



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Nutrition (Amendment etc) (EU Exit) Regulations 2020**

DATE **01 October 2020**

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

The Nutrition (Amendment etc) (EU Exit) Regulations 2020

The law which is being amended

The Nutrition (Amendment etc.) (EU Exit) Regulations 2019

The Nutrition (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

Commission Delegated Regulation 2016/127, supplementing Regulation (EU) No 609/2013 with regards to the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding

Regulation 2019/343, providing derogations from Article 1(3) of Regulation (EC) No 1924/2006 of the European Parliament and of the Council on nutrition and health claims made on food for the use of certain generic descriptors.

Commission Regulation (EU) 2019/651, refusing to authorise a health claim made on foods and referring to children's development and health to ensure that they work properly in domestic law at the end of the transitional period.

2009/980/EU: Commission Decision authorising a health claim on the effect of water-soluble tomato concentrate on platelet aggregation and granting the protection of proprietary data under Regulation (EC) No 1924/2006 of the European Parliament and of the Council.

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

There is no impact on legislative or executive competence.

The purpose of the amendments

The purpose of the amendments is to give effect to the Northern Ireland Protocol (NIP) by amending the 2019 The Nutrition (Amendment etc) (EU Exit) Regulations 2019 to dis-apply Parts 2, 4, 5 from applying in Northern Ireland. The Regulations 2020 will therefore only apply to Great Britain rather than the whole of the UK.

Specifically the Regulations will:

- Revoke the Nutrition (Amendment) (Northern Ireland) (EU Exit) Regulations 2019. Those Regulations amended EU-derived domestic legislation. As a consequence of the NIP, those amendments are no longer required.
- Account for changes in EU nutrition, labelling, composition and standards legislation that have come into force since March 2019.
- Correct an anomaly in the list of permitted health claims in the Annex of retained Commission Regulation (EU) No 432/2012. This means that a health claim on the effect of water-soluble tomato concentrate on platelet aggregation will be included in the list of authorised health claims following the end of the Transition Period.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here:

<https://www.legislation.gov.uk/ukdsi/2020/9780348212549/contents>

Why consent was given

There is no divergence between the Welsh Government and the UK Government (Department of Health and Social Care) 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, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.