

UK MINISTERS ACTING IN DEVOLVED AREAS

208 - The Food and Drink (Amendment) (EU Exit) Regulations 2020

Laid in the UK Parliament: 26 November 2020

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Draft affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known
Date sifting period ends in UK Parliament	10 December 2020
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Not known
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Background

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of the European Union (Withdrawal) Act 2018.

Summary

These Regulations make minor, technical amendments to retained direct EU legislation relating to food information and wine. The amendments will ensure that appropriate rules covering movement and control of wine products from a regime and excise perspective are maintained following EU Exit.

Statement by Welsh Government

Legal Advisers make the following comments in relation to the Welsh Government's statement dated 2 December 2020 regarding the effect of these Regulations:

In relation to the changes to Commission Delegated Regulation (EU) 2018/273 made by these Regulations, the Welsh Government's statement notes that those changes:

“ensure the provisions concerning trade of wine, monitoring production and maintaining records will operate correctly after implementation date [sic] and will be re-allocated appropriately taking into account the transition from being a singular member state to being a separate singular country”.

The amendments made by the Regulations appear to concern exemptions to wine import certification arrangements in relation to small consignments of wine sent from one private individual to another, and wine and grape juice for trade fairs. It is not immediately clear how these amendments relate to the monitoring of production or maintaining records, nor the meaning of “re-allocated” in the context of these Regulations.

Intergovernmental Agreement on the European Union (Withdrawal) Bill

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.