



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **The Official Controls for Feed, Food and Animal Health and Welfare (Amendment etc.) (EU Exit) Regulations 2019**

**DATE**            **5 February 2019**

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

**The Official Controls for Feed, Food and Animal Health and Welfare (Amendment etc.) (EU Exit) Regulations 2019**

**The retained EU law which is being amended**

- Regulation (EC) No 882/2004 of the European Parliament and the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
- Commission Decision 2006/677 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules
- Commission Decision 2008/654 on guidelines to assist Member States in preparing the annual report on the single integrated multiannual national control plan provided for in Regulation (EC) No 882/2004
- Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

**The retained EU law which is being revoked**

- Regulation (EU) No 415/2013 of 6 May 2013 laying down additional responsibilities and tasks for the EU reference laboratories for rabies, bovine tuberculosis and bee health, amending Regulation (EC) No 737/2008 and repealing Regulation (EU) No 87/201.

**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 transfer the European Commission's powers, including regulation-making functions, under Regulation 882/2004 to the Welsh Ministers in relation to Wales. This will enable them to make regulations, subject to annulment by resolution of the National Assembly, on matters including setting types of feed and food that must be subject to increased import controls, the checks that must be carried out on feed and food for export, prescribing a form for export certificates from third

countries and prescribing specific import conditions. Non-legislative functions will include establishing guidelines for official controls, preparing and reviewing a national control plan and reporting on audits on official controls. 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 which lays down the official controls performed to ensure the verification of compliance with feed and food law, and animal health and animal welfare rules. The retained EU legislation sets out the controls that must be undertaken (in the main by designated competent authorities) to ensure compliance with feed and food law and animal health and welfare rules. These may include inspection, sampling, monitoring, auditing of food businesses or other specialised controls.

The Regulations will make technical corrections such as removing references to EU institutions and other Member States and will define 'third countries' as any country outside of the UK.

The main substantive corrections to be made by these Regulations involve transferring the Commission's functions, including regulation-making functions, under the directly applicable EU law to the Welsh Ministers in relation to Wales. These will be powers to make regulations for carrying out official controls on food and feed including:

- setting types of feed and food that must be subject to increased import controls,
- the checks that must be carried out on feed and food for export,
- prescribing a form for export certificates from third countries, and
- prescribing specific import conditions.

The SI will make minimal amendments to the retained direct EU law to ensure the legislation remains operable without any material change in the level of protection given to human or animal health or to the high standard of food and feed that consumers expect from both domestically produced and imported products.

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

### **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.