



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Genetically Modified Food and Feed (Amendment etc.) (EU Exit) Regulations 2019**

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The Genetically Modified Food and Feed (Amendment etc.) (EU Exit) Regulations 2019

The retained EU law which is being amended

- Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed
- Regulation (EC) No 641/2004 on detailed rules for the implementation of Regulation (EC) No 1829/2003 of the European Parliament and of the Council as regards the application for the authorisation of new genetically modified food and feed, the notification of existing products and adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk evaluation;
- Implementing Regulation (EU) No 503/2013 on applications for authorisation of genetically modified food and feed in accordance with Regulation (EC) No 1829/2003 of the European Parliament and of the Council and amending Commission Regulations (EC) No 641/2004 and (EC) No 1981/2006;
- Commission Decision 2006/197/EC;
- Commission Decision 2007/305/EC;
- Commission Decision 2007/306/EC;
- Commission Decision 2007/307/EC;
- Commission Decision 2007/692/EC;
- Commission Decision 2007/701/EC;
- Commission Decision 2007/703/EC;
- Commission Decision 2008/280/EC;
- Commission Decision 2008/730/EC;
- Commission Decision 2008/837/EC;
- Commission Decision 2008/933/EC;
- Commission Decision 2009/184/EC;
- Commission Decision 2009/813/EC;
- Commission Decision 2009/814/EC;
- Commission Decision 2009/866/EC;

- Commission Decision 2010/429/EU;
- Commission Decision 2011/354/EU;
- Commission Decision 2011/366/EU;
- Commission Decision 2011/891/EU;
- Commission Implementing Decision 2012/81/EU;
- Commission Implementing Decision 2012/82/EU;
- Commission Implementing Decision 2012/83/EU;
- Commission Implementing Decision 2012/84/EU;
- Commission Implementing Decision 2012/347/EU;
- Commission Implementing Decision 2012/651/EU;
- Commission Implementing Decision 2013/327/EU;
- Commission Implementing Decision 2013/648/EU;
- Commission Implementing Decision 2013/649/EU;
- Commission Implementing Decision 2013/650/EU;
- Commission Implementing Decision (EU) 2015/683;
- Commission Implementing Decision (EU) 2015/684;
- Commission Implementing Decision (EU) 2015/685;
- Commission Implementing Decision (EU) 2015/686;
- Commission Implementing Decision (EU) 2015/687;
- Commission Implementing Decision (EU) 2015/688;
- Commission Implementing Decision (EU) 2015/689;
- Commission Implementing Decision (EU) 2015/690;
- Commission Implementing Decision (EU) 2015/691;
- Commission Implementing Decision (EU) 2015/693;
- Commission Implementing Decision (EU) 2015/695;
- Commission Implementing Decision (EU) 2015/696;
- Commission Implementing Decision (EU) 2015/697;
- Commission Implementing Decision (EU) 2015/698;
- Commission Implementing Decision (EU) 2015/699;
- Commission Implementing Decision (EU) 2015/700;
- Commission Implementing Decision (EU) 2015/701;
- Commission Implementing Decision (EU) 2015/2279;
- Commission Implementing Decision (EU) 2015/2281;
- Commission Implementing Decision (EU) 2016/1215;
- Commission Implementing Decision (EU) 2016/1216;
- Commission Implementing Decision (EU) 2016/1217;
- Commission Implementing Decision (EU) 2017/1208;
- Commission Implementing Decision (EU) 2017/1209;
- Commission Implementing Decision (EU) 2017/1211;
- Commission Implementing Decision (EU) 2017/1212;
- Commission Implementing Decision (EU) 2017/2448;
- Commission Implementing Decision (EU) 2017/2449;
- Commission Implementing Decision (EU) 2017/2450;
- Commission Implementing Decision (EU) 2017/2451;

- Commission Implementing Decision (EU) 2017/2452;
- Commission Implementing Decision (EU) 2017/2453;
- Commission Implementing Decision (EU) 2018/1109;
- Commission Implementing Decision (EU) 2018/1110;
- Commission Implementing Decision (EU) 2018/1111;
- Commission Implementing Decision (EU) 2018/1112.

The retained EU law which is being revoked:

- Regulation (EC) No 1981/2006 on detailed rules for the implementation of Article 32 of Regulation (EC) No 1829/2003 of the European Parliament and of the Council as regards the Community reference laboratory for genetically modified organisms (EU) No. 931/2011 of 19 September 2011 on the traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin.

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 powers, including regulation-making functions, to Welsh Ministers in relation to Wales. This will enable Welsh Ministers to decide whether or not to approve applications for new GMOs to be placed on the market in Wales. The Welsh Ministers will also have regulation-making powers, subject to annulment by resolution of the National Assembly, to amend non-essential parts of Regulation 1829/2003 and to set rules on the preparation and presentation of applications for GM authorisations. The Welsh Ministers will also have powers to appoint a reference laboratory for the purposes of undertaking particular tasks related to analysing GM food and feed, and to make regulations to set rules related to the work to be carried out by the reference laboratory. 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 rules for pre-market scientific assessment and authorisation of GM food/feed.

The Regulations will make technical fixes such as removing references to EU institutions and other Member States. It will also change the reference to the EU register of authorised GM food/feed to be a reference to an administrative register in the UK and will define ‘third countries’ as any country outside of the UK. It will also provide for the revocation of Regulation (EC) No 1981/2006 which provided for the use of Community Reference Laboratories.

The more substantive amendments will:

- transfer responsibilities currently conferred on the European Food Safety Authority (EFSA) to the “Food Safety Authority” (the FSA in England, Wales and Northern Ireland, and Food Standards Scotland). For GM food and feed this will include undertaking risk

assessments and producing scientific opinions on applications for GM food/feed authorisations.

- amend references to EU GM laboratories and laboratory networks to refer to the UK Reference Laboratory.
- transfer the European Commission's functions to the Welsh Ministers in relation to Wales to enable or require them to:
 - Determine whether food or feed falls within scope of the relevant retained EU law.
 - Decide whether to approve applications for new GMOs to be placed on the market.
 - Modify, suspend or revoke authorisations in exceptional circumstances.
 - Make regulations to amend non-essential elements of the retained EU law, for example to take account of new advances in science, and to make regulations to prescribe detailed rules relating to applications for, and applications for renewal of, authorisations of GM food/feed.

These Regulations will also correct individual retained EU GM food/feed authorisations to ensure that they remain valid in the UK context, and can continue to be placed on the UK market after EU exit.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://beta.parliament.uk/work-packages/I01jC6I6>

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.