

SL(6)257 – The Food Information (Amendment of Transitional Provisions) (Wales) Regulations 2022

Background and Purpose

The Food Information (Amendment of Transitional Provisions) (Wales) Regulations 2022 (“the Regulations”) extend the transitional period for specific food labelling changes resulting from EU Exit. The effect is that certain EU labelling terms and EU addresses will be permitted on the market in Wales for an additional 15 months.

The Regulations amend Welsh domestic legislation and retained EU law as it applies in Wales. The existing transition period for these food labelling changes ends on 30 September 2022. The Regulations extend the end of the transition period to (and including) 31 December 2023.

As a consequence, the requirement and enforcement of specific labelling changes relating to EU exit will apply from 1 January 2024.

These Regulations amend the following:

- The Food Hygiene (Wales) Regulations 2006;
- The Quick-frozen Foodstuffs (Wales) Regulations 2007;
- The Marketing of Fresh Horticultural Produce (Wales) Regulations 2009;
- The Beef and Veal Labelling (Wales) Regulations 2011;
- The Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013;
- The Food Information (Wales) Regulations 2014;
- The Honey (Wales) Regulations 2015;
- The Country of Origin of Certain Meats (Wales) Regulations 2015;
- The Caseins and Caseinates (Wales) Regulations 2016;
- Commission Regulation (EC) No 1825/2000 laying down detailed rules for the application of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products;
- Commission Regulation (EC) No 589/2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs;
- Commission Implementing Regulation (EU) No 543/2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors;
- Commission Implementing Regulation (EU) No 29/2012 on marketing standards for olive oil, and
- Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for



protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following 3 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2 (vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

Regulation 2 states that it amends paragraph (9)(b)(ii) of regulation 17 of the Food Hygiene (Wales) Regulations 2006, however subparagraph (b) does not contain a paragraph (ii).

2. Standing Order 21.2 (vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

Regulation 3, which amends regulation 12 of the Quick-frozen Foodstuffs (Wales) Regulations 2007, makes reference to 'sub-paragraph (a)', however it should read 'paragraph (a)' as there are no previous divisions in the regulation.

3. Standing Order 21.2 (vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

In regulation 5, which amends the Beef and Veal Labelling (Wales) Regulations 2011, paragraph (2) incorrectly refers to the title of regulation 4 as '(offences under European legislation)'. The correct title to that regulation is '(offences under retained direct EU legislation)'.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required in relation to the technical reporting points.



Legal Advisers
Legislation, Justice and Constitution Committee
20 September 2022

