



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Food and Feed (Maximum Permitted Levels of Radioactive Contamination) (Amendment) (EU Exit) Regulations 2019**

DATE **5 February 2019**

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

The Food and Feed (Maximum Permitted Levels of Radioactive Contamination) (Amendment) (EU Exit) Regulations 2019

The retained EU law which is being amended

- Council Regulation (Euratom) 2016/52 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency.

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

This SI will enhance the Welsh Ministers' executive powers. It will confer a power on the Welsh Ministers, which must be exercised in the event of a nuclear accident or other radiological emergency, to make regulations to set maximum permitted levels of radioactive contamination in food and/or feed from the area concerned. The regulations will be subject to annulment by resolution of the National Assembly. The SI will not have any impact on the Assembly's legislative competence.

The purpose of the amendments

The purpose of the amendments is to correct deficiencies arising from the UK leaving the European Union in the retained direct EU legislation Regulation (EU) No. 2016/52 laying down the maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency.

Regulation 2016/52 gives power to the Commission to adopt Implementing Regulations. The Implementing Regulations would prohibit food and feed from an area where there has been a nuclear accident or radiological emergency from being placed on the market in the EU if it does not comply with the maximum permitted levels of radiation set out in those Implementing Regulations. This could be for a particular category of food or feed.

These correcting Regulations will amend Regulation 2016/52. The effect will be that, in the event of a nuclear accident, instead of requiring the Commission to make Implementing

Regulations, a duty will be placed on the Welsh Ministers, in relation to Wales, to make regulations to set maximum permitted levels of radiation in food and feed from the affected area.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://beta.parliament.uk/work-packages/qpRnR5nO>

Why consent was given

There is no divergence between the Welsh Government/FSA Wales and the UK Government (FSA UK) 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.