



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Specific Food Hygiene (Amendment etc.) (EU Exit) Regulations 2019**

DATE **4 February 2019**

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

The Specific Food Hygiene (Amendment etc.) (EU Exit) Regulations 2019

The retained EU law which is being amended

- Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin
- Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption
- Commission Regulation (EU) No. 101/2013 concerning the use of lactic acid to reduce microbiological surface contamination on bovine carcasses
- Commission Regulation (EU) 2015/1474 concerning the use of recycled hot water to remove microbiological surface contamination from carcasses

The retained EU law which is being amended

- Commission Implementing Regulation (EU) No. 636/2014 on a model certificate for the trade of unskinned large wild game

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

This SI will enhance the Welsh Ministers' executive powers. It will transfer the European Commission's current legislative powers under EU Regulations 853/2004 and 854/2004 to the Welsh Ministers in relation to Wales. This will enable the Welsh Ministers to make regulations, subject to annulment by resolution of the National Assembly, to amend Annexes II and III to Regulation 853/2004 and Annexes I to VI to Regulation 854/2004.

In relation to Regulation 853/2004, Annex II sets requirements that apply to several products of animal origin ("POAO"), including on health identification marking. Annex III sets specific rules for each type of POAO.

In relation to Regulation 854/2004, Annexes I to VI set the detailed rules for the carrying out of official controls to check that different types of food products (fresh meat of various types, live bivalve molluscs, fishery products, raw milk products) and for the certificates accompanying imports.

The SI will not have any impact on the Assembly's legislative competence.

The purpose of the amendments

The purpose of the amendments is to correct deficiencies arising from the UK leaving the European Union in the retained direct EU legislation relating to POAO. Among other things, they will make minor technical amendments and repeals to EU Regulations 101/2013, 2015/1474 and 636/2014.

The Regulations will also make technical and substantive amendments to the retained direct EU legislation which provides specific hygiene rules for establishments' handling of certain POAO (Regulation (EC) No. 853/2004), and to the retained direct EU law which sets the rules for the carrying out of official controls on POAO (Regulation (EC) No. 854/2004). The SI will not make any material change in the level of protection given to human (or animal) health, or to the high standard of food and feed that consumers expect from both domestically produced and imported products.

The technical corrections involved include removing references to EU institutions and, in relation to Regulation 853/2004, include amending provisions on the health identification mark. This is the identification mark that must be applied to POAO placed on the market in order to assist with traceability, and to denote that these high-risk products are produced safely and under the control of the competent authority.

The EU legislation to be retained describes the form of the identification mark, which must be oval in shape and contain information reflecting:

- that the establishment is in the EU by means of the designation "EC";
- the Member State in which the establishment lies; and
- the unique approval number of the establishment.

When the UK ceases to be a Member State of the EU, UK businesses will not be entitled to use the "EC" designation in their identification mark. The SI will remove this requirement from the retained EU legislation to ensure that the law remains operable and enforceable after EU exit and that food safety is maintained in respect of POAO.

The technical corrections to Regulation 853/2004 also include amending a provision that currently requires the registration document that must accompany a batch of bivalve molluscs to be in at least one official language of the Member State in which the receiving establishment is located. The Regulations will amend the provision to set out that the document must be in English, or in English and Welsh. A similar change is being made to the provision on the language of certificates that must accompany imported POAO.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://beta.parliament.uk/work-packages/U7eheF57>

Why consent was given

There is no divergence between the Welsh Government/FSA Wales and the UK Government (FSA UK) on the policy for the corrections. Therefore, making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book. Consenting to a UK wide SI ensures that there is a single legislative framework across the UK which promotes clarity and accessibility during this period of change. In these exceptional circumstances, the FSA Wales/Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.