



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Market Measures (Marketing Standards) (Amendment of Retained Direct EU Legislation) (EU Exit) Regulations 2019**

DATE **15 February 2019**

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

The Market Measures (Marketing Standards) (Amendment of Retained Direct EU Legislation) (EU Exit) Regulations 2019 (“2019 Regulations”)

The law which is being amended

European Directly Applicable Instruments

- Commission Implementing Regulation (EU) 1333/2011 laying down marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the banana sector
- Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97
- Commission Regulation (EC) No 1825/2000 of 25 August 2000 laying down detailed rules for the application of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products
- Commission Regulation (EC) 566/2008 laying down detailed rules for the application of Council Regulation (EC) 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less
- Commission Implementing Regulation (EU) 2017/1184 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals

- Commission Implementing Regulation (EU) No 543/2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors
- Commission Regulation (EC) No 1850/2006 laying down detailed rules for the certification of hops and hop products
- Commission Regulation (EC) No 1295/2008 on the importation of hops from third countries
- Commission Regulation (EC) No 445/2007 laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No 1898/87 on the protection of designations used in the marketing of milk and milk products
- Commission Regulation (EC) No 2004/2002 relating to the procedure for determining the meat and fat content of certain pigmeat products

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

Common Market Organisation is primarily a devolved subject matter.

The instrument contains provisions which enable Welsh Ministers to exercise administrative functions in Wales without encumbrance.

The instrument also confers administrative functions on the Secretary of State to exercise functions in relation to Wales with the consent of the Welsh Ministers and on one occasion in consultation. A single regulation making function is conferred on the Secretary of State without encumbrance.

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

The purpose of the amendments

The Common Market Organisation (CMO) is the framework for the market measures provided for under the Common Agricultural Policy (CAP), providing the framework for the market support schemes set up in the various agricultural sectors. The CMOs were set up as a means of meeting the objectives of the CAP and in particular to stabilise markets, ensure a fair standard of living for agricultural producers and increase agricultural productivity. It has over time broadened out to provide a toolkit that enables the EU to:

- manage work volatility;
- incentivise collaboration between and competitiveness of agricultural producers; and
- facilitate trade.

The 2019 Regulations make amendments to existing EU legislation which forms part of UK law relating to CMO.

These 2019 Regulations make amendments to retained directly applicable EU legislation in relation to food marketing standards. The 2019 Regulations will ensure marketing standards in the food sector will be operable following the UK's exit from the EU. The objective is to maintain all existing marketing standards relevant for the UK market on Day 1.

After EU Exit and without amendment, the above retained EU legislation would contain inoperable provisions that would prevent the delivery of market support schemes to the agricultural sector.

The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://beta.parliament.uk/work-packages/sj6gfDBw>

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.