

Explanatory Memorandum to The Common Organisation of the Markets in Agricultural products (Amendment) (Wales) Regulations 2022

This Explanatory Memorandum has been prepared by the Welsh Government Food Policy and Strategy Unit and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Common Organisation of the Markets in Agricultural products (Amendment) (Wales) Regulations 2022.

Lesley Griffiths MS
Minister for Rural Affairs, North Wales & Trefnydd
23 November 2022

PART 1

1. Description

1. This instrument makes various technical amendments to retained EU and EU derived domestic legislation relating to marketing standards for agricultural products. The amendments fall into two categories;
 - consequential amendments resulting from the introduction of The Agriculture Act 2020;
 - and operability amendments arising from the UK's Exit from the European Union (EU).

2. Matters of special interest to the Legislation, Justice and Constitution Committee

2. None

3. Legislative background

3. These Regulations make amendments consequential on those amendments made by Part 4 of Schedule 7 to the Agriculture Act 2020.
4. The consequential amendments relate to marketing standards and are made to both retained direct EU legislation and EU derived domestic legislation.

The amendments either omit cross references to articles of Regulation (EU) No 1308/2013 (EUR 2013/1308) ("the CMO Regulation") which have been disapplied by Part 4 of Schedule 7 to the Agriculture Act 2020, in some cases together with associated wording, or operate to substitute references to articles of the CMO Regulation with an appropriate reference to retained EU legislation or to the Agriculture Act 2020.

5. The Regulations are made in exercise of the powers conferred by sections 50(3) and 53(2) of the Agriculture Act 2020.
6. This instrument is subject to the negative procedure and will come into force on 14 December 2022.

4. Purpose and intended effect of the legislation

7. Marketing standards are intended to make sure that products offered to consumers are accurately and consistently labelled, are of acceptable quality and that unsatisfactory produce is kept off the market.
8. The purpose of this instrument is to make amendments relating to marketing standards to both retained direct EU legislation and EU derived domestic legislation, in relation to Wales.
9. The disapplication of these provisions means that cross references to them in numerous pieces of existing marketing standards legislation will be updated.
10. This will help limit inconsistencies and gaps being created between how marketing laws apply in Wales and the rest of GB, particularly on matters relating to marketing requirements, certification requirements and import requirements.
11. This will also avoid any divergence which would inhibit Welsh Government when considering or wanting to make any new amendments in relation to marketing standards in the near future under powers in Part 4 of Schedule 5 to the Agriculture Act 2020.

4. Consultation

12. A joint 6-week targeted engagement with relevant industry stakeholders was conducted by the UK Government between 27th April and 7th June 2022.
13. Targeted stakeholders included representative trade bodies, retailers, sole traders and importers based in England, and representative Welsh stakeholders were consulted on behalf of the Welsh Government.
14. No substantive comments or questions were received in response to the engagement. Targeted stakeholders have been informed of the outcome of the engagement.

5. Regulatory Impact Assessment (RIA)

15. An RIA has not been prepared for this instrument as no significant impacts are foreseen for businesses of the public sector. This is based on the SI relating to maintenance of existing regulatory standards and any changes being technical in nature.
16. This is in line with the policy set out in the Welsh Ministers' code of practice for carrying out regulatory impact assessments for subordinate legislation.