



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Food and Feed Hygiene and Safety (Miscellaneous Amendments)
(EU Exit) Regulations 2019**

DATE **15 April 2019**

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

This written statement has been re-laid. This is because the original version of the draft Regulations to which the statement refers was withdrawn on 8 April. Revised Regulations were laid on the same date. The amendments made to the SI are minor, technical amendments which do not change the purpose or effect of the Regulations.

The retained EU law which is being amended

- Regulation (EEC) No. 315/93 laying down procedures for contaminants in food*
- Regulation (EC) No. 178/2002 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*
- Regulation (EC) No. 1829/2003 on genetically modified food and feed*
- Regulation (EC) No. 1831/2003 on additives for use in animal nutrition*
- Regulation (EC) No. 2065/2003 on smoke flavourings used or intended for use in or on foods
- Regulation (EC) No. 852/2004 on the hygiene of foodstuffs*
- Regulation (EC) No. 853/2004 laying down specific hygiene rules for food of animal origin
- Regulation (EC) No. 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption
- Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules*
- Regulation (EC) No. 1935/2004 on materials and articles intended to come into contact with food*
- Regulation (EC) No. 183/2005 laying down requirements for feed hygiene*
- Regulation (EC) No. 378/2005 on detailed rules for the implementation of Regulation (EC) No. 1831/2003 as regards the duties and tasks of the Community Reference Laboratory concerning applications for authorisations of feed additives*
- Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs
- Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 and for the organisation of official

controls under Regulation (EC) No. 854/2004 and Regulation (EC) No. 882/2004, derogating from Regulation (EC) No. 852/2004 and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004

- Regulation (EC) No. 282/2008 on recycled plastic materials and articles intended to come into contact with foods and amending Regulation (EC) No. 2023/2006*
- 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 (EC) No. 1331/2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings*
- Regulation (EC) No. 1332/2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No. 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No. 258/97*
- Regulation (EC) No. 1333/2008 on food additives
- Regulation (EC) No. 1334/2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods*
- Regulation (EC) No. 767/2009 on the placing on the market and use of feed*
- Regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food*
- Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat
- Regulation (EU) 2015/2283 on novel foods, amending Regulation (EU) No. 1169/2011 and repealing Regulation (EC) No. 258/97 and Commission Regulation (EC) No. 1852/2001*
- 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, and repealing Regulation (Euratom) No. 3954/87 and Commission Regulations (Euratom) No. 944/89 and (Euratom) No. 770/90*
- Regulation (EU) 2016/759 drawing up lists of third countries, parts of third countries and territories from which Member States are to authorise the introduction into the Union of certain products of animal origin intended for human consumption, laying down certificate requirements
- Regulation (EU) 2016/1843 on transitional measures for the application of Regulation (EC) No. 882/2004 a regards the accreditation of official laboratories carrying out official testing for *Trichinella*
- Regulation (EU) 2017/185 laying down transitional measures for the application of certain provisions of Regulations (EC) No. 853/2004 and (EC) No. 854/2004 Commission Regulation (EU) 2017/185 laying down transitional measures for the application of certain provisions of Regulations (EC) No. 853/2004 and (EC) No. 854/2004
- Regulation (EU) 2017/625 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*
- Commission Implementing Decision (EU) 2018/2045
- Commission Implementing Decision (EU) 2018/2046

The only amendments being made to the retained direct EU law marked with * are minor changes in relation to the definition of 'appropriate authority' in Northern Ireland and/or changes to wording relating to the negative resolution procedure in the Northern Ireland Assembly. These amendments do not make any changes that are relevant to Wales.

The SI also amends EU derived domestic law in relation to England and Northern Ireland, but not in relation to Wales.

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

The SI makes technical amendments to the retained direct EU law and involves no transfer of European Commission functions. There is no impact on the Welsh Ministers' executive competence or the National 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 legislation relating to general food and feed safety and hygiene. The Regulations will make minimal, technical amendments to the retained direct EU law without making any material change in the level of protection given to human health or to the high standard of food and feed that consumers expect from both domestically produced and imported products.

The Regulations will make technical fixes such as removing references to EU institutions and other Member States, removing requirements to provide information on an EU website, and will define 'third countries' as any country outside of the UK.

20 pieces of retained direct EU law are being amended to make only minor and technical changes to make clear who the 'appropriate authority' is in Northern Ireland and/or modify wording relating to the negative procedure in the Northern Ireland Assembly.

A technical amendment to Regulation (EU) 2016/759 (on the import of certain types of products of animal origin from third countries) provides that the certificate that must accompany particular imports must be in English / English and Welsh, or accompanied by a certified translation. Currently, the requirement is that the certificate be in an official language of the Member State into which the product is being imported.

The SI will also make minor amendments to two EU Decisions (2018/2045 and 2018/2046) to ensure authorisations for two specific GM products remain valid so that they can continue to be placed on the UK market after EU exit.

Regulations (EC) 853/2004 and 854/2004 are amended to modify slightly the new requirements for the application of health and ID marks to carcasses and other products of animal origin. The amendments to be made by the Specific Food Hygiene (Amendment etc.) (EU Exit) Regulations 2019 provide that, post-exit, health and ID Marks must display 'United Kingdom' or 'UK' to denote the meat's origin. The SI will make a further amendment to also allow the display of 'GB' (the ISO code for the United Kingdom), which EU law will require to be displayed on meat exported from the UK to the EU27 post-exit.

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

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.