

Regulations made by the Welsh Ministers, laid before the National Assembly for Wales under paragraph 7(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of the National Assembly for Wales within 28 days beginning on the day on which the Regulations were made, subject to extension for periods of dissolution, or recess for more than four days.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2019 No. 1376 (W. 242)

**EXITING THE EUROPEAN
UNION, WALES**

FOOD, WALES

HORTICULTURE, WALES

**The Rural Affairs (Miscellaneous
Amendments) (Wales) (EU Exit)
(No. 3) Regulations 2019**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the power conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation relating to food and horticulture.

Regulation 2 inserts a transitional provision into the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009. The effect of that transitional provision is that a person will not commit an offence in relation to a failure to comply with Article 7 of Commission Implementing Regulation (EU) 543/2011 in certain specified circumstances.

Regulation 3 amends the Eggs and Chicks (Wales) Regulations 2010 (“the 2010 Regulations”), which make provision for the enforcement and execution of marketing standards applicable to eggs for hatching, farmyard poultry chicks, and eggs in shell for human consumption.

Regulation 3(2) inserts a definition of “third country” into regulation 3(1) of the 2010 Regulations. Regulation 3(3) and (4) amends the Schedules to the 2010 Regulations to remove references to EU legislation which will no longer exist after exit day as a result of the withdrawal of the United Kingdom from the European Union. Regulation 3(5) removes a reference to “national” from Schedule 3 to the 2010 Regulations to align with changes being made to other retained EU law.

Regulation 4 amends the Poultrymeat (Wales) Regulations 2011 (“the 2011 Regulations”), which make provision for the enforcement and execution of marketing standards applicable to poultrymeat. The amendment inserts a definition of “third country” into regulation 2(1) of the 2011 Regulations.

Regulation 5 amends the Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019. The amendment in question, in turn, makes changes to the Beef and Veal Labelling (Wales) Regulations 2019 so that a person does not commit an offence relating to a failure to comply with Article 2(2)(b) of Commission Regulation (EC) 1825/2000 in certain specified circumstances.

Regulation 6 amends the Food Information (Wales) (Amendment) (EU Exit) Regulations 2019. The amendments in question in turn make changes to the Food Information (Wales) Regulations 2014. The first amendments remove references to stocks held “within the period before exit day” and “as at exit day”. Regulation 6(3) inserts “other products to which paragraph (3) applies may continue to be marketed until the end of the relevant period” which ensures non wine protected food name/geographical indicator products may continue to marketed for three years from the day after exit day.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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2019 No. 1376 (W. 242)

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**The Rural Affairs (Miscellaneous
Amendments) (Wales) (EU Exit)
(No. 3) Regulations 2019**

Made 23 October 2019

Laid before the National Assembly for Wales
25 October 2019

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers, in exercise of the power conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(1), make the following Regulations.

The Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by resolution of, the National Assembly for Wales.

(1) 2018 c. 16.

In accordance with paragraph 4(a) of Schedule 2 to the European Union (Withdrawal) Act 2018, the Welsh Ministers have consulted the Secretary of State with regard to the amendment of the Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019⁽¹⁾ and the amendment of the Food Information (Wales) (Amendment) (EU Exit) Regulations 2019⁽²⁾.

As required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽³⁾ there has been open and transparent public consultation during the preparation of these Regulations with regard to the amendment of the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009⁽⁴⁾, the Eggs and Chicks (Wales) Regulations 2010⁽⁵⁾, the Poultrymeat (Wales) Regulations 2011⁽⁶⁾, the Food Information (Wales) (Amendment) (EU Exit) Regulations 2019 and the Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.

Title and commencement

1.—(1) The title of these Regulations is the Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 3) Regulations 2019.

(2) Save for regulations 5 and 6 which come into force immediately before exit day, these Regulations come into force on exit day.

Amendment of the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009

2. In the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009, after regulation 22 insert—

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- (1) S.I. 2019/732 (W. 137).
(2) S.I. 2019/XXX (W. XXX).
(3) OJ No. L 31, 1.2.2002, p. 1.
(4) S.I. 2009/1551 (W. 151), amended by S.I. 2019/732 (W. 137). These amendments are due to come into force on exit day. There are other amending instruments but none is relevant.
(5) S.I. 2010/1671 (W. 158), amended by S.I. 2019/463 (W. 111) and S.I. 2019/732 (W. 137). These amendments are due to come into force on exit day. There are other amending instruments but none is relevant.
(6) S.I. 2011/1719 (W. 195), amended by S.I. 2013/3270 (W. 320). S.I. 2011/1719 (W. 195) is also amended by S.I. 2019/463 (W. 111) and S.I. 2019/732 (W. 137) with these amendments coming into force on exit day.

“Transitional provisions: withdrawal from the EU

23.—(1) Regulation 4 does not apply in relation to a failure to comply with Article 7 of Commission Implementing Regulation 543/2011 if the matter constituting the alleged contravention—

- (a) relates to a product that was placed on the market before the end of the period of 21 months beginning on the day on which exit day falls, and
- (b) would not have constituted a contravention of that Regulation as it applied immediately before exit day.

(2) An authorised officer must not exercise the powers under regulation 11(1) in relation to a failure to comply with Article 7 of Commission Implementing Regulation 543/2011 if the matter constituting the alleged contravention—

- (a) relates to a product that was placed on the market before the end of the period of 21 months beginning on the day on which exit day falls, and
- (b) would not have constituted a contravention of that Regulation as it applied immediately before exit day.”

Amendment of the Eggs and Chicks (Wales) Regulations 2010

3.—(1) The Eggs and Chicks (Wales) Regulations 2010 are amended as follows.

(2) In regulation 3(1), at the appropriate place, insert the following definition—

““third country” (*“trydedd wlad”*) means any country or territory other than—

- (a) the United Kingdom;
- (b) the Bailiwick of Guernsey;
- (c) the Bailiwick of Jersey;
- (d) the Isle of Man.”

(3) In Schedule 1, in Part 2, in the table, omit row 6.

(4) In Schedule 2, in Part 2, in the table—

- (a) in row 2, in column 2, omit “Article 3 of Commission Regulation (EC) No 589/2008”, and
- (b) omit rows 18 to 20.

(5) In Schedule 3, in the table, in row 1, in column 3, omit “national”.

Amendment of the Poultrymeat (Wales) Regulations 2011

4. In the Poultrymeat (Wales) Regulations 2011, in regulation 2(1), at the appropriate place, insert the following definition—

““third country” (*“trydedd wlad”*) means any country or territory other than—

- (a) the United Kingdom;
- (b) the Bailiwick of Guernsey;
- (c) the Bailiwick of Jersey;
- (d) the Isle of Man.”

Amendment of the Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

5. In the Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019, in regulation 4(2), for sub-paragraph (b) substitute—

“(b) after paragraph (3) insert—

“(4) Paragraph (1)(b)(ii) does not apply in relation to a failure to comply with Article 2(2)(b) of Regulation (EC) No 1825/2000 of the European Parliament and the Council if the matter constituting the alleged contravention—

- (a) relates to a product that was placed on the market before the end of the period of 21 months beginning on the day on which exit day falls, and
- (b) would not have constituted a contravention of that Regulation as it applied immediately before exit day.””

Amendment of the Food Information (Wales) (Amendment) (EU Exit) Regulations 2019

6.—(1) Regulation 2 of the Food Information (Wales) (Amendment) (EU Exit) Regulations 2019 is amended as follows.

(2) For the words to be inserted into the Food Information (Wales) Regulations 2014⁽¹⁾ as regulation 15(2) substitute—

“(2) Products to which paragraph (1) applies may continue to be marketed until stocks are exhausted.”

(1) S.I. 2014/2303 (W. 227), to which there are amendments not relevant to these Regulations.

(3) For the words to be inserted into the Food Information (Wales) Regulations 2014 as regulation 15(4) substitute—

“(4) Wine products to which paragraph (3) applies may continue to be marketed until stocks are exhausted.

(4A) Other products to which paragraph (3) applies may continue to be marketed until the end of the relevant period.”

Lesley Griffiths

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers

23 October 2019