

UK MINISTERS ACTING IN DEVOLVED AREAS

99 - The Food Additives, Flavourings, Enzymes and Extractions Solvents (Amendment etc.) (EU Exit) Regulations 2019

Laid in the UK Parliament: 5 February 2019

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 29
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	N/A
Procedure	Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section (8) (1) of the European Union (Withdrawal) Act 2018.

These Regulations make technical amendments in retained EU legislation (as set out and listed in the Welsh Government Statement) that provide detailed rules on food additives, flavourings, enzymes, extraction solvents and processing aids, which are collectively referred to as food improvement agents. This is to enable the regulatory requirements applicable to these substances to operate effectively as domestic legislation after the UK has left the EU.

In addition, these Regulations revoke the following retained EU Law – Regulation (EU) No 257/2010 which provides for the establishment of an on-going programme of re-evaluation of food additives that were approved prior to 2009.

Further, these Regulations enhance Welsh Ministers executive powers by transferring the European Commission's functions, including regulation-making powers under the retained EU legislation to the Welsh Ministers to:

- decide whether to approve applications for food additives, food enzymes, food flavourings (including smoke flavourings) to be placed on the market (including reauthorisations and modifications) in relation to Wales, as well as to prescribe implementing measures for their authorisations.
- amend labelling requirements for these substances.
- amend non-essential elements of the retained EU law, for example to take account of new advances in science.

Legal Advisers agree with the statement laid by the Welsh Government dated 6 February 2019 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.