

## UK MINISTERS ACTING IN DEVOLVED AREAS

### 95 - The Food and Feed (Maximum Permitted Levels of Radioactive Contamination) (Amendment) (EU Exit) Regulations 2019

*Laid in the UK Parliament: 4 February 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	Not known
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 21
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(1) of the European Union (Withdrawal) Act 2018.

These Regulations correct deficiencies in Council Regulation (Euratom) 2016/52 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency, as a result of the UK's exit from the European Union. The Regulations apply to the whole of the United Kingdom.

At present, in the event of a nuclear accident or radiological emergency the European Commission is responsible for making regulations to set maximum permitted levels of radiation in food and feed originating from the affected area. A group of experts, established under Article 31 of the Euratom Treaty, is currently consulted for the assessment of risk to health when reviewing the maximum permitted levels of radioactive contamination and their implementation.

Following EU Exit, the effect of these Regulations will be that the Welsh Ministers are responsible for these functions in relation to Wales.

Legal Advisers agree with the statement laid by the Welsh Government dated 5 February 2019 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

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.