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Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/RE/00336/25

Andrew RT Davies MS
Chair,
Economy, Trade and Rural Affairs Committee

27 February 2025

Dear Andrew,

Thank you for the Economy, Trade and Rural Affairs Committee's report on the Legislative Consent Memorandum for the Product Regulation and Metrology Bill.

Please find enclosed my response to the issues raised in the report.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans." The signature is written in a cursive style.

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Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Welsh Government's Legislative Consent Memorandum on the Product Regulation and Metrology Bill

Response to the ETRA Committee Report

In January 2025, the Economy, Trade and Rural Affairs (ETRA) submitted its report on the Welsh Government's Legislative Consent Memorandum on the Product Regulation and Metrology Bill. The report includes 2 recommendations. This is the Welsh Government's response to those recommendations.

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1. Introduction

The Product Regulation and Metrology Bill (the Bill) was introduced in the House of Lords on 4 September 2024. At the time of publication, the Bill was at Report stage in the House of Lords. The Lords' Report is scheduled to be published on 26 February 2025, with the third reading taking place on 5 March. The Bill will then proceed through the House of Commons.

The Bill makes provision about the marketing or use of products in the United Kingdom and the units of measurement and the quantities in which goods are marketed in the United Kingdom.

On leaving the EU, the UK set up an independent regime, which the UK Government (UKG) considered was needed to be able to adapt to new technologies such as Artificial Intelligence (AI), as well as to reflect the shift in both what consumers buy and how they buy it. The UKG believe they need new powers to address current and future threats and ensure a continued supply of safe goods.

It was the view of both the UK and Welsh Governments that the Bill required the legislative consent of the Senedd. To this end a Legislative Consent Memorandum was laid in the Senedd on 20 September 2024.

The Legislative Consent Memorandum outlined a number of reasons for the Welsh Government to support the Bill. However, it also highlighted that the Bill, as currently drafted, would in effect lead to the Welsh Government having less powers to introduce reforms in a range of areas, as compared to when the UK was part of the EU Single Market. Therefore, it stated that further engagement is required with the UK Government with respect to the enabling powers within the Bill and the role of Welsh Ministers and the Senedd.

The Legislative Justice and Constitutional Committee (LJCC) published a report on the Bill in November 2024, and the Welsh Government response to that report was published in January 2025.

2. Response to the Recommendations

Recommendation 1

The Committee recommends that:

The Welsh Government should provide the Committee with an update on the on-going discussions between Welsh and UK Governments regarding this Bill as soon as possible.

Response: Accept

There are no significant updates with respect to ongoing discussions between the Welsh and UK Governments on the Bill. Officials continue to have positive discussions with their UK Government counterparts regarding potential legislative amendments to address the Welsh Government's and Senedd's concerns.

The Lord's report is scheduled for 26 February, followed by the third reading on the 5 March. The Cabinet Secretary for Economy, Energy and Planning will consider all amendments in line with Standing Order 29.2 and will lay a supplementary Legislative Consent Memorandum on any amendments which are within devolved competency.

Recommendation 2

The committee recommends that:

The Welsh Government should, as a matter of urgency, set out what changes to the Bill it requires in order for it to be in a position to recommend consent

Response: Reject

As stated above, officials are discussing a range of potential legislative options with the UK Government to address the Welsh Government's and Senedd's concerns. UK Government Ministers are listening, and their officials are fully engaging. However, at this point, we are not able to provide further information.