



Llywodraeth Cymru
Welsh Government

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE **Food and Feed Hygiene and Safety (Miscellaneous Amendments) (EU Exit) Regulations 2020**

DATE **16 October 2020**

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

The subordinate legislation which is being amended

- a. Sprouts and Seeds (Amendment) (EU Exit) Regulations 2019
 - i. Inserting Article 3A to substitute Article 2 of repealed Regulation (EU) No 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts with Article 3 of Regulation (EU) No 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 to provide definition for the term consignment.
 - ii. Minor amendments to regulation 4 which contains existing amendments to Article 4 of Regulation (EU) No 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts.
 - iii. Omitting regulations 8 to 13 which contain existing amendments to repealed Regulation (EU) No 211/2013.

- b. Contaminants in Food (Amendment) (EU Exit) Regulations 2019
 - i. Minor amendments to regulations 3 and 7 which contain existing amendments to Regulation (EEC) No 315/93 laying down Community procedures for contaminants in food.
 - ii. Minor amendments to regulations 14,15 and 17 which contain existing amendments to Annex 1 and 2 of Regulation (EC) No 401/2006 laying down the methods of sampling and analysis for the official control of the levels of

mycotoxins in foodstuffs.

- iii. Minor amendments to regulation 20 and omitting regulations 21 and 22 which contain existing amendments to Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs.
- iv. Minor amendments to regulation 27 which contains existing amendments to Regulation (EC) No 1882/2006 laying down methods of sampling and analysis for the official control of the levels of nitrates in certain foodstuffs.
- v. Minor amendments to regulation 30 which contains existing amendments to Regulation (EC) No 333/2007 laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs.
- vi. Minor amendments to regulation 35 which contains existing amendments to Regulation (EC) 2015/705 laying down methods of sampling and performance criteria for the methods of analysis for the official control of the levels of erucic acid in foodstuffs.
- vii. Minor amendments to regulation 39 which contains existing amendments to Regulation (EC) 2017/644 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs.

c. Specific Food Hygiene (Amendment etc.) (EU Exit) Regulations 2019

- i. Inserting into Regulation 2 additional definitions of applicable EU regulations.
- ii. Amending regulations 5, 8, 12, 13, 17, 18 and 19 and omitting regulation 10 which contain existing amendments to Regulation (EC) No 853/2004 laying down specific rules for food of animal origin.
- iii. Inserting regulations 19A and 19B which amend 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, derogating from Regulation (EC) No 852/2004 and amending Regulations (EC) No 853/2004 and (EC) No 854/2004.
- iv. Omitting regulations 20 to 49 which contain existing amendments to repealed Regulation (EC) No 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.
- v. Inserting regulations 51A-51N which amend Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat.
- vi. Inserting regulations 53A-53G which amend 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 specific requirements, amending Regulation (EC) No 2074/2005 and repealing Decision 2003/812/EC.

- vii. Inserting regulations 53H-53L which amend 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 of the European Parliament and of the Council.

d. General Food Law (Amendment etc.) (EU Exit) Regulations 2019

- i. Amending regulations 7, 9, 11, 13, 14, 15, 16, 17, 19, 20 and 21 which contain existing amendments to 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.
- ii. Inserting regulation 20A and 20B to retain Article 53 of, and insert a new Article 53a into Regulation (EC) No 178/2002 which consists of emergency measures for food and feed of Community origin or imported from a third country.
- iii. Minor amendment to regulation 21(a) to omit Article 57a of Regulation (EC) No 178/2002 which consists of emergency measures for food and feed of Community origin or imported from a third country.
- iv. Minor amendments to the Schedule which contains existing amendments to specified EU provisions.

e. General Food Hygiene (Amendment) (EU Exit) Regulations 2019

- i. Minor amendments to regulations 3, 4, 5, 7, 13 and 18 which contain existing amendments to Regulation (EC) No 852/2004 on the hygiene of foodstuffs.
- ii. Omitting regulation 22(a) which contains existing amendments to Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs.
- iii. Minor amendments to regulations 28 and 29 which contain existing amendments to Regulation (EU) 2017/2158 establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food.

f. Animal Feed (Amendment) (EU Exit) Regulations 2019

- i. Inserting into Regulation 2 an additional definition of applicable EU regulations.

- ii. Minor amendments to regulations 10, 11, 24 and 27 which contain existing amendments to Regulation (EC) No 1831/2003 on additives for use in animal nutrition.
- iii. Inserting regulation 30A which omits Article 21a of Regulation (EC) No 1831/2003 on additives for use in animal nutrition.
- iv. Minor amendments to regulations 36, 50, 51, 55, 56 and 62 which contain existing amendments to Regulation (EC) No 183/2005 laying down requirements for feed hygiene.
- v. Insert regulation 50A which inserts a paragraph at the end of Article 24 of Regulation (EC) No 183/2005 laying down requirements for feed hygiene.
- vi. Minor amendments to regulation 66 which contains existing amendments to Regulation (EC) No 378/2005 on detailed rules for the implementation of Regulation (EC) No 1831/2003.
- vii. Minor amendments to regulations 83 and 84 which contain existing amendments to Regulation (EC) No 429/2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003.
- viii. Minor amendments to regulations 94, 95, 97, 110 and 116 which contain existing amendments to Regulation (EC) No 767/2009 on the placing on the market and use of feed.
- ix. Minor amendments to regulation 137 which contains existing amendments to Regulation (EU) 2015/786 defining acceptability criteria for detoxification processes applied to products intended for animal feed as provided for in Directive 2002/32/EC on undesirable substances in animal feed to provide a definition for authorities.
- x. Inserting regulations 146 to 148 to amend Regulation (EC) 2020/354 establishing a list of intended uses of feed intended for particular nutritional purposes and repealing Directive 2008/38/EC.

g. Food and Feed Imports (Amendment) (EU Exit) Regulations 2019

- i. Amending regulation 2 to reflect definitions of applicable EU legislation.
- ii. Minor amendments to regulation 4 and 5 which contain existing amendments to the Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011.
- iii. Omitting regulations 7 to 17 which contain existing amendments to repealed Regulation (EC) No 669/2009 implementing repealed Regulation (EC) No 882/2004 as regards the increased level of official controls on imports of certain feed and food of non-animal origin.

- iv. Minor amendments to regulations 19, 20 and 26 which contain existing amendments to Regulation (EU) No 284/2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the People's Republic of China and Hong Kong Special Administrative Region, China.
 - v. Omitting regulations 27 to 49 which contain existing amendments to repealed Regulation (EU) No 884/2014 imposing special conditions governing the import of certain feed and food from certain third countries due to contamination risk by aflatoxins.
 - vi. Minor amendments to regulations 51 and 55 which contain existing amendments to Regulation (EU) 2015/949 approving the pre-export checks carried out on certain food by certain third countries as regards the presence of certain mycotoxins.
 - vii. Omitting regulations 56 to 73 which contain existing amendments to repealed Regulation (EU) 2017/186 laying down specific conditions applicable to the introduction into the Union of consignments from certain third countries due to microbiological contamination.
 - viii. Minor amendments to regulations 80 and 81 which contain existing amendments to Decision 2011/884/EU on emergency measures regarding unauthorised genetically modified rice in rice products originating from China.
 - ix. Omitting regulations 82 to 84 which contain existing amendments to repealed Decision 2014/88/EU suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves.
- h. Food and Feed (Maximum Permitted Levels of Radioactive Contamination) (Amendment) (EU Exit) Regulations 2019
- i. Minor amendments to regulations 5, 6 and 8 which contain existing amendments to 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.
- i. Novel Food (Amendment) (EU Exit) Regulations 2019
- i. Minor amendments to regulations 6, 7, 8, 11, 12, 20, 32, 34 and 38 which contain existing amendments to Regulation (EU) 2015/2283 on novel foods.
 - ii. Minor amendments to regulations 44, 50 and 51 which contain existing amendments to Regulation (EU) 2017/2468 laying down administrative and scientific requirements concerning traditional foods from third countries in accordance with Regulation (EU) 2015/2283.
 - iii. Minor amendments to regulation 60 which contains existing amendments to Regulation (EU) 2017/2469 laying down administrative and scientific

requirements for applications referred to in Article 10 of Regulation (EU) 2015/2283.

- iv. Minor amendments to regulation 62 which contains existing amendments to Regulation (EU) 2017/2470 establishing the Union list of novel foods in accordance with Regulation (EU) 2015/2283.
 - v. Minor amendments to regulation 76 which contains existing amendments to Regulation (EU) 2018/456 on the procedural steps of the consultation process for determination of novel food status in accordance with Regulation (EU) 2015/2283.
- j. Materials and Articles in Contact with Food (Amendment) (EU Exit) Regulations 2019
- i. Minor amendments to regulations 13, 24, 33 which contain existing amendments to Regulation (EC) No 1935/2004 on materials and articles intended to come into contact with food.
 - ii. Minor amendments to regulation 44 which contains existing amendments to Regulation (EC) No 282/2008 on recycled plastic materials and articles intended to come into contact with foods.
 - iii. Minor amendments to regulations 67 and 68 which contain existing amendments to Regulation (EC) No 10/2011 on plastic materials and articles intended to come into contact with food.
- k. Genetically Modified Food and Feed (Amendment etc.) (EU Exit) Regulations 2019
- i. Minor amendments to regulations 6, 8, 16, 20, 35, 36 and 37 which contain existing amendments to Regulation (EC) No 1829/2003 on genetically modified food and feed.
 - ii. Inserting regulation 36A to amend Article 34 of Regulation (EC) No 1829/2003.
 - iii. Inserting regulation 38A to amend Article 44 of Regulation (EC) No 1829/2003.
 - iv. Minor amendments to regulations 49 and 54 which contain existing amendments to Regulation No. 503/2013 on applications for authorisation of genetically modified food and feed in accordance with Regulation (EC) No 1829/2003.
 - v. Minor amendments to regulation 63, 66, 69, 112, 187, 226, 261, 272, 313, 346 which contain existing amendments to Decision 2007/305/EC, Decision 2007/306/EC, Decision 2007/307/EC, Decision 2009/184/EC, Decision 2013/327/EU, Decision (EU) 2015/686, Decision (EU) 2015/696, Decision (EU) 2015/698, Decision (EU) 2016/1217, Decision (EU) 2017/2448 on the authorisation and withdrawal of various genetically modified products.

- vi. Inserting regulations 390-476 amending Commission Implementing Decisions (EU) 2018/2045, (EU) 2018/2046, (EU) 2019/1302, (EU) 2019/1303, (EU) 2019/1304, (EU) 2019/1305, (EU) 2019/1306, (EU) 2019/1307, (EU) 2019/1308, (EU) 2019/1309, (EU) 2019/2080 (EU) 2019/2081, (EU) 2019/2082, (EU) 2019/2083, (EU) 2019/2084 (EU) 2019/2085, (EU) 2019/2086, (EU) 2019/2087 authorising the placing on the market of various genetically modified products.
- vii. Inserting regulation 477 to revoke Regulation (EC) No 1981/2006 on detailed rules for the implementation of Article 32 of Regulation (EC) No. 1829/2003.
- I. Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019
 - i. Amendments to regulations 12, 16, 22, 26, 27, 28 and 29 which contain existing amendments to Regulation (EC) No 2065/2003 on smoke flavourings used or intended for use in or on foods.
 - ii. Minor amendments to regulations 39 and 52 which contain existing amendments to Regulation (EC) No 1331/2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings.
 - iii. Minor amendments to regulations 58, 61 and 72 which contain existing amendments to Regulation (EC) No 1332/2008 on food enzymes.
 - iv. Minor amendments to regulations 82 and 105 which contain existing amendments to Regulation (EC) No 1333/2008 on food additives.
 - v. Minor amendments to regulations 118, 123 and 132 which contain existing amendments to Regulation (EC) No 1334/2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods.

The 2020 Regulations also amend certain EU derived domestic law that applies in relation to England only.

The retained direct EU Legislation which is being amended

- m. Minor amendments to 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.
- n. Minor amendments to Regulation (EU) 2020/1158 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station 6/6.

The secondary legislation that is being revoked

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

- Food and Feed (Chernobyl and Fukushima Restrictions) (Amendment) (EU Exit) Regulations 2019.
- Food and Feed Hygiene and Safety (Miscellaneous Amendments) (EU Exit) Regulations 2019.

The 2020 Regulations also revoke certain EU derived domestic law that applies in relation to Northern Ireland only.

The retained direct EU legislation that is being revoked

- Regulation (EU) No 415/2013 laying down additional responsibilities and tasks for the EU reference laboratories for rabies, bovine tuberculosis and bee health.

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

The 2020 Regulations make technical amendments to subordinate and retained direct EU legislation to ensure the operability of this legislation at the end of the transition period. There is no impact on the Welsh Ministers' executive competence or the Senedd's legislative competence.

The purpose of the amendments

The European Union (Withdrawal) Act 2018 ("the Withdrawal Act") converts and preserves EU law into domestic law ("retained EU law") at the end of the transition period following the UK's withdrawal from the EU.

The 2020 Regulations make amendments to subordinate legislation and retained direct EU legislation and provides for revocations of both defunct secondary legislation and retained direct EU legislation in relation to food and feed hygiene and safety.

The 2020 Regulations' amendments ensure that legislation can operate effectively at the end of the Transition Period to reflect the Withdrawal Agreement, the Northern Ireland Protocol and the UK Government's commitment to unfettered market access.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here:

<https://statutoryinstruments.parliament.uk/timeline/5qIVuf1h/SI-2020/>

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 and expediency and to ensure consistency and coherence of the statute book. 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.

