



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Common Organisation of the Markets in Agricultural Products (Wine) (Amendment, etc.) Regulations 2021**

DATE **12 July 2021**

BY **Lesley Griffiths MS, Minister for Rural Affairs and North Wales and Trefnydd.**

SI laid in Parliament, which amends Retained EU Law and secondary legislation in a devolved area

The Common Organisation of the Markets in Agricultural Products (Wine) (Amendment, etc.) Regulations 2021

The 2021 Regulations amend the following retained European Union (“EU”) legislation:

EU Legislation amended

- Regulation (EC) No 1308/2013 of the European Parliament and of the Council

Domestic Legislation amended

- The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulation 2020 (S.I. 2020 No. 1452)
- The direct amendment to Regulation (EU) No 1308/2013 is supported by a revocation of regulation 6(3) of S.I. 2020/1452. That amendment was rendered ineffective by regulation 7(4) of S.I. 2020/1446 and is being removed for clarity.

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

Welsh Government officials are of the view that the 2021 Regulations contain provisions, which are within the scope of the Senedd’s legislative competence, and as such the related functions should not be solely conferred on the Secretary of State.

DEFRA take the view that amendments in the 2021 Regulations relate to reserved matters. On this basis, DEFRA intend to transfer various functions relating to Wine GIs to the Secretary of State.

The purpose of the amendments

The purpose of the 2021 Regulations is to address deficiencies in retained EU law. The instrument makes a correction to the legislation governing the wine geographical indications (“GIs”) scheme. It corrects Article 107 of Regulation (EU) No 1308/2013, concerning protected wine names and traditional terms. Article 107 was amended by regulation 7 of S.I. 2019/828, which was subsequently amended by S.I. 2020/1452. However, regulation 7 of S.I. 2019/828 was omitted in error by S.I. 2020/1446, meaning that the amendments to Article 107 did not come into effect on the last day of the transition period as intended. These regulations make equivalent amendments to Article 107 to those intended to come into force on 31 December 2020. However this has resulted in a change in the UK scheme registration date for most GI wines and traditional terms – from 31 December 2020 to 10 March 2021.

The correction will ensure that all established wine GIs and traditional terms are protected and appear on the public register of wines and traditional terms protected in GB. This in turn ensures that the UK Government fully complies with its GI commitments under the EU Withdrawal Agreement.

The 2021 Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments are available here:

Insert link

<https://www.legislation.gov.uk/ukxi/2021/279/memorandum/contents>

Response to the UK Government

The Welsh Government’s position is that agriculture and the CAP are devolved and do not relate to the reserved matters under any heading in Schedule 7A to the Government of Wales Act 2006. However, the UK Government does not agree, and believes the subject matter of the 2021 Regulations is reserved. Therefore, the UK Government has not sought the consent of Welsh Ministers.

The Welsh Government’s view is that the above functions directly relate to the objectives of the CMO to improve the productivity of the agricultural sector and so raise the competitiveness of primary produce in the market place. The subject matter of agriculture and CAP is within the legislative competence of the Senedd (i.e. devolved). Under the terms of the Intergovernmental Agreement, the consent of Welsh Ministers should have been sought prior to laying the 2021 Regulations.

The Welsh Ministers have written to the UK Government to inform them of our view that it is not appropriate for UK Government Ministers to take unilateral decisions on matters which have a direct effect upon areas of devolved competence.