

**2020 No. (W.)**

**EXITING THE EUROPEAN  
UNION, WALES**

**FOOD, WALES**

**AGRICULTURE, WALES**

The Food and Rural Affairs  
(Miscellaneous Amendments)  
(Wales) (EU Exit) Regulations 2020

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by paragraphs 1(1) and 11M(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, to reflect the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement, and to make transitional provision.

These Regulations make amendments to subordinate legislation, which apply in relation to Wales, relating to food and rural affairs. They amend the Eggs and Chicks (Wales) Regulations 2010 (S.I. 2010/1671) (W. 158), the Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/732) (W. 137), the Retained EU Law (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/1281) (W. 225) and the Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 3) Regulations 2019 (S.I. 2019/1376) (W. 242) and revoke the Food Information (Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/1418) (W. 253). The Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 and the Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 3) Regulations 2019 amend a number of statutory instruments in the field of food and rural affairs.

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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*Sift requirements satisfied* \*\*\*

*Made* \*\*\*

*Laid before Senedd Cymru* \*\*\*

*Coming into force in accordance with  
regulation 1(2) and (3)*

The Welsh Ministers, in exercise of the powers conferred by paragraphs 1(1) and 11M(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(1), make the following Regulations.

The requirements of paragraph 4(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Senedd Cymru(2) procedure for these Regulations) have been satisfied.

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- (1) 2018 c. 16. There are amendments to paragraph 1 of Schedule 2 which are not relevant to these Regulations. Paragraph 11M of Schedule 2 was inserted by section 22 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) and paragraph 21 of Schedule 7 was amended by paragraph 53 of Schedule 5 to that Act.
- (2) The reference in the European Union (Withdrawal) Act 2018 to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

In accordance with paragraph 4 of Schedule 2 to the European Union (Withdrawal) Act 2018, the Welsh Ministers have consulted with the Secretary of State.

There has been open and transparent public consultation during the preparation of these Regulations 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<sup>(1)</sup>.

### **Title and commencement**

**1.**—(1) The title of these Regulations is the Food and Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020.

(2) Subject to paragraph (3), these Regulations come into force 21 days after the day on which they are laid.

(3) Regulation 2 comes into force on implementation period completion day.

### **Amendment to the Eggs and Chicks (Wales) Regulations 2010**

**2.** In regulation 11(1) of the Eggs and Chicks (Wales) Regulations 2010<sup>(2)</sup>, for “exclusively in the United Kingdom” substitute “in Great Britain”.

### **Amendment to the Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019**

**3.**—(1) The Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019<sup>(3)</sup> are amended as follows.

(2) In regulation 2(5) (amendment to regulation 4 of S.I. 2009/1551 (W. 151)), for sub-paragraph (a) substitute—

“(a) in paragraph (8), for “the European Union” substitute “Great Britain”;

(3) In regulation 4(2) (amendment to regulation 4 of S.I. 2011/991 (W. 145)), for sub-paragraph (b) substitute—

“(b) after paragraph (3) insert—

“(4) Paragraph (1)(b)(ii) does not apply in relation to a failure to comply with Article

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(1) OJ No. L 31, 1.2.2002, p. 1, to which there are no relevant amendments to Article 9.

(2) S.I. 2010/1671 (W. 158), amended by S.I. 2013/3270 (W. 320); there are other amending instruments but none are relevant.

(3) S.I. 2019/732 (W. 137), amended by S.I. 2019/1376 (W. 242).

2(2)(b) of Regulation (EC) No 1825/2000 of the European Parliament and the Council if the matter constituting the alleged contravention—

- (a) relates to a product that was placed on the market before the end of the period of 21 months beginning on the day on which IP completion day falls, and
- (b) would not have constituted a contravention of that Regulation as it applied immediately before IP completion day.”;

(4) In regulation 7(5) (amendment to regulation 12 of S.I. 2011/1719 (W. 195)), for sub-paragraph (a) substitute—

“(a) in paragraph (9)(a), for “the European Union” substitute “Great Britain”;

(5) In regulation 8(5) (amendment to regulation 5 of S.I. 2017/724 (W. 174)), in sub-paragraph (a), in the inserted text, for “exit day”, in both places it occurs, substitute “IP completion day”.

#### **Amendment to the Retained EU Law (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019**

4. Omit regulation 3(3) (amendment to regulation 7(5)(a) of S.I. 2019/732 (W. 137)) of the Retained EU Law (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019(1).

#### **Amendment to the Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 3) Regulations 2019**

5.—(1) The Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 3) Regulations 2019(2) are amended as follows.

(2) In regulation 2 (insertion of regulation 23 into S.I. 2009/1551 (W. 151)), in the inserted text, for “exit day”, in each place it occurs, substitute “IP completion day”.

(3) Omit regulation 5 (amendment to regulation 4(2) of S.I. 2019/732 (W. 137)).

(4) Omit regulation 6 (amendment to regulation 2 of S.I. 2019/1418 (W. 253)).

#### **Revocation of the Food Information (Wales) (Amendment) (EU Exit) Regulations 2019**

6. The Food Information (Wales) (Amendment) (EU Exit) Regulations 2019(1) are revoked.

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(1) S.I. 2019/1281 (W. 225).

(2) S.I. 2019/1376 (W. 242).

*Name*

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

Date

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(1) S.I. 2019/1418 (W. 253), amended prospectively by S.I. 2019/1376 (W. 242). Regulation 6 of S.I. 2019/1418 (W. 253) is being omitted by regulation 5(4) of these Regulations.