



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Food (Amendment) (EU Exit) Regulations 2020**

DATE **09 October 2020**

BY **Rebecca Evans MS, Minister for Finance and Trefnydd**

The 2020 Regulations amend the following legislation which applies in relation to Wales.

The retained direct EU law which is being amended

- Regulation (EU) No 1169/2011 of the European Parliament and of the Council of the European Parliament and of the Council on the provision of food information to consumers
- Commission Implementing Regulation (EU) No 2018/775 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food

Domestic legislation which is being amended

- The Food (Lot Marking) Regulations 1996 (S.I. 1996/1502)
- The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/259)
- The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778)

The 2020 Regulations also amend certain domestic law that applies in relation to England only.

Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence

The 2020 Regulations make minor technical amendments to domestic regulations and retained direct EU legislation to ensure the operability of this legislation at the end of the transition period. There is no impact on the Welsh Ministers' executive competence or the Senedd's legislative competence.

The purpose of the amendments

The European Union (Withdrawal) Act 2018 ("the Withdrawal Act") converts and preserves EU law into domestic law ("retained EU law") at the end of the transition period following the UK's withdrawal from the EU.

The 2020 Regulations makes further limited amendments to domestic legislation that has been the subject of earlier EU Exit SIs, generally by making amendments to take account of the Northern Ireland Protocol.

The 2020 also amends retained direct EU law in relation to country of origin of a primary ingredient (Regulation (EU) 2018/775) to make it operable in the context of the UK being a third country and to take into account functioning of Northern Ireland Protocol.

The SI will amend the Food (Lot Marking) Regulations 1996 to include an exception to the lot marking requirement for "qualifying Northern Ireland goods" by reference to regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://www.legislation.gov.uk/ukdsi/2020/9780348213065>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency and expediency and to ensure consistency and coherence of the statute book. The amendments have been considered fully and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU.