



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Agriculture (Legislative Functions) (EU Exit) (No 2) Regulations 2019**

DATE **19 February 2019**

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

The Agriculture (Legislative Functions) (EU Exit) (No 2) Regulations 2019 (“2019 Regulations”)

The law which is being amended

European Directly Applicable Instruments

- Regulation (EU) No. 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products.
- Council Regulation (EU) No. 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products.
- Regulation (EU) No. 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries.
- Commission Implementing Regulation (EU) No. 1240/2016 laying down rules for the application of Regulation (EU) No.1308/2013 with regard to public intervention and aid for private storage.
- Regulation 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy.
- Council Regulation (EC) No 834/2007 on organic production and labelling of organic products.

Any impact the SI may have on the Assembly’s legislative competence and/or the Welsh Ministers’ executive competence

The 2019 Regulations make amendments to legislation relating to the common market for agricultural products including organic products.

The 2019 Regulations contain provision which enables the Welsh Ministers to exercise functions in relation to Wales without encumbrance and for the Welsh Ministers to provide consent to the Secretary of State to exercise those functions in relation to Wales.

Functions transferred to the Secretary of State to be exercised concurrently with the consent of the Welsh Ministers may constitute functions of a Minister of the Crown for the purposes Schedule 7B to the Government of Wales Act 2006. This may be a relevant consideration in the context of the Assembly's competence to legislate in the future in these areas.

Functions transferred so that they are exercisable by the Secretary of State alone or to the Secretary of State but which are only exercisable with the consent of the Welsh Ministers in relation to Wales constitute functions of a Minister of the Crown for the purposes of Schedule 7B to GoWA 2006. A future Assembly Bill seeking to remove or modify these functions could trigger a requirement to consult the UK Government.

In relation to the Welsh Ministers' executive competence, the 2019 Regulations confer both regulation making powers, and functions of an administrative nature, on the Welsh Ministers, which will be exercisable by them post-Brexit.

The purpose of the amendments

The 2019 Regulations make amendments which will enable the law relating to the common market for agricultural products including organic products to continue to apply after the withdrawal of the UK from the EU. They are particularly important to ensure that the existing policy regimes will continue to function smoothly after EU Exit, without the need for primary legislation every time a change in technical matters is required.

The instrument does not make changes to substantive policy content beyond the minimum necessary to enable the regimes to continue to work post-exit.

The legislation is amended to the extent necessary to enable it to work in the UK when we have left the EU.

The 2019 Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://beta.parliament.uk/work-packages/zXHaYUL8>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU.