

UK MINISTERS ACTING IN DEVOLVED AREAS

216 - The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021

Laid in the UK Parliament: 11 January 2021

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	26 January 2021
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	26 January 2021
Date sifting period ends in UK Parliament	27 January 2021
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Negative or Affirmative
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 under section 8 of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

Summary

These Regulations amend retained direct EU legislation relating to food information to consumers, to address deficiencies in retained EU law arising from the UK's departure from the EU. The Welsh Ministers' statement says "There are no changes to policy, however, there are substitutions which arise as a result of the UK no longer being in the EU and which will have 'real world' effects on the information and the way in which it is presented to consumers".

For example:

- Food placed on the GB market will need to bear the UK address of the food business responsible for the food information on the label. Currently, this address may be in any of the 27 EU Member States or

the UK. This change is needed to ensure there is a direct and simple way for consumers and enforcement officers (Trading Standards) to contact those responsible for the information provided on food labels.

- For minced meat (excluding beef), indicators of origin such as “EU” and “Non-EU” will change to “UK” and “Non-UK”. But this does not preclude the use of country specific origin labelling instead.

The Regulations also provide that failure to comply with Geographical Indications labelling requirements will not be enforced during a 3-year transition period if the relevant food product was placed on the market during that 3-year period and would have complied with the Geographical Indication rules immediately before 31 December 2020. (However, for wine products, the 3-year transition period does not apply and instead they can continue to be marketed until stocks are exhausted. This approach recognises the longer shelf-life that is typical for wine products.)

This 3-year transition period aligns with the 3-year period until use of the new UK Geographical Indicators logo becomes mandatory.

Statement by Welsh Government

Legal Advisers agree with the statement laid by the Welsh Government dated 29 January 2021 regarding the effect 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.