

UK MINISTERS ACTING IN DEVOLVED AREAS

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

Laid in the UK Parliament: 31 January 2019

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 22
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	N/A
Procedure	Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 8 of the European Union (Withdrawal) Act 2018.

These Regulations amend four separate pieces of retained EU legislation. The changes are being made principally to fix inoperabilities of this legislation after Brexit. These are intended to enable the retained law to operate effectively within the UK after exit, allowing for a smooth transition for business, the voluntary sector and for consumers.

The Regulations amend:

- Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs (the “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.

These Regulations will enhance the Welsh Ministers' executive powers, as they transfer the European Commission's current legislative powers under the General Hygiene Regulation to the Welsh Ministers in relation to Wales.

Legal Advisers agree with the statement laid by the Welsh Government dated 4 February 2019 regarding the effect of these Regulations. We particularly welcome the clarity of this statement, and the clear explanations provided as to the impact upon the Welsh Ministers' executive powers.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.