



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 etc.) (EU Exit) (No. 2) Regulations 2019**

DATE **7 August 2019**

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

The law which is being amended

European Directly Applicable Instruments

Council Regulation (EU) No 1308/2013
Council Regulation (EU) No 1370/2013
Commission Regulation (EC) No 589/2008
Commission Regulation (EC) 617/2008
Commission Regulation (EEC) No 2568/91
Commission Implementing Regulation (EU) No 29/2012 Commission Regulation (EC) No 543/2008
Commission Delegated Regulation (EU) No 2015/1366
Commission Implementing Regulation (EU) No 2015/1368
Commission Implementing Regulation (EU) 2017/39
Commission Delegated Regulation (EU) 2017/40
Commission Regulation (EC) No 1974/2006
Regulation (EU) No 1303/2013
Regulation (EU) No 1305/2013

Domestic legislation

The Eggs and Chicks (England) Regulations 2009
The Poultrymeat (England) Regulations 2011
The Olive Oil (Marketing Standards) Regulations 2014 (“the Olive Oil Regulations”) (only the Olive Oil Regulations are applicable in relation to Wales).

Revoked EU Legislation

Commission Delegated Regulation (EU) No 611/2014

Commission Implementing Regulation (EU) No 615/2014

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

Common Market Organisation is primarily a devolved subject matter.

The 2019 Regulations transfer both administrative and legislative functions.

Administrative functions are transferred so that they are variously exercisable by the Welsh Ministers without encumbrance; by the ‘competent authority’ without encumbrance (though the competent authority is the Welsh Ministers by virtue of the Eggs and Chicks (Wales) Regulations 2010 and the Poultrymeat (Wales) Regulations 2011); and by the Secretary of State acting alone, subject to the agreement of the Welsh Ministers, the Scottish Ministers and the Department of Agriculture, Environment and Rural Affairs.

Legislative functions are transferred so that they are variously exercisable by the Welsh Ministers without encumbrance; by the Welsh Ministers acting alone, or by the Secretary of State where the subject matter of regulations is outside devolved competence; by the Welsh Ministers acting alone, or by the Secretary of State subject to the consent of the Welsh Ministers; and by the Secretary of State acting alone, but only with the consent of the Welsh Ministers where the subject matter of regulations is within devolved competence.

Functions transferred on a concurrent basis so that they are not only exercisable by the Welsh Ministers, but also by the Secretary of State subject to the consent of the Welsh Ministers, may constitute functions of a Minister of the Crown for the purposes of Schedule 7B to the Government of Wales Act 2006. This therefore may be a relevant consideration in the context of the Assembly’s competence to legislate in future in the areas in question.

Functions are transferred so that they are exercisable by the Secretary of State alone, but only subject to the consent of the Welsh Ministers, constitute functions of a Minister of the Crown for the purposes of Schedule 7B. A future Assembly Bill seeking to remove or modify these functions could trigger a requirement to consult the UK Government.

The purpose of the amendments

The 2019 Regulations amends retained European Union (“EU”) legislation relating to the common organisation of agricultural markets (“Common Market Organisation” or “CMO”) with a common objective of, directly or indirectly, supporting prices received by agricultural producers. This Instrument will address operability issues created by the United Kingdom (“UK”) leaving the EU. The 2019 Regulations will ensure that the CMO can continue to operate effectively after EU Exit.

The 2019 Regulations also makes minor amendments to retained EU law relating to support for rural development and the maritime and fisheries fund.

These 2019 Regulations make amendments to retained directly applicable EU legislation in relation to food marketing standards. The 2019 Regulations will ensure marketing standards in the food sector will be operable following the UK's exit from the EU. The objective is to maintain all existing marketing standards relevant for the UK market on Day 1.

After EU Exit and without amendment, the above retained EU legislation would contain inoperable provisions that would prevent the delivery of market support schemes to the agricultural sector.

The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU.