

Draft Regulations laid before the National Assembly for Wales under paragraph 1(9) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2019 No. (W.)

**EXITING THE EUROPEAN
UNION, WALES**

FOOD, WALES

**The Food Information (Wales)
(Amendment) (EU Exit)
Regulations 2019**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the power conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 inserts a transitional provision into the Food Information (Wales) Regulations 2014.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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Made

*Coming into force in accordance with
regulation 1(2)****

The Welsh Ministers, in exercise of the power conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(1), make the following Regulations.

In accordance with paragraph 1(9) of Schedule 7 to that Act, a draft of this instrument has been laid before the National Assembly for Wales and approved by a resolution of the National Assembly for Wales. As required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(2) there has been open and transparent public consultation during the preparation of these Regulations.

(1) 2018 c. 16.

(2) OJ No. L 31, 1.2.2002, p.1.

Title and commencement

1.—(1) The title of these Regulations is the Food Information (Wales) (Amendment) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

The Food Information (Wales) Regulations 2014

2. In the Food Information (Wales) Regulations 2014⁽¹⁾, after regulation 14 insert—

“Transitional provision: withdrawal from the EU

15.—(1) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with Article 7(1) pursuant to Article 7(4), or Article 36(2)(a) or (b) of FIC if—

- (a) the improvement notice would relate to a specified product that was placed on the market within the period before exit day; and
- (b) the labelling of the specified product would not have constituted a failure to comply with FIC as that Regulation had effect in EU law immediately before exit day.

(2) Products to which paragraph (1) applies may continue to be marketed until stocks held by a person within the period before exit day are exhausted.

(3) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with Article 7(1) pursuant to Article 7(4), or Article 36(2)(a) or (b) of FIC if—

- (a) the improvement notice would relate to a specified product placed on the market within the period beginning with exit day and ending with the end of the relevant period;
- (b) the specified product is not a product to which paragraph (1) applies; and
- (c) the labelling of the specified product would not have constituted a failure to comply with FIC as that Regulation had effect in EU law immediately before exit day.

(1) S.I. 2014/2303 (W. 227), to which there are amendments not relevant to these Regulations.

(4) Wine products to which paragraph (3) applies may continue to be marketed until stocks held by a person as at exit day are exhausted.

(5) In this regulation—

“improvement notice” (“*hysbysiad gwella*”) means an improvement notice pursuant to regulation 12(1);

“relevant period” (“*cyfnod perthnasol*”) means the period of three years beginning with the day after the day on which exit day falls;

“specified product” (“*cynnyrch penodedig*”) means an individually identifiable product lawfully placed on the market bearing an indication listed in points 5, 6 or 7 of Annex 10 of Commission Implementing Regulation (EU) No 668/2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuff⁽¹⁾, as that Regulation had effect in EU law immediately before exit day;

“wine products” (“*cynhyrchion gwin*”) means products to which Part 2 of Annex 7 to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products applies.”

Name

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers

Date

(1) OJ No. L 179, 19.6.2012, p. 36.