



Llywodraeth Cymru
Welsh Government

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE **The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021**

DATE **29 January 2021**

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

SO30C –SI laid in Parliament which amends legislation in a devolved area

The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021

The 2021 Regulations amend the following legislation:

Retained direct EU legislation

- Regulation (EU) 1169/2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC)
- Commission Implementing Regulation (EU) 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry
- Commission Implementing Regulation (EU) 2018/775 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the

primary ingredient of a food

- Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation
- Commission Delegated Regulation (EU) 2019/934 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files
- Commission Implementing Regulation (EU) 2019/935 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products and notifications of Member States decisions concerning increases in natural alcoholic strength
- The 2021 regulations also amend certain EU derived domestic law that applies in relation to England only.

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

The 2020 Regulations do not impact on the Senedd's legislative competence or the Welsh Ministers' executive competence.

The instrument will, as far as possible, provide that retained EU law and existing domestic law has the same effect as current legislation, ensuring that consumers and businesses are able, after the end of the Transition Period, to provide and make use of the same information, presented in the same way as before. This instrument provides for the changes that will need to be made as a result of the UK no longer being in the EU.

The purpose of the amendments

This instrument amends relevant retained direct EU legislation, concerning food information to consumers, to address deficiencies in retained EU law arising from the UK's departure from the EU. It also ensures the operability of certain domestic pieces of food legislation in England on Caseins and Honey after the end of the transition period.

The amendments in the instrument apply after the end of the transition period following the UK's exit from the EU.

There are no changes to policy, however, there are substitutions which arise as a result of the UK no longer being in the EU and which will have 'real world' effects on the information and the way in which it is presented to consumers. This instrument provides for transition to changes in the domestic SIs and also provides for enforcement arrangements that concern how geographical indication (GI) designations on labelling of products can be used when the UK is no longer in the EU.

The SI makes amendments to regulations which ensure the wine regime as a whole can operate effectively across the UK, in the way in which it does prior to the end of the transition period. Functions which sat with the EU or Member states have been transferred back to the Secretary of State or the Welsh Ministers as appropriate.

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

<https://statutoryinstruments.parliament.uk/timeline/7pvsITeQ/ProposedNegative/>

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.