



Llywodraeth Cymru  
Welsh Government

---

## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

---

**TITLE**            **The Food and Feed (Miscellaneous Amendments) Regulations 2022**

**DATE**            **24.10.2022**

**BY**                **Lynne Neagle MS, Deputy Minister for Mental Health and Wellbeing**

The Food and Feed (Miscellaneous Amendments) Regulations 2022 (“The 2022 Regulations”) were laid in draft before the Houses of Parliament on 20 October 2022, according to the affirmative procedure and can be found here:

<https://www.legislation.gov.uk/ukdsi/2022/9780348240047/contents>.

The 2022 Regulations amend the following legislation:

Retained direct EU legislation

- Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed.
- Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition.
- Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin.
- Commission Regulation (EC) No 378/2005 of 4 March 2005 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the duties and tasks of the Community Reference Laboratory concerning applications for authorisations of feed additives
- Commission Decision 2007/305/EC of 25 April 2007 on the withdrawal from the market of Ms1xRf1 (ACS-BNØØ4-7xACS-BNØØ1-4) hybrid oilseed rape and its derived products (notified under document number C(2007) 1805).

- Commission Decision 2007/306/EC of 25 April 2007 on the withdrawal from the market of Ms1xRf2 (ACS-BNØØ4-7xACS-BNØØ2-5) hybrid oilseed rape and its derived products (notified under document number C(2007) 1806).
- Commission Decision 2007/307/EC of 25 April 2007 on the withdrawal from the market of Topas 19/2 (ACS-BNØØ7-1) oilseed rape and its derived products (notified under document number C(2007) 1809).
- Regulation (EC) No 429/2008 of 25 April 2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the preparation and the presentation of applications and the assessment and the authorisation of feed additives.
- Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings.
- Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed.
- Regulation (EC) No 450/2009 of 29 May 2009 on active and intelligent materials and articles intended to come into contact with food.
- Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC.
- Regulation (EU) No 619/2011 of 24 June 2011 laying down the methods of sampling and analysis for the official control of feed as regards presence of genetically modified material for which an authorisation procedure is pending or the authorisation of which has expired.
- Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001.

The 2022 Regulations also amend certain EU derived domestic law that applies in relation to England only.

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

The 2022 Regulations transfer new functions to Welsh Ministers. The functions in Articles 8(6) and 20(6) of Regulation 1829/2003 (previously functions of the European Commission) were omitted in error by an earlier EU Exit SI. Those functions will be re-instated and recast as functions of the 'appropriate authority'. The appropriate authority in relation to Wales is the Welsh Ministers.

The 2022 Regulations also make corrections to provisions of retained direct EU legislation in devolved areas in relation to which functions, so far as exercisable in relation to Wales, were transferred to Welsh Ministers under previous EU Exit SIs.

The 2022 Regulations do not impact the Senedd's legislative competence.

The 2022 Regulations make amendments to retained direct EU legislation in the areas of food and feed hygiene and safety for the purpose of rectifying legal deficiencies and ensuring the continued operability of that legislation post Implementation Period.

## **The purpose of the amendments**

The purpose of the 2022 Regulations is to:

- Address a range of remaining deficiencies in retained EU legislation in the field of food and feed safety and hygiene to ensure the continued operability of that legislation post Implementation Period.
- Correct deficiencies that remain as a consequence of errors in previous deficiency amendments made pursuant to section 8 of the European Union (Withdrawal) Act.
- Amend retained Regulation (EC) 1829/2003 on genetically modified organisms for food and feed uses, to reinstate and recast Articles 8(6) and 20(6) to provide the provision to set limited periods of time for the exhausting of current stocks of products to be used up to assist with the withdrawal from the market of GMOs for which authorisation has expired.
- Amend Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC to extend the tolerance period of three withdrawn GMOs for a further three years until 31 December 2025 to allow for trace elements of the withdrawn GMOs to be present in products up to a tolerance of 0.1% and make minor consequential amendment to retained Regulation 619/2011 to reflect the changes to the tolerance periods for these withdrawn GMOs.
- Amend retained Regulation (EU) 2015/2283 on novel foods, to provide for a time-limited transitional period for edible insects, specific to Great Britain (GB). This will permit qualifying edible insects to remain on the market in GB until 31 December 2023 to allow for applications for novel food authorisation to be submitted, and subsequently pending determination of those by the appropriate authority

- Amend retained Regulation (EC) No. 450/2009 on active and intelligent materials and articles intended to come into contact with food, to remove the requirement to use the Do Not Eat pictograph on such products given that the EU, or similar entity, holds the intellectual property rights of the pictograph. The requirement to apply the wording of 'DO NOT EAT' on active and intelligent food contact materials will continue to remain mandatory

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here:

<https://www.legislation.gov.uk/ukdsi/2022/9780348240047/memorandum/contents>.

### **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 between the Welsh Government and UK Government. These amendments are to ensure that the identified legal deficiencies are corrected and the provisions operate as they were intended, whilst ensuring the continued transitional measures of genetically modified organisms products and ensuring regulatory alignment with NI in this respect.