



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Animal Feed (Amendment) (EU Exit) Regulations 2019**

DATE **6 February 2019**

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

The Animal Feed (Amendment) (EU Exit) Regulations 2019

The retained EU law which is being amended

- Regulation (EC) No 1831/2003 on additives for use in animal nutrition
- Regulation (EC) No 1831/2005 laying down requirements for feed hygiene
- Regulation (EC) No 378/2005 on detailed rules for the implementation of Regulation (EC) No 1831/2003 as regards the duties and tasks of the Community Reference Laboratory concerning applications for authorisations of feed additives
- Regulation (EC) No 429/2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003 as regards the preparation and the presentation of applications and the assessment and the authorisation of feed additives
- Regulation (EC) No 152/2009 laying down the methods of sampling and analysis for the official control of feed
- Regulation (EC) No 767/2009 on the placing on the market and use of feed, amending EC No 1831/2003;
- Regulation (EU) No. 892/2010 on the status of certain products with regard to feed additives within the scope of Regulation (EC) No 1831/2003
- Regulation (EU) No 619/2011 laying down the methods of sampling and analysis for the official control of feed as regards presence of genetically modified material for which an authorisation procedure is pending or the authorisation of which has expired;
- Regulation (EU) No 68/2013 on the Catalogue of feed materials
- 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

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, among other things:

- authorise new feed additives;

- restrict or prohibit the use of certain materials in feed;
- amend labelling requirements for feed and feed additives;
- amend non-essential elements of the retained EU law (e.g. in response to new scientific developments).

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The Welsh Ministers' regulations will be subject to annulment by resolution of the National Assembly. The SI will not have any impact on the Assembly's legislative competence.

The purpose of the amendments

The Regulations will make technical corrections such as removing references to EU institutions and other Member States and will define 'third countries' as 'any country outside of the UK'. It will also amend the provision for labelling feed containers so that food additives must be labelled in English, or English and Welsh.

As a more substantive change, the Regulations will, in relation to Wales, transfer the risk assessment responsibilities carried out by European Food Safety Authority (EFSA) to the FSA. The FSA will therefore be responsible for, among other things, undertaking risk assessments for any applications for a product's authorisation as a feed additive and will advise the Welsh Ministers on the basis of those risk assessments.

It will also transfer the Commission's functions, including regulation-making functions under the directly applicable EU law, to the Welsh Ministers in Wales.

The Regulations will confer specific powers on the Welsh Ministers to:

- Authorise the use of feed additives in Wales, and their reauthorisation, modification or suspension
- Prescribe microbiological criteria and targets for feed hygiene, as well as implementation of food safety management systems and feed hygiene requirements for feed businesses
- Work with reference laboratories to re-evaluate applications if needed
- Restrict or prohibit the use of certain materials in feed
- Amend labelling requirements for feed and feed additives
- Maintain a Catalogue of Feed Materials
- Lay down the methods of sampling and analysis for the official control of feed for genetically modified material for which an authorisation procedure is pending or the authorisation has expired; and set any emergency measures
- Make regulations to amend non-essential elements of the retained EU law, for example to take account of new advances in science

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

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.