
| 23. | The Food Labelling (Declaration of Allergens) (Wales) Regulations 2008 | S.I. 2008/1268 (W. 128)(38) | The whole Regulations |
| 24. | The Food Labelling (Nutrition Information) (Wales) Regulations 2009 | S.I. 2009/2705 (W. 224)(39) | The whole Regulations |

(32) S.I. 2004/249 (W. 26) was amended by S.I. 2004/3220 (W. 276).

(33) S.I. 2004/3022 (W. 261) was amended by S.I. 2008/1268 (W. 128).

(34) S.I. 2005/1224 (W. 82) was amended by S.I. 2005/3254 (W. 247), 2014/440 (W. 49).

(35) There are amendments to S.I. 2006/31 (W. 5) not relevant to these Regulations.

(36) There are amendments to S.I. 2007/2611 (W. 222) not relevant to this revocation.

(37) There are amendments to S.I. 2007/3165 (W. 276) not relevant to these Regulations.

(38) S.I. 2008/1268 (W. 128) was amended by S.I. 2009/2880 (W. 253).

(39) S.I. 2009/2705 (W. 224) was amended by S.I. 2010/1069 (W. 100).

Status: This is the original version (as it was originally made).

| <i>No.</i> | <i>Statutory Instruments revoked</i> | <i>References</i> | <i>Extent of revocation</i> |
|------------|---|-----------------------------|-----------------------------|
| 25. | The Food Enzymes Regulations 2009 (Wales) | S.I. 2009/3377 (W. 299)(40) | Regulation 7 |
| 26. | The Drinking Milk Regulations 2010 (Wales) | S.I. 2010/1492 (W. 135)(41) | Regulation 9 |
| 27. | The Flavourings in Food Regulations 2010 (Wales) | S.I. 2010/2922 (W. 243)(42) | Regulation 7 |
| 28. | The Food Labelling (Declaration of Allergens) Regulations 2011 (Wales) | S.I. 2011/465 (W. 70) | The whole Regulations |
| 29. | The Food (Miscellaneous Amendment and Revocation) Regulations 2013 (Wales) | S.I. 2013/545 (W. 58) | The whole Regulations |
| 30. | The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations 2013 (Wales) | S.I. 2013/2591 (W. 255) | Regulation 20 |
| 31. | The Fruit Juices and Fruit Nectars Regulations 2013 (Wales) | 2013/2750 (W. 267) | Paragraph 1 of Schedule 15 |

PART 2

Revocations coming into force on 13 December 2018

| <i>No.</i> | <i>Statutory Instruments revoked</i> | <i>References</i> | <i>Extent of revocation</i> |
|------------|--------------------------------------|--------------------|-----------------------------|
| 1. | The Food Labelling Regulations 1996 | S.I. 1996/1499(43) | The whole Regulations |

(40) S.I. 2009/3377 (W. 299) was amended by S.I. 2013/2591 (W. 255).

(41) There are amendments to S.I. 2010/1492 (W. 135) not relevant to these Regulations.

(42) There are amendments to S.I. 2010/2922 (W. 243) not relevant to these Regulations.

(43) Relevant amending instruments are S.I. 1998/141, 1398, 1999/747, 1136, 1483, 1603, 2000/1925 (W. 134), 2001/1232 (W. 66), 1440 (W. 102), 2003/832 (W. 104), 1635 (W. 177), 3037 (W. 285), 3044 (W. 288), 3047 (W. 290), 3053 (W. 291), 2004/249 (W. 26), 553 (W. 56), 1396 (W. 141), 2558 (W. 229), 2731 (W. 238), 3022 (W. 261), 2005/1309 (W. 91), 2006/31 (W. 5), 2007/2611 (W. 222), 2008/1268 (W. 128), 2009/2705 (W. 224), 3377 (W. 299), 2010/363 (W. 45), 1492 (W. 135), 2288 (W. 200), 2922 (W. 243), 2011/465 (W. 70), 1043, 2936, 2012/1809, 2705 (W. 291), 2013/545 (W. 58), 2750 (W. 267), 2591 (W. 255), 3235. S.I. 1996/1499 is amended on 19 September 2014 by paragraphs 1 to 3 of Schedule 7 to these Regulations and on 13 December 2014 by paragraphs 10 to 13 of that Schedule. S.I. 1996/1499 is revoked on 13 December 2018 by entry 1 of the table in Part 2 of Schedule 6 to these Regulations to the extent that it is not already revoked on 13 December 2014 by entry 1 of the table in Part 1 of that Schedule.

| <i>No.</i> | <i>Statutory Instruments</i> | <i>References</i> | <i>Extent of revocation</i> |
|------------|---|--------------------|-----------------------------|
| | <i>revoked</i> | | |
| 2. | The Food Labelling (Amendment) Regulations 1998 | S.I. 1998/1398(44) | The whole Regulations |
| 3. | The Food Labelling (Amendment) Regulations 1999 | S.I. 1999/747(45) | The whole Regulations |

SCHEDULE 7

Regulation 14

Consequential and other minor amendments to statutory instruments

PART 1

Consequential and other minor amendments coming into force on 19 September 2014

The Food Labelling Regulations 1996

1. The Food Labelling Regulations 1996(46) are amended as follows.

2. In regulation 4(2) (scope of Part II), in each of sub-paragraphs (h), (i) and (j), for “[Commission Regulation \(EC\) No 607/2009](#)” to the end substitute “[Commission Regulation \(EC\) No 607/2009](#) laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products(47);”.

3. For regulation 41(4) (supplementary provisions relating to nutrition labelling) substitute—

“(4) Where nutrition labelling not being prescribed nutrition labelling is given, it must be given in the manner specified in paragraph (4A) or (4B).

(4A) The nutrition labelling must be given in all respects as if it were prescribed nutrition labelling except that in applying the requirements for prescribed nutrition labelling described in Schedule 7, Part II of that Schedule is to be read as if—

- (a) in paragraph 1, the words “or that is labelled as provided for in regulation 41(4B)” were inserted after the words “paragraph 2 below applies”,
- (b) in paragraph 1(a)(ii), the words from “provided that” to the end of that paragraph were omitted, and
- (c) paragraph 1(d) were omitted.

(44) S.I. 1998/1398 is revoked on 13 December 2018 by entry 2 of the table in Part 2 of Schedule 6 to these Regulations to the extent that it is not already revoked on 13 December 2014 by entry 3 of the table in Part 1 of that Schedule; there are other instruments amending S.I. 1998/1398 but none is relevant.

(45) S.I. 1999/747 is revoked on 13 December 2018 by entry 3 of the table in Part 2 of Schedule 6 to these Regulations to the extent that it is not already revoked on 13 December 2014 by entry 4 of the table in Part 1 of that Schedule; there are other instruments amending S.I. 1999/747 but none is relevant.

(46) S.I. 1996/1499, amended by S.I. 2011/2936; there are other amending instruments but none is relevant to the amendments made by paragraphs 1 to 3.

(47) OJ No L 193, 24.7.2009, p 60, last amended by Commission Implementing Regulation (EU) No 753/2013 (OJ No L 210, 6.8.2013, p 21).

Status: This is the original version (as it was originally made).

(4B) The nutrition labelling must be given in accordance with Articles 29 to 35 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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.”

The Food (Lot Marking) Regulations 1996

4. The Food (Lot Marking) Regulations 1996(48) are amended as follows.

5. In regulation 2 (interpretation), in the definition of “first seller established within the European Union”, for “Council Directive 89/396/EEC(49)” substitute “Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs(50)”.

The Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007

6. The Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007(51) are amended as follows.

7. In regulation 4(2)(e) (offences and penalties), after “have been added”, insert “, as read with the first sub-paragraph of Article 54(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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(52)”.

The Nutrition and Health Claims (Wales) Regulations 2007

8. The Nutrition and Health Claims (Wales) Regulations 2007(53) are amended as follows.

9. In regulation 5(2)(d) (offences and penalties), after “(requirements for nutrition information)”, insert “, as read with the first sub-paragraph of Article 54(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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”.

(48) S.I. 1996/1502, amended by S.I. 2011/1043.

(49) OJ No L 186, 30.6.1989, p 21, repealed by Directive 2011/91/EU of the European Parliament and of the Council (OJ No L 334, 16.12.2011, p 1).

(50) OJ No L 334, 16.12.2011, p 1.

(51) S.I. 2007/1984 (W. 165), to which there are amendments not relevant to the amendments made by paragraphs 6 and 7.

(52) OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7).

(53) S.I. 2007/2611 (W. 222), to which there are amendments not relevant to the amendment made by paragraphs 8 and 9.

PART 2

Consequential and other minor amendments coming into force on 13 December 2014

The Food Labelling Regulations 1996

10. The Food Labelling Regulations 1996(54) are amended as follows.
11. In regulation 2(1) (interpretation), for the definition of “ingredient” substitute—

““ingredient” has the meaning given in Article 2(2)(e) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as amended from time to time;”.
12. In regulation 3 (exemptions), for paragraph (1) substitute—

“(1) This regulation does not apply to a food that is brought into Wales from another part of the United Kingdom, an EEA State (other than the United Kingdom), a member State (other than the United Kingdom) or from the Republic of Turkey in which it was lawfully produced or marketed.”
13. In Schedule 8 (misleading descriptions), Part I—
 - (a) in the second column of entry relating to the description “alcohol-free”, for subparagraph (b) substitute—

“(b) the drink is marked or labelled with—

 - (i) an indication of its maximum alcoholic strength in a form comprising the words “not more than” followed by a figure to not more than one decimal place indicating its maximum alcoholic strength and the symbol “% vol.” (required form 1), “alcohol % vol.” (required form 2), or “alc. % vol.” (required form 3), or
 - (ii) in an appropriate case, an indication that it contains no alcohol.”
 - (b) in the second column of entry relating to the description “dealcoholized”, for subparagraph (b) substitute—

“(b) the drink is marked or labelled with—

 - (i) an indication of its maximum alcoholic strength in required form 1, 2 or 3, or
 - (ii) in an appropriate case, an indication that it contains no alcohol;” and
 - (c) in the second column of entry relating to the description “low alcohol” (or any other word or description which implies that the drink being described is low in alcohol), for subparagraph (b) substitute—

“(b) an indication of its maximum alcoholic strength in required form 1, 2 or 3.”

The Food (Lot Marking) Regulations 1996

14. The Food (Lot Marking) Regulations 1996(55) are amended as follows.
15. For regulation 2 (interpretation) substitute—

“2. In these Regulations—

“the Act” means the Food Safety Act 1990;

(54) S.I. 1996/1499, relevant amending instruments are S.I. 1998/1398, 1999/747, 2011/1043. S.I. 1996/1499 is partially revoked on 13 December 2014 by entry 1 of the table in Part 1 of Schedule 6 to these Regulations.

(55) S.I. 1996/1502, amended by S.I. 2011/1043. S.I. 1996/1502 is amended on 19 September 2014 by paragraphs 4 and 5 of Schedule 7 to these Regulations.

Status: This is the original version (as it was originally made).

“date of minimum durability” is to be construed taking into account the definition of “date of minimum durability of food” in Article 2(2)(r) of Regulation (EU) No 1169/2011;

“first seller established within the Community” has the same meaning as in Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs;

“food” means food, within the meaning of the Act, intended for sale for human consumption;

“ice cream” has the same meaning as in Directive 2011/91/EU of the European Parliament and of the Council;

“lot” means a batch of sales units of food produced, manufactured or packaged under similar conditions;

“lot marking indication” means an indication which allows identification of the lot to which a sales unit of food belongs;

“prepacked food” has the meaning given in Article 2(2)(e) of Regulation (EU) No 1169/2011;

“prepacked for immediate sale” has the same meaning as “prepacked for direct sale” in Regulation (EU) No 1169/2011;

“Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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;

“sell” includes offer or expose for sale and have in possession for sale, and “sale” and “sold” are to be construed accordingly;

“ultimate consumer” has the same meaning as “final consumer” in point 18 of Article 3 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 matters of food safety⁽⁵⁶⁾;

“use by” date” has the same meaning as in Regulation (EU) No 1169/2011.”

16. In regulation 4 (exceptions for particular types of sale and sales units)—

(a) in sub-paragraph (e), for “edible ice” substitute “ice cream”; and

(b) in sub-paragraph (g)—

(i) for “an indication of minimum durability” substitute “the date of minimum durability”; and

(ii) for “the Food Labelling Regulations require” substitute “Regulation (EU) No 1169/2011 requires”.

The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997

17. The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997⁽⁵⁷⁾ are amended as follows.

⁽⁵⁶⁾ OJ No L 31, 1.2.2002, p 1, last amended by Commission Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p 14).

⁽⁵⁷⁾ S.I. 1997/2182, to which there are amendments not relevant to these Regulations.

18. In regulation 3(b) (labelling requirements), for “Tables A and B of Part II of Schedule 6 to the Food Labelling Regulations 1996” substitute “point 1 of Part A of Annex XIII to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

The Bread and Flour Regulations 1998

19. The Bread and Flour Regulations 1998(58) are amended as follows.

20. In regulation 2(1) (interpretation)—

- (a) in the definition of “ingredient”, for “the Food Labelling Regulations 1996” substitute “Article 2(2)(f) of Regulation (EU) No 1169/2011”;
- (b) in the definition of “labelling”, for “the Food Labelling Regulations 1996” substitute “Article 2(2)(j) of Regulation (EU) No 1169/2011”;
- (c) omit the definitions of “the labelling regulations” and “member State”; and
- (d) after the definition of “labelling”, insert—

“Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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;”.

The Coffee Extracts and Chicory Extracts (Wales) Regulations 2001

21. The Coffee Extracts and Chicory Extracts (Wales) Regulations 2001(59) are amended as follows.

22. In regulation 2(1) (interpretation)—

- (a) omit the definition of “the 1996 Regulations” (“*Rheoliadau 1996*”); and
- (b) after the definition of “designated product” (“*cynnyrch dynodedig*”), insert—

““Regulation (EU) No 1169/2011” (“*Rheoliad (EU) Rhif 1169/2011*”) means Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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;”.

23. In regulation 5(1) (labelling and description of designated products)—

- (a) in the introductory wording, for “the 1996 Regulations” substitute “Regulation (EU) No 1169/2011”;
- (b) in sub-paragraph (a), for “regulation 6(1) of the 1996 Regulations” substitute “Article 17 of Regulation (EU) No 1169/2011”; and

(58) S.I. 1998/141, amended by S.I. 2011/1043; there are other amending instruments but none is relevant.

(59) S.I. 2001/1440 (W. 102), amended by S.I. 2003/3047 (W. 290); there are other amending instruments but none is relevant.

- (c) in sub-paragraph (c), for “the 1996 Regulations” substitute “Article 17 of Regulation (EU) No 1169/2011”.

The Food Supplements (Wales) Regulations 2003

- 24.** The Food Supplements (Wales) Regulations 2003(**60**) are amended as follows.
- 25.** In regulation 2(1) (interpretation)—
- (a) omit the definition of “Directive 90/496(**61**)” (“*Cyfarwyddeb 90/496*”); and
- (b) after the definition of “preparation” (“*paratoi*”), insert—
- ““Regulation (EU) No 1169/2011” (“*Rheoliad (EU) Rhif 1169/2011*”) means Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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;”.
- 26.** In regulation 6 (restrictions on sale relating to labelling etc. of food supplements)—
- (a) in paragraph (2), for “the Food Labelling Regulations 1996” substitute “Regulation (EU) No 1169/2011”; and
- (b) in paragraph (3)(e)—
- (i) for “the Annex to Directive 90/496” substitute “point 1 of Part A of Annex XIII to Regulation (EU) No 1169/2011”; and
- (ii) for “relevant recommended daily allowance specified in that Annex” substitute “relevant reference value specified in that point”.
- 27.** In regulation 7(1) (manner of marking or labelling), for “regulation 5(a), (c) and (e) of the Food Labelling Regulations 1996” substitute “points (a), (f), (g) and (h) of Article 9(1) Regulation (EU) No 1169/2011”.

The Cocoa and Chocolate Products (Wales) Regulations 2003

- 28.** The Cocoa and Chocolate Products (Wales) Regulations 2003(**62**) are amended as follows.
- 29.** In regulation 2(1) (interpretation)—
- (a) omit the definition of “the 1996 Regulations” (“*Rheoliadau 1996*”); and
- (b) after the definition of “preparation” (“*paratoi*”), insert—
- ““Regulation (EU) No 1169/2011” (“*Rheoliad (EU) Rhif 1169/2011*”) means Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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

(60) S.I. 2003/1719 (W. 186), amended by S.I. 2009/3252 (W. 282); there are other amending instruments but none is relevant.

(61) OJ No L 276, 06.10.1990, p 40, repealed by Regulation (EU) No 1169/2011 of the European Parliament and of the Council (OJ No L 304, 22.11.2011, p 18).

(62) S.I. 2003/3037 (W. 285), to which there are amendments not relevant to these Regulations.

European Parliament and of the Council, Commission Directives [2002/67/EC](#) and [2008/5/EC](#) and [Commission Regulation \(EC\) No 608/2004\(63\)](#).”.

- 30.** In regulation 5 (reserved descriptions), for paragraphs (b) and (c) substitute—
- “(b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food;
 - (c) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a designated product; or
 - (d) the use of such description, derivative or word to designate the food is in accordance with the customs applicable in the United Kingdom and the food cannot be confused with a product listed in column 1 of Schedule 1.”
- 31.** In regulation 6 (labelling and description of designated products)—
- (a) in paragraph (1), for “Part II of the 1996 Regulations” substitute “Regulation (EU) No 1169/2011”; and
 - (b) in paragraph (2)(b), for “the 1996 Regulations” substitute “Article 9(1)(b) of Regulation (EU) No 1169/2011”.

The Honey (Wales) Regulations 2003

- 32.** The Honey (Wales) Regulations 2003(64) are amended as follows.
- 33.** In regulation 2(1) (interpretation)—
- (a) in the definition of “ingredient” (“*cynhwysyn*”), for “the 1996 Regulations” substitute “Article 2(2)(f) of Regulation (EU) No 1169/2011”;
 - (b) in the definition of “labelling” (“*labelu*”), for “the 1996 Regulations” substitute “Article 2(2)(j) of Regulation (EU) No 1169/2011”;
 - (c) omit the definition of “the 1996 Regulations” (“*Rheoliadau 1996*”); and
 - (d) after the definition of “preparation” (“*paratoi*”), insert—
““Regulation (EU) No 1169/2011” (“*Rheoliad (EU) Rhif 1169/2011*”) means Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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](#).”.
- 34.** In regulation 4(1) (labelling and description of specified honey products), for “Part II of the 1996 Regulations” substitute “Regulation (EU) No 1169/2011”.

The Specified Sugar Products (Wales) Regulations 2003

- 35.** The Specified Sugar Products (Wales) Regulations 2003(65) are amended as follows.
- 36.** In regulation 2 (interpretation), omit the definition of “the 1996 Regulations” (“*Rheoliadau 1996*”).

(63) OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7).

(64) S.I. 2003/3044 (W. 288), to which there are amendments not relevant to these Regulations.

(65) S.I. 2003/3047 (W. 290), to which there are amendments not relevant to these Regulations.

37. In regulation 5 (labelling and description of specified sugar products), for “Part II of the 1996 Regulations” substitute “Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004

38. The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004(66) are amended as follows.

39. In regulation 8(1) (labelling), for “Part II of the Food Labelling Regulations 1996” substitute “Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

The Food Hygiene (Wales) Regulations 2006

40. The Food Hygiene (Wales) Regulations 2006(67) are amended as follows.

41. In Schedule 4 (temperature control requirements), in paragraph 8 (interpretation), for subparagraphs (a) and (b) in the definition of “shelf life” (“*oes silff*”) substitute—

- “(a) in relation to food for which a date of minimum durability is required in accordance with Article 9(1)(f) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as read with Article 24(1) and (2) of that Regulation, the period up to and including the required date of minimum durability;
- (b) in relation to food for which a “use by” date is required in accordance with Article 9(1)(f) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council, as read with Article 24(1) and (2) of that Regulation, the period up to and including the required “use by” date; and”.

The Quick-frozen Foodstuffs (Wales) Regulations 2007

42. The Quick-frozen Foodstuffs (Wales) Regulations 2007(68) are amended as follows.

43. In regulation 2(1) (interpretation)—

- (a) omit the definition of “catering establishment” (“*sefydliad arlwyo*”);
- (b) in the definition of “local distribution” (“*dosbarthiad lleol*” and “*dosbarthu’n lleol*”), for “catering establishment” substitute “mass caterer”;
- (c) after the definition of “local distribution” (“*dosbarthiad lleol*” and “*dosbarthu’n lleol*”), insert—
 - ““mass caterer” (“*arlwywr mawr*”) has the meaning given by Article 2(2)(d) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers;”;
- (d) in the definition of “prepackaging” (“*rhagbecyn*”), for “the Food Labelling Regulations 1996” substitute “Article 2(2)(e) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”; and
- (e) for the definition of “ultimate consumer” (“*defnyddiwr olaf*”) substitute—

(66) S.I. 2004/314 (W. 32), to which there are amendments not relevant to these Regulations.

(67) S.I. 2006/31 (W. 5), to which there are amendments not relevant to these Regulations.

(68) S.I. 2007/389 (W. 40), to which there are amendments not relevant to these Regulations.

““ultimate consumer” (“*defnyddiwr olaf*”) has the same meaning as “final consumer” in point 18 of Article 3 of Regulation 178/2002.”

44. In paragraphs (1) and (3) of regulation 5 (marketing or labelling of quick-frozen foodstuffs), for “catering establishment” substitute “mass caterer”.

The Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007

45. The Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007(69) are amended as follows.

46. In regulation 4(2) (offences and penalties), for sub-paragraph (e) substitute—

“(e) Article 7(1), (2) and (3)(70) (restrictions and conditions applying to labelling, presentation and advertising of foods to which vitamins or minerals have been added).”

The Nutrition and Health Claims (Wales) Regulations 2007

47. The Nutrition and Health Claims (Wales) Regulations 2007(71) are amended as follows.

48. In regulation 5(2) (offences and penalties), for sub-paragraph (d) substitute—

“(d) Article 7(72) (requirements for nutrition information);”.

The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007

49. The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007(73) are amended as follows.

50. In regulation 2(1) (interpretation), for the definition of “advertisement” (“*hysbyseb*”) and “advertise” (“*hysbysebu*”) substitute—

““advertisement” (“*hysbyseb*”) means a representation in any form in connection with a trade or business in order to promote the supply of goods and “advertise” (“*hysbysebu*”) is to be construed accordingly;”.

The Eggs and Chicks (Wales) Regulations 2010

51. The Eggs and Chicks (Wales) Regulations 2010(74) are amended as follows.

52. In regulation 3(1) (interpretation)—

(a) omit the definition of “Directive 2000/13/EC” (“*Cyfarwyddeb 2000/13/EC*”);

(b) for the definition of “Regulation (EC) No 2160/2003” (“*Rheoliad (EC) Rhif 2160/2003*”), substitute—

(69) *S.I. 2007/1984 (W. 165)* is amended on 19 September 2014 by paragraphs 6 and 7 of Schedule 7 to these Regulations; there are other amending instruments but none is relevant.

(70) Article 7(3) of Regulation (EC) No 1925/2006 of the European Parliament and of the Council (OJ No L 404, 30.12.2006, p 26) was amended by Article 50 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council; by virtue of the second sub-paragraph of Article 55 of Regulation (EU) No 1169/2011 that amendment applies from 13 December 2014.

(71) *S.I. 2007/2611 (W. 222)* is amended on 19 September 2014 by paragraphs 8 and 9 of Schedule 7 to these Regulations; there are other amending instruments but none is relevant.

(72) Article 7 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council (OJ No L 404, 30.12.2006, p 9) was amended by Article 49 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council; by virtue of the second sub-paragraph of Article 55 of Regulation (EU) No 1169/2011 that amendment applies from 13 December 2014.

(73) *S.I. 2007/3165 (W. 276)*, to which there are amendments not relevant to these Regulations.

(74) *S.I. 2010/1671 (W. 158)*, to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made).

“Regulation (EC) No 2160/2003” (“*Rheoliad (EC) Rhif 2160/2003*”) means Regulation (EC) No 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents⁽⁷⁵⁾;

“Regulation (EU) No 1169/2011” (“*Rheoliad (EU) Rhif 1169/2011*”) means Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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⁽⁷⁶⁾;

53. In Part 2 of Schedule 2 (provisions of Commission Regulation (EC) No 589/2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs⁽⁷⁶⁾ contravention of which is an offence)—

- (a) in the second column of the entry in the table relating to Article 4(2) of Commission Regulation (EC) No 589/2008, for “Directive 2000/13/EC” substitute “Regulation (EU) No 1169/2011”;
- (b) in the second column of the entry in the table relating to Article 6(3) of Commission Regulation (EC) No 589/2008, for “Article 9(2) of Directive 2000/13/EC” substitute “point 1(a) of Annex X to Regulation (EU) No 1169/2011”; and
- (c) in the second column of the entry in the table relating to Article 13 of Commission Regulation (EC) No 589/2008, for “Article 3(1)(5) of Directive 2000/13/EC” substitute “Article 9(1)(f) of Regulation (EU) No 1169/2011”.

The Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013

54. The Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013⁽⁷⁷⁾ are amended as follows.

55. In regulation 2(1) (interpretation), for the definition of “meat” (“*cig*”) substitute—

““meat” (“*cig*”) means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat (which has the meaning given in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin)⁽⁷⁸⁾”;

⁽⁷⁵⁾ OJ No L 325, 12.12.2003, p 1, last amended by Council Regulation (EU) No 517/2013 (OJ No L 158, 10.06.2013, p 1).

⁽⁷⁶⁾ OJ No L 163, 24.6.2008, p 6, last amended by Commission Regulation (EU) No 519/2013 (OJ No L 158, 10.6.2013, p 74).

⁽⁷⁷⁾ S.I. 2013/1984 (W. 194), to which there are amendments not relevant to these Regulations.

⁽⁷⁸⁾ OJ No L 139, 30.4.2004, p 55, last amended by Commission Regulation (EU) No 633/2014 (OJ No L 175, 14.6.2014, p 6).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to enforce, in Wales, certain provisions of Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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) (“FIC”).

They also implement, in Wales, certain provisions of Article 6 of Directive 1999/2/EC of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (OJ No L 66, 13.3.1999, p 16) and the second paragraph of sub-paragraph 1 of Article 3 of Directive 2000/36/EC of the European Parliament and of the Council relating to cocoa and chocolate products intended for human consumption (OJ No L 197, 3.8.2000, p 19).

Regulation 3 contains a derogation relating to milk or milk products presented in a glass bottle intended for reuse. Regulation 4 and Schedule 2 provide a derogation relating to the use of a minced meat designation for minced meat that does not comply with the requirements laid down in point 1 of Part B of Annex VI to FIC.

Regulation 5 enables particulars relating to an allergenic substance or product in a non-prepacked food to be made available (subject to the provisions of the regulation) using any means that a food business operator chooses. The required particulars must be made available under FIC but can be made available using the means provided for in FIC or in accordance with the provisions of regulation 5.

Regulation 6 requires the name of the food to be provided in the case of certain non-prepacked foods and foods prepacked for direct sale. Regulation 7 requires a quantitative indication of the meat content to be given in the case of certain products. Those particulars must be given in one of the ways specified in regulations 6(4) (in the case of the name of the food) and 7(5) (in the case of the meat content indication). The provisions of regulations 6(4) and 7(5) do not apply to an offer for sale made by means of distance communication. Article 14(2) of FIC (as read with other relevant provisions of FIC) applies in the case of such an offer.

Regulation 8 requires certain information to be provided when irradiated food products or food products containing an irradiated ingredient are sold in bulk and when irradiated ingredients are used in certain prepacked food products.

Regulation 9 imposes an obligation on food authorities and port health authorities to enforce the Regulations. Regulation 10 makes it an offence to fail to comply with specified provisions of FIC and the allergen-related requirement in regulation 5(5). Regulation 11 provides for the punishment of that offence.

Regulation 12 and Schedule 4 apply certain provisions of the Food Safety Act 1990 (1990 c. 16), with modifications. This includes the application (with modifications) of section 10(1), enabling an improvement notice to be served requiring compliance with specified provisions of FIC (except to the extent that some of the provisions apply to the mandatory particular relating to net quantity or quantity in general) or with specified provisions of regulations 5 to 8. The provisions, as applied, make the failure to comply with an improvement notice an offence.

Status: This is the original version (as it was originally made).

Regulation 13 and entry 1 of the table in Part 1 of Schedule 6 revoke most of the Food Labelling Regulations 1996 (S.I. 1996/1499) on 13 December 2014 so far as those Regulations apply to Wales. Regulation 13 and entry 1 of the table in Part 2 of Schedule 6 revoke the remainder of the provisions in the Food Labelling Regulations 1996 (relating to alcohol-related terms, cream and cheese) on 13 December 2018 so far as those Regulations apply to Wales. Regulation 13 and Schedule 6 also revoke other relevant statutory instruments.

Regulation 14 and Schedule 7 amend the Food Labelling Regulations 1996, so far as those Regulations apply to Wales, during the period before those Regulations are revoked (as described above). They make amendments to other statutory instruments to take account of the repeal and replacement of the relevant EU legislation and the revocation of the Food Labelling Regulations 1996.

Regulation 14 and Part 1 of Schedule 7 also amend the Food (Lot Marking) Regulations 1996 (S.I. 1996/1502), in their application to Wales, to take account of the repeal and replacement of Council Directive 89/396/EEC (OJ No L 186, 30.6.1989, p 21) by Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs (OJ No L 334, 16.12.2011, p 1). Part 2 of Schedule 7 contains the provision implementing the second paragraph of sub-paragraph 1 of Article 3 of Directive 2000/36/EC of the European Parliament and of the Council (mentioned above).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Standards Agency at Food Standards Agency Wales, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW or from the Agency's website at www.food.gov.uk/wales.