



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Food and Feed Safety (Miscellaneous Amendments and Transitional Provisions) Regulations 2021**

DATE **23 March 2021**

BY **Rebecca Evans MS, Minister for Finance and Trefnydd**

The Food and Feed Safety (Miscellaneous Amendments and Transitional Provisions) Regulations 2021

The 2021 Regulations amend the following legislation:

Retained direct European Union (EU) legislation:

- Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;
- Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed; and
- Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition.

The 2021 Regulations also amend certain EU derived domestic law that applies in relation to England only.

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

The 2021 Regulations make amendments to functions that have been transferred to Welsh Ministers, so far as they are exercisable in relation to Wales, under previous EU exit SIs. The 2021 Regulations do not impact the Senedd's legislative competence. The 2021 Regulations make amendments to existing retained direct EU legislation in the areas of food and feed hygiene and safety for the purpose of rectifying legal deficiencies.

The purpose of the amendments

In respect of general food law, an operability issue in Article 53 of the retained Regulation (EC) No. 178/2002 has been identified arising out of the application of the Northern Ireland Protocol that may inhibit the proper application of the Article 53 power in relation to third country goods entering Great Britain via Northern Ireland.

Under Article 53 of the retained Regulation (EC) No. 178/2002, Ministers can, by regulations, impose emergency measures where food or feed present a serious risk to human health, animal health or the environment.

The 2021 Regulations amend Article 53 of the retained Regulation (EC) 178/2002 to ensure the Article 53 emergency power can be exercised effectively to impose necessary emergency measures in relation to third country food and feed entering Great Britain, whether directly from third countries or via Northern Ireland.

It has also been identified that provisions in retained EU legislation governing the authorisation and use of GM food/feed products, and that the authorisation and use of feed additives lacked sufficient clarity in relation to the requirement that authorisation decisions must be given effect in legislation.

The 2021 Regulations amend the retained Regulation (EC) No. 1829/2003 and Regulation (EC) No. 1831/2003 to clarify that decisions to authorise relevant products must be enacted through legislation.

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

<https://statutoryinstruments.parliament.uk/timeline/fGKAaAaK/SI-2021/>

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. These amendments are to ensure that the identified legal deficiencies are corrected and the provisions operate as they were intended.