



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Novel Food (Amendment) (EU Exit) Regulations 2019**
DATE **5 February 2019**
BY **Rebecca Evans AM, Minister for Finance and Trefnydd**

The Novel Food (Amendment) (EU Exit) Regulations 2019

The retained EU law which is being amended

- Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001;
- Commission Implementing Regulation (EU) 2017/2468 laying down administrative and scientific requirements concerning traditional foods from third countries in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods;
- Commission Implementing Regulation (EU) 2017/2469 laying down administrative and scientific requirements for applications referred to in Article 10 of Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods;
- Commission Implementing Regulation (EU) 2017/2470 establishing the Union list of novel foods in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods;
- Commission Implementing Regulation (EU) 2018/456 on the procedural steps of the consultation process for determination of novel food status in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods.

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 powers, including regulation-making functions, under the Regulations on novel foods to the Welsh Ministers in relation to Wales. This will enable the Welsh Ministers to make regulations, subject to annulment by the National Assembly, to add authorised novel foods to the UK list of novel foods and to change specifications and conditions of use for the novel foods. The Welsh Ministers will also be able to make regulations to amend non-essential elements of the retained EU law to, for example,

change the definition of nanomaterials. The SI will not have any impact on the Assembly's legislative competence.

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 on novel foods, providing an operational framework in the UK after EU Exit for pre-market scientific assessment and authorisation of novel food/feed.

The amendments to the retained EU legislation will implement no policy changes or changes in approach to regulating Novel food/feed.

- (a) transferring functions currently conferred on the European Food Safety Authority (EFSA) to the "Food Safety Authority" (the FSA in England, Wales and Northern Ireland, and Food Standards Scotland). Current EFSA functions in relation to novel foods include undertaking risk assessments and scientific opinions on applications for novel food authorisations.
- (b) transferring European Commission functions in relation to Wales to the Welsh Ministers. The powers will enable/require the Welsh Ministers to:
 - Determine whether food or feed falls within the definition of a novel food.
 - Within seven months from the date of publication of a FSA opinion of a novel food application for authorisation, determine the application on the placing on the market within Wales of a novel food.
 - Add, remove or change the specifications, conditions of use, additional specific labelling requirements or post-market monitoring requirements associated with the inclusion of a novel food in the list.
 - Make regulations to amend non-essential elements of the retained EU law, for example, to change the definition of nanomaterials.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://beta.parliament.uk/work-packages/e6qZuX4U>

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