



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Food (Amendment) (EU Exit) Regulations 2019**

DATE **19 February 2019**

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The Food (Amendment) (EU Exit) Regulations 2019

Policy overview of the SI

Principally, these Regulations will correct the deficiencies in the retained direct EU legislation which sets the framework for the display of mandatory food information/labelling, its presentation, as well as procedures where food businesses voluntarily decide to display information.

This retained direct EU legislation allows consumers to make informed choices and to make safe use of food. It includes rules on:

- legibility of labels,
- clear presentation of allergens on prepacked foods, non-prepacked food.
- Clear indication of ‘formed meat’, ‘formed fish’ or defrosted products.

This SI also makes consequential amendments to the Weights and Measures Act 1985 in relation to displaying net quantity, and to retained direct EU law on the use of activated alumina in the treatment of natural mineral water and spring water. The changes are minimal and technical and there is no policy change.

The retained EU law which is being amended

- Commission Regulation (EU) No 115/2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters
- Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers
- Weights and Measures Act 1985

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

The SI only makes minor technical amendments to the retained EU law and involves no transfer of European Commission functions. Consequently, there is no impact on the Welsh Ministers' executive competence or the National Assembly's legislative competence.

The purpose of the amendments

The principal purpose of the amendments is to correct deficiencies in legislation arising from the UK leaving the European Union regulating the provision of food information to consumers. They will make minimal, technical amendments to the retained direct EU law, such as:

- replacing 'Union' with 'UK';
- 'Union provisions' with 'EU-derived domestic legislation and retained direct EU legislation'
- removing references to EU institutions and other Member States.

The Regulations also make technical amendments, which make no substantive policy change, to provision about the language of compulsory food labelling.

The Regulations also make technical amendments to cross-references to Directives in Regulation 115/2010 on the use of activated alumina for the removal of fluoride from natural mineral water and spring water.

The Regulations also make consequential amendments to section 31A of the Weights and Measures Act 1985 to reflect changes made to two Articles of Regulation 1169/2011. There is no substantive policy change.

This SI doesn't transfer any European Commission functions and therefore it is proposed as negative.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-food-amendment-eu-exit-regulation-2019>

Why consent was given

There is no divergence between the Welsh Government/FSA Wales and the UK Government (Department for Environment, Food and Rural Affairs) 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.