



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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

DATE **7 August 2019**

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

The Law which is being amended

- Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers
- Commission Delegated Regulation (EU) 2018/273 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties

The purpose of the Regulations

The 2019 Regulations primarily amend wine legislation but also make minor operational amendments to food information rules. The 2019 Regulations will make necessary changes to EU regulations to ensure that laws in this area will remain operable after the UK leaves the EU. It will make various changes to ensure that provisions concerning the trade in wines, monitoring production and maintaining records will operate correctly after exit.

It will ensure that the responsibilities for monitoring and controls are re-allocated appropriately.

It will also set out various changes that will reflect the interdependencies with other legislation, primarily that made by HMRC to ensure that transition from Single Customs Union controls to UK specific customs controls operate correctly.

The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments are available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>

Any impact the SI may have on the legislative competence of the National Assembly for Wales and/or the Welsh Ministers' executive competence

The 2019 Regulations transfer certain limited functions to the Secretary of State, exercisable on a UK-wide basis. In relation to Wales, the functions being transferred to the Secretary of State are exercisable only with consent from Welsh Ministers. It is appropriate that the Secretary of State undertakes these functions on a UK-wide basis as they transfer a role which requires a single coordinating body across the UK.

The functions transferred so that they are exercisable by the Secretary of State with the consent of the Welsh Ministers constitute functions of a Minister of the Crown for the purposes of paragraph 11(2) of Schedule 7B to the Government of Wales Act 2006. Any Assembly Bill seeking to remove or modify such functions requires consultation with the relevant UK Government Minister.

Why consent was given

Consent has been given for the UK Government to make corrections in relation to, and on behalf of, Wales on matters relating to Wine, and to food information rules, for reasons of efficiency, expediency and due to the technical nature of the amendments. The Regulations make a number of technical changes, and supplement other corrections which were included in an earlier EU exit SI (The Food and Drink, Veterinary Medicines and Residues (Amendment etc.) (EU Exit) Regulations 2019), ensuring deficiencies have been fully addressed. 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.