The食 and Feed (Chernobyl and Fukushima Restrictions) (Amendment) (EU Exit) Regulations 2019

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 which lays down the special conditions for the import of food and feed that have been affected by nuclear accidents at Chernobyl, Ukraine and Fukushima, Japan.
The retained EU legislation prohibits the import of food and feed from countries affected by those accidents that exceeds the maximum permitted levels of radioactive contamination specified. The retained legislation also imposes special conditions on certain food and feed products listed including pre-export testing and declarations which must accompany the consignment.

The Regulations will make technical corrections such as removing references to EU institutions and other Member States and will define ‘third countries’ as any country outside of the UK.

The main substantive corrections proposed by these Regulations involve transferring the Commission’s functions, including regulation-making functions, under the directly applicable EU law to the Welsh Ministers in relation to Wales. In particular, Regulation 733/2008 will confer powers on the Welsh Ministers to deal with repeated non-compliance with maximum permitted levels of radioactive contamination, to make amendments to Annex 1 in order to change the list of products that need control measures and to exempt certain products or businesses from maximum permitted levels.

The retained EU legislation relating to food and feed from countries affected by the Chernobyl and Fukushima nuclear accidents will expire on 31 March 2020 in relation to Wales, unless further legislation is passed following a review by the Welsh Ministers that determines these controls should be retained.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: [https://beta.parliament.uk/work-packages/Qziplxyl](https://beta.parliament.uk/work-packages/Qziplxyl)

**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. Consent 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, FSA Wales/the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.