

UK MINISTERS ACTING IN DEVOLVED AREAS

86 - The General Food Law (Amendment etc.) (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 18
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, which apply to the whole of the UK, make a series of amendments to European Union legislation relating to food safety. The amendments address failures in retained EU law to operate effectively following the UK's exit from the EU and ensure that a legislative framework is maintained in the event of an EU Exit with no Withdrawal Agreement.

The Regulations:

1. amend Regulation (EC) No. 178/2002, which lays down high-level principles governing food and feed safety and definitions that are referenced across food and feed sectoral legislation (and implementing Regulation 931/2011);

2. revoke Regulation (EU) No. 16/2011 which concerns EU Member State responsibilities under the Rapid Alert System for Food and Feed (a system which will not apply to the UK following EU Exit unless negotiated); and
3. amend the Food Safety and Hygiene (England) Regulations 2013, which apply to England only.

Specifically in relation to Wales, the Regulations designate responsibilities currently incumbent on the European Food Safety Authority (the body that provides scientific advice on food to the European Commission, the European Parliament and EU Member States) to the Food Standards Agency, and designate responsibilities incumbent on the European Commission to the Welsh Ministers.

Legal Advisers agree with the statement laid by the Welsh Government dated 4 February 2019 regarding the effect of these Regulations.

The committee welcomes the clarity of the Welsh Government's statement regarding the impact of these Regulations on the Welsh Ministers' executive competence, and its helpfulness for the committee's scrutiny.

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.