



Llywodraeth Cymru  
Welsh Government

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

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**TITLE**            **The Food and Feed (Chernobyl and Fukushima Restrictions) (Amendment) (EU Exit) Regulations 2019**

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

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

### **The Food and Feed (Chernobyl and Fukushima Restrictions) (Amendment) (EU Exit) Regulations 2019**

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

- Regulation (EC) No 1635/2006 laying down detailed rules for the application of Council Regulation (EEC) No 737/90 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station;
- Regulation (EC) No 733/2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station;
- Regulation (EU) 2016/6 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station and repealing Implementing Regulation (EU) No 322/2014.

#### **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 current legislative powers under Regulation 733/2008 to the Welsh Ministers in relation to Wales. This will enable the Welsh Ministers to make regulations, subject to annulment by resolution of the National Assembly, to make regulations to deal with non-compliance with maximum permitted levels of radioactive contamination, to change the list of products that need control measures and to exempt certain products or businesses from maximum permitted levels. 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 special conditions for the import of food and feed that have been affected by nuclear accidents at Chernobyl, Ukraine and Fukushima, Japan.

The retained EU legislation prohibits the import of food and feed from countries affected by those accidents that exceeds the maximum permitted levels of radioactive contamination specified. The retained legislation also imposes special conditions on certain food and feed products listed including pre-export testing and declarations which must accompany the consignment.

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 proposed 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. In particular, Regulation 733/2008 will confer powers on the Welsh Ministers to deal with repeated non-compliance with maximum permitted levels of radioactive contamination, to make amendments to Annex 1 in order to change the list of products that need control measures and to exempt certain products or businesses from maximum permitted levels.

The retained EU legislation relating to food and feed from countries affected by the Chernobyl and Fukushima nuclear accidents will expire on 31 March 2020 in relation to Wales, unless further legislation is passed following a review by the Welsh Ministers that determines these controls should be retained.

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

### **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.