

## **Government Response: *The Official Feed and Food Controls (Miscellaneous Amendments) (Wales) Regulations 2020***

### **Technical Scrutiny point 1: Response**

The Welsh Government agrees with the point raised:-

- The Welsh language text of regulation 2(2)(a)(ii) of the 2020 regulations should read “*hepgorer y diffiniad sy’n dechrau ag “**mae i “Cyfarwyddeb 2004/41”**”*” (bold emphasis added). The English language text is correct.
- The Welsh language text of regulation 3(2)(a)(i) should read “*hepgorer y diffiniad sy’n dechrau ag “**mae i “Cyfarwyddeb 2004/41”**”*” (bold emphasis added). The English language text is correct.

The Welsh Government considers that the errors identified have limited legal implications, and that, notwithstanding the errors, the legislative intention of the provisions is clear. However, for clarity, the Welsh Government has arranged for the errors to be corrected by way of a correction slip.

### **Technical Scrutiny point 2: Response**

The Welsh Government agrees that there is a disparity between the Welsh and the English language texts concerning column 2 of the entry for Article 6(4) of Regulation 2019/2123 in the table in the new Schedule 6 to the Official Feed and Food Controls (Wales) Regulations 2009 as inserted by Schedule 5 of the 2020 Regulations.

In the new Schedule 6 of the 2009 Regulations (as inserted by the 2020 Regulations), column 1 of the table contains a list of provisions of the now retained EU law provisions that are “specified import provisions” for the purposes of the 2009 Regulations. Column 2 of that table contains descriptions of the provisions listed in column 1 – those descriptions are taken from the text of the relevant retained EU provisions. In the new Schedule 6 of the 2009 Regulations, the English language text of column 2 of the entry in the table for Article 6(4) of retained Regulation 2019/2123 correctly refers to “the operator”, as that is the text of Article 6(4) itself. The Welsh Government considers that, in this instance, a reference to the “operator” has the same meaning as the “operator responsible for the consignments”, as there is no other operator to which the provision could apply. The Welsh Government considers that the disparity between the Welsh and the English language texts as identified in the point raised does not lead to a lack of legal equivalence between the two texts.

For accuracy, the Welsh Government will seek to address the disparity in the Welsh and English language texts if/when another appropriate legislative vehicle is taken forward.