



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019**

DATE **8 March 2019**

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

The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 (“2019 Regulations”)

The law which is being amended

Amendment of secondary legislation

- Regulation 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products
- Regulation (EU) No 510/2014 of the European Parliament and of the Council laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products
- Commission Regulation (EC) No 566/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less
- Commission Implementing Regulation (EU) No 543/2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors
- Commission Regulation (EC) No 1295/2008 on the importation of hops from third countries
- Regulation (EU) No. 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy

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

Functions transferred to the Secretary of State

This instrument transfers functions to the Secretary of State. Functions transferred to the Secretary of State constitute functions of a Minister of the Crown for the purposes of Schedule 7B to GOWA 2006. A future Assembly Bill seeking to remove or modify these functions could trigger a requirement to consult the UKG.

Functions transferred to the Competition and Markets Authority (CMA)

This engages paragraph 10 of Schedule 7B to the Government of Wales Act 2006 (GOWA 2006). This provides that a provision of an Act of the Assembly cannot remove or modify, or confer power by subordinate legislation to remove or modify, any function of a public authority other than a devolved Welsh authority, unless the appropriate (UK) Minister consents to the provision. A future Assembly Bill seeking to remove or modify these functions would require the consent of the appropriate Minister of the Crown.

The purpose of the amendments

The 2019 Regulations make amendments to direct EU legislation which forms part of UK law relating to the organisation of common markets in agriculture and agricultural products. They correct deficiencies arising from the UK's withdrawal from the EU and ensure legal operability post EU Exit. They also transfer various regulatory functions.

The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://beta.parliament.uk/work-packages/W1TU9Qdr>

Why consent was not given

Despite the Welsh Government's position that CMO and CAP are devolved and not reserved matters under any heading of the Reserved Matters Schedule in the GOWA 2006, the UK Government does not consider it as such, and therefore it has not requested Welsh Ministerial consent under the terms of the Intergovernmental Agreement. The Welsh Government has requested from the UK Government an explanation of its legal position but there has been no response.

However, the Welsh Government is content that the effect of the Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 achieves the Welsh Ministers' overarching policy objectives of securing and maintaining the effective functioning of agricultural markets in the UK.