

Explanatory Memorandum to The Beef and Veal Labelling (Wales) Regulations 2011.

This Explanatory Memorandum has been prepared by the Rural Affairs Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of **The Beef and Veal Labelling (Wales) Regulations 2011**.

Elin Jones AM Welsh Assembly Government Minister for Rural Affairs

DATE

1. Description. This instrument will

- continue to enforce the existing EU legislation currently enforced by The Beef and Veal Labelling Regulations Wales 2001 (SI 2001/1360 (W.88) which are revoked and replaced by these Regulations.
- enforce EU provisions on labelling un-prepacked meat of bovine animals aged 12 months or less, contained in Council Regulation (EC) No. 1234/2007 and Commission Regulation (EC) No. 566/2008.

2. Matters of special interest to the Constitutional Affairs Committee

None

3. Legislative background

These Regulations are made in exercise of powers contained in section 2(2) of the European Communities Act 1972. The National Assembly for Wales was designated to exercise these powers, in relation to food and the primary production of food, by virtue of the European Communities (Designation) (No 4) Order 2003, SI 2003/2901. The designation conferred upon the Assembly is now exercisable by the Welsh Ministers.

This instrument is subject to the negative resolution procedure.

4. Purpose & intended effect of the legislation

4.1 This instrument is made using the powers under the European Communities Act 1972 and has been the subject of consultation with interested stakeholders as required by Article 9 of Regulation (EC) No.178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

4.2 Section 80 of the Government of Wales Act 2006 places Welsh Ministers under a statutory duty to give effect to EU obligations where they have the powers to do so. Welsh Ministers must give effect to the relevant EU legislation. Welsh Ministers are required to create a statutory enforcement mechanism to give effect to Council Regulation (EC) No. 1234/2007 and Commission Regulation (EC) No. 566/2008. In the rest of the UK this was achieved in 2010.

4.3 The Beef and Veal Labelling (Wales) Regulations 2011 will continue to give effect to EU obligations, and will revoke and replace the Beef Labelling (Enforcement) (Wales) Regulations 2001 SI 1360/2001 (W88) which is currently in force.

It will continue to:-

- enforce the provisions for the EU beef labelling rules contained in Title II of Regulation (EC) No.1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and subsidiary Commission Regulations, including Commission Regulation (EC) No.1825/2000, and
- enforce the provisions relating to (prepacked) meat of bovine animals aged 12 months or less of Council Regulation (EC) No.1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products as well as the provisions of Commission Regulation (EC) No.566/2008 laying down detailed rules for the application of Council Regulation (EC) No.1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less.

The instrument includes, in addition, enforcement provisions covering

- the labelling of un-prepacked meat of bovine animals aged 12 months or less,
- the labelling of trimmings, pre-packaged cut meat and non-pre-packaged cut meat (Articles 5a, 5b and 5c of Commission Regulation (EC) No. 1825/2000).

4.4 The proposal for Council legislation on the marketing of the meat of bovine animals aged 12 months or less was considered by the EU Scrutiny Committees in both 2006 and again in 2007 when it was being incorporated into the Single CMO. On both occasions it was classified as not legally or politically important and cleared from scrutiny.

5. Impact

5.1 This instrument applies to Wales only. Similar instruments have already been introduced in England, Scotland, and Northern Ireland. This will bring Wales up to date and in line with the rest of the UK.

5.2 The provisions should not affect Wales, or the rest of the UK to any great extent as the market for veal and young bull beef from animals of 12 months or less is very small. An RIA has not been conducted as the regulations need to relate directly to EU legislation. The instrument implements the Government's obligation to introduce measures to enforce EU legislation in relation to Beef and Veal Labelling. The changes are not of high importance.

5.3 The rules on the marketing of the meat of bovine animals aged 12 months or less came into effect under EU legislation from 1 July 2008. For meat of bovine animals aged 12 months or less presented for sale un-prepacked at the point of retail sale to the final consumer, the Commission required Member States to lay down rules on how the information would be presented and notify these rules to the Commission over a longer timescale.

5.4 The rules are directly applicable and are intended to protect consumers from misleading or confusing sales descriptions for meat from bovine animals aged 12 months or less so that they can make a clear distinction between veal from animals aged 8 months or less and meat from animals aged 8-12 months. The instrument implements the Government's obligation to introduce measures to enforce this EU legislation. There is limited leeway to change the scope of the instrument as it enforces EU legislation which is directly applicable. The EU legislation applies to all businesses.

5.5 There is no impact on charities or voluntary bodies, or the industry at large. No significant impact on the public sector is anticipated.

6. Consultation

Welsh Ministers are under an EU duty (imposed under EU Food law) to have undertaken a consultation exercise prior to making these Regulations, which has been undertaken. The draft Regulations were the subject of a month long consultation (which ended on 21 March 2011) with stakeholders in the Welsh red meat industry. The consultation was open to the public. Two (2) responses were received (Hybu Cig Cymru: Meat Promotion Wales, and the Food Standards Agency) who accepted that this would introduce necessary updates. No objections were received – no changes were made to the regulations as a result.

7. Guidance

A bilingual guidance note explaining how the new EU provisions on the marketing of meat of bovine animals aged 12 months or less will operate in Wales will be released shortly. The Rural Payments Agency (RPA) which is responsible for the implementation of the EU Beef and Veal Labelling system has already posted detailed guidance on their website. It is available to users, stakeholders and enforcement agencies.