



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Contaminants in Food (Amendment) (EU Exit) Regulations 2019**

DATE **4 February 2019**

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

The Contaminants in Food (Amendment) (EU Exit) Regulations 2019

The retained EU law which is being amended in relation to Wales

- Council Regulation (EEC) No. 315/93 laying down Community procedures on contaminants in foods
- Commission Regulation (EC) No. 401/2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs
- Commission Regulation (EC) No. 1881/2006 setting maximum levels for certain contaminants in foodstuffs
- Commission Regulation (EC) No. 1882/2006 laying down methods of sampling and analysis for the official control of the levels of nitrates in certain foodstuffs
- Commission 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
- Commission Regulation (EC) No. 124/2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed
- Commission Regulation (EU) No. 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 and repealing Regulation (EU) No. 589/2014
- Commission Regulation (EU) 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 and repealing Commission Directive 80/891/EEC

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 legislative power under EU Regulation 315/93 to the Welsh Ministers in relation to Wales. This will enable the Welsh Ministers to make regulations, subject to

annulment by resolution of the National Assembly, to amend EU Regulation 1881/2006 to set the maximum tolerances for specific contaminants. 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 in legislation arising from the UK leaving the European regulating certain contaminants in food, including nitrate, mycotoxins, metal and veterinary medicines. It will make minimal, technical amendments to the retained direct EU law, which will ensure that the current protection against contamination in food is retained for UK consumers and food business operators, and that the monitoring and enforcement of the rules is done in a consistent and effective manner.

The Regulations will not make any material change in the level of protection given to human (or animal) health, or to the high standard of food and feed that consumers expect from both domestically produced and imported products.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here; <https://beta.parliament.uk/work-packages/6cpPiCQr>

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, the FSA Wales/Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.