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WELSH STATUTORY INSTRUMENTS

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**2019 No. 1376 (W. 242)**

**EXITING THE EUROPEAN UNION, WALES  
FOOD, WALES  
HORTICULTURE, WALES**

**The Rural Affairs (Miscellaneous Amendments)  
(Wales) (EU Exit) (No. 3) Regulations 2019**

*Made - - - - 23 October 2019*

*Laid before the National*

*Assembly for Wales - - 25 October 2019*

*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 <sup>F1</sup>, make the following Regulations.

The Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by resolution of, the National Assembly for Wales.

In accordance with paragraph 4(a) of Schedule 2 to the European Union (Withdrawal) Act 2018, the Welsh Ministers have consulted the Secretary of State with regard to the amendment of the Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 <sup>F2</sup> and the amendment of the Food Information (Wales) (Amendment) (EU Exit) Regulations 2019 <sup>F3</sup>.

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>F4</sup> there has been open and transparent public consultation during the preparation of these Regulations with regard to the amendment of the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009 <sup>F5</sup>, the Eggs and Chicks (Wales) Regulations 2010 <sup>F6</sup>, the Poultrymeat (Wales) Regulations 2011 <sup>F7</sup>, the Food Information (Wales) (Amendment) (EU Exit) Regulations 2019 and the Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.

**F1** 2018 c. 16.

**F2** S.I. 2019/732 (W. 137).

**F3** S.I. 2019/XXX (W. XXX).

**F4** OJ No. L 31, 1.2.2002, p. 1.

*Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 3) Regulations 2019. (See end of Document for details)*

- F5** [S.I. 2009/1551](#) (W. 151), amended by [S.I. 2019/732](#) (W. 137). These amendments are due to come into force on exit day. There are other amending instruments but none is relevant.
- F6** [S.I. 2010/1671](#) (W. 158), amended by [S.I. 2019/463](#) (W. 111) and [S.I. 2019/732](#) (W. 137). These amendments are due to come into force on exit day. There are other amending instruments but none is relevant.
- F7** [S.I. 2011/1719](#) (W. 195), amended by [S.I. 2013/3270](#) (W. 320). [S.I. 2011/1719](#) (W. 195) is also amended by [S.I. 2019/463](#) (W. 111) and [S.I. 2019/732](#) (W. 137) with these amendments coming into force on exit day.

## Title and commencement

**1.**—(1) The title of these Regulations is the Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 3) Regulations 2019.

(2) Save for regulations <sup>F8</sup>1, 5 and 6 which come into force immediately before exit day, these Regulations come into force on exit day.

- F8** Word in reg. 1(2) inserted (17.12.2020) by The Direct Payments to [Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1556), regs. 1(2)(b), [15](#)

## Commencement Information

- II** Reg. 1 in force at 31.12.2020 immediately before IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

## Amendment of the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009

**2.** In the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009, after regulation 22 insert—

### “Transitional provisions: withdrawal from the EU

**23.**—(1) Regulation 4 does not apply in relation to a failure to comply with Article 7 of Commission Implementing Regulation 543/2011 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 <sup>F9</sup>IP completion day] falls, and
- (b) would not have constituted a contravention of that Regulation as it applied immediately before <sup>F9</sup>IP completion day].

(2) An authorised officer must not exercise the powers under regulation 11(1) in relation to a failure to comply with Article 7 of Commission Implementing Regulation 543/2011 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 <sup>F9</sup>IP completion day] falls, and
- (b) would not have constituted a contravention of that Regulation as it applied immediately before <sup>F9</sup>IP completion day].”

- F9** Words in reg. 2 substituted (10.12.2020) by [The Food and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1308), regs. 1(2), [5\(2\)](#)

#### Commencement Information

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Amendment of the Eggs and Chicks (Wales) Regulations 2010

- 3.—**(1) The Eggs and Chicks (Wales) Regulations 2010 are amended as follows.
- (2) In regulation 3(1), at the appropriate place, insert the following definition—
- ““third country” (“*trydedd wlad*”) means any country or territory other than—
- (a) the United Kingdom;
  - (b) the Bailiwick of Guernsey;
  - (c) the Bailiwick of Jersey;
  - (d) the Isle of Man.”
- (3) In Schedule 1, in Part 2, in the table, omit row 6.
- (4) In Schedule 2, in Part 2, in the table—
- (a) in row 2, in column 2, omit “Article 3 of Commission Regulation (EC) No 589/2008”, and
  - (b) omit rows 18 to 20.
- (5) In Schedule 3, in the table, in row 1, in column 3, omit “national”.

#### Commencement Information

- I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Amendment of the Poultrymeat (Wales) Regulations 2011

- 4.** In the Poultrymeat (Wales) Regulations 2011, in regulation 2(1), at the appropriate place, insert the following definition—
- ““third country” (“*trydedd wlad*”) means any country or territory other than—
- (a) the United Kingdom;
  - (b) the Bailiwick of Guernsey;
  - (c) the Bailiwick of Jersey;
  - (d) the Isle of Man.”

#### Commencement Information

- I4** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

PROSPECTIVE

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

<sup>F10</sup>**5.** . . . . .

**Status:** Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the The Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 3) Regulations 2019. (See end of Document for details)

**F10** Reg. 5 omitted (10.12.2020) by virtue of [The Food and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1308\)](#), regs. 1(2), **5(3)**

PROSPECTIVE

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

<sup>F11</sup>**6.** . . . . .

**F11** Reg. 6 omitted (10.12.2020) by virtue of [The Food and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1308\)](#), regs. 1(2), **5(4)**

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

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## 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.

These Regulations make amendments to legislation relating to food and horticulture.

Regulation 2 inserts a transitional provision into the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009. The effect of that transitional provision is that a person will not commit an offence in relation to a failure to comply with Article 7 of Commission Implementing Regulation (EU) 543/2011 in certain specified circumstances.

Regulation 3 amends the Eggs and Chicks (Wales) Regulations 2010 (“the 2010 Regulations”), which make provision for the enforcement and execution of marketing standards applicable to eggs for hatching, farmyard poultry chicks, and eggs in shell for human consumption.

Regulation 3(2) inserts a definition of “third country” into regulation 3(1) of the 2010 Regulations.

Regulation 3(3) and (4) amends the Schedules to the 2010 Regulations to remove references to EU legislation which will no longer exist after exit day as a result of the withdrawal of the United Kingdom from the European Union. Regulation 3(5) removes a reference to “national” from Schedule 3 to the 2010 Regulations to align with changes being made to other retained EU law.

Regulation 4 amends the Poultrymeat (Wales) Regulations 2011 (“the 2011 Regulations”), which make provision for the enforcement and execution of marketing standards applicable to poultrymeat. The amendment inserts a definition of “third country” into regulation 2(1) of the 2011 Regulations.

Regulation 5 amends the Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019. The amendment in question, in turn, makes changes to the Beef and Veal Labelling (Wales) Regulations 2019 so that a person does not commit an offence relating to a failure to comply with Article 2(2)(b) of Commission Regulation (EC) 1825/2000 in certain specified circumstances.

Regulation 6 amends the Food Information (Wales) (Amendment) (EU Exit) Regulations 2019. The amendments in question in turn make changes to the Food Information (Wales) Regulations 2014. The first amendments remove references to stocks held “within the period before exit day” and “as at exit day”. Regulation 6(3) inserts “other products to which paragraph (3) applies may continue to be marketed until the end of the relevant period” which ensures non wine protected food name/geographical indicator products may continue to marketed for three years from the day after exit day.

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.

**Status:**

Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the The Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 3) Regulations 2019.