



Llywodraeth Cymru  
Welsh Government

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

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**TITLE**            **The General Food Hygiene (Amendment) (EU Exit) Regulations 2019**

**DATE**            **4 February 2019**

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

### **The General Food Hygiene (Amendment) (EU Exit) Regulations 2019**

#### **The retained EU law which is being amended**

- Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs (“General Hygiene Regulation”)
- Commission Regulation (EU) No. 579/2014 granting derogation from certain provisions of Annex II to Regulation (EC) No. 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea
- Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs
- Commission Regulation (EU) No. 2017/2158 establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food

#### **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 the General Hygiene Regulation 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 I and II to the retained General Hygiene Regulation, which contain, respectively, hygiene provisions for primary producers of food and the principles for hygiene control in food businesses other than in primary production. 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 in legislation arising from the UK leaving the European Union relating to the general principles for the hygienic production of foodstuffs and the effective and proportionate controls which must be applied. The Regulations will also make minor technical corrections to three further EU Regulations on food hygiene (EU Regulations 579/2014, 2073/2005, 2017/2158).

The corrections to the General Hygiene Regulation include technical fixes to ensure the ongoing operability of the statute book post EU exit. The retained EU law will continue to be the legislative cornerstone for food hygiene in the UK after EU Exit to ensure food safety throughout the food chain, starting with primary production.

These technical corrections include amending a provision which currently requires containers/tankers carrying particular foodstuffs to be marked in one or more community languages to show that they are used for the transport of foodstuffs, or are to be marked “for foodstuffs only”. The Regulations will amend the provision to set out that the containers/tankers are to be marked with “for foodstuffs only” in English, or in English and Welsh.

The Regulations 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 SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://beta.parliament.uk/work-packages/qJO2B1F5>

### **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.