

Number: WG37348



Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation – Summary of Responses

Summary of Responses to the Consultation “Updating
Welsh food law in preparation for Brexit”

March 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

This document provides a summary of the responses received by the Welsh Government to the consultation document *Updating Welsh food law in preparation for Brexit*.

Audience

Food industry organisations, businesses (e.g. manufacturers, wholesalers and retailers of food products) and enforcement bodies; consumer groups; other industry stakeholders and others (e.g. non-government organisations) with an interest in food related legislation.

Further Information

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Additional Copies

This document can be accessed from the Welsh Government website at:

<https://beta.gov.wales/updating-welsh-food-law-preparation-brexit>

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1. Introduction

The Welsh Government undertook consultation between 11 January 2019 and 19 February 2019 on proposed changes to correct deficiencies in Welsh Statutory Instruments (“SIs”) which arise as a result of the UK withdrawal from the European Union (EU).

This document summarises the key themes from the responses received to the consultation and provides the Welsh Government’s response.

The consultation concerned amendments Welsh Ministers propose to make:

- (a) to update references to EU law in Welsh SIs which are considered to be out of date. These proposed amendments, in the view of the Welsh Ministers, will ensure the legislative framework in this area is up to date when the UK leaves the EU; and
- (b) to Welsh SIs derived from EU law relating to food marketing standards and labelling and school milk. These proposed amendments under the European Union (Withdrawal) Act 2018, in the view of the Welsh Ministers, will ensure the legislative framework in this area remains operable if the UK leaves the EU in a ‘no deal’ scenario.

The consultation document was available on the Welsh Government website and was circulated directly to stakeholders. Respondents were able to use the response form template in hard copy or electronic format, or could utilise the online survey form provided or respond by letter or email. During the consultation period a total of seven responses were received. The Welsh Government is grateful to those who took the time to submit their views.

2. Responses to the consultation – overview

All responses have been considered and analysed. All respondents supported the introduction of the changes, and the responses to the proposals were positive and supportive.

The majority of those who responded to the consultation did so via email or the online response form. Some respondents answered all the questions directly, whilst others wrote on the overarching issues they wished to raise.

Table 1 provides a summary and a list of respondents can be found at Annex A.

Table 1: Consultation responses from different types of respondent

Individuals	2
Representative body/group	2
Charities	1
Community and Town Councils	2
Total	7

3. Questions and summary of responses

Responses resulted in a number of common themes emerging, which are summarised below:

Question 1

We would like to know your views on the effects this would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

Respondents were positive about the need to recognise the importance of the Welsh Language. One respondent raised a possibility of issuing overarching 'plain Welsh' guidance on food in Wales.

Welsh Government Response:

Welsh Language Standards provide a duty on all public service bodies to ensure the Welsh language is not treated less favourably than English and to promote its use. Any future development of food guidance for Wales will be made in English and Welsh in compliance with the Welsh Language Standards.

Question 2

Please also explain how you believe the proposed policy could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Most respondents had no specific comments regarding this question or preferred not to comment. One respondent reiterated the potential positive impact these changes could have on the Welsh Language.

Welsh Government response:

Based on the responses received there is no evidence that the amendments will have any effects (positive or negative) on the Welsh language.

Question 3

Do you agree with the proposed amendments regarding the Regulations mentioned?

All responses were favourable to the proposals, and acknowledged the importance of ensuring our legislative framework remains operable, particularly in the event of a 'no-deal' scenario. Respondents emphasised the need to maintain high standards across the areas addressed by the regulations in this consultation, especially for facilitating future trade with the EU. There was a query regarding how these standards would be

maintained without EU oversight. A point was made regarding the need to ensure the continuation of essential schemes, such as the provision of school milk.

Welsh Government Response:

The Welsh Government views the need to maintain our high standards in the food supply chain as a key priority for the continued protection of consumers in Wales and for the competitiveness of Welsh produce. As set out in *Securing Wales' Future*, the Welsh Government believe that full and unfettered access to the EU Internal Market including for our key agricultural and food products is vital for the forward interests of Wales and the UK as a whole.

Question 4
Are there any additional points you would like to make regarding the proposed changes to legislation relating to food compositional, marketing standards and labelling?

Respondents requested more information regarding the cost impact of the changes and for further detail on the amendments. One respondent queried whether additional amendments would be made to the Eggs and Chicks (Wales) Regulations 2010 to remove references to EU legislation.

Welsh Government Response:

The proposed changes are technical and corrective in nature, and do not change or add to existing obligations. On this basis it is expected that familiarisation time will not be onerous, and any financial impact for the time would be very low.

The Consultation Paper gave stakeholders examples of the types of amendments which are proposed. References to Council Directive 2000/13/EC in the Eggs and Chicks (Wales) Regulations 2010 will be amended.

Question 5

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Two respondents queried whether the Animal By-Products (Enforcement) (Wales) Regulations 2014 would be amended by this SI.

Another respondent outlined a suggestion that this opportunity could be taken to make wider policy changes to the School Milk (Wales) Regulations 2017, for example expanding the list of 'milk' products to better satisfy dietary requirements and lifestyle choice, or extending the scheme so that it captures fruit and vegetables.

Welsh Government Response:

The Animal By-Products (Enforcement) (Wales) Regulations 2014 are being amended by the Animal By-Products and Transmissible Spongiform Encephalopathies (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019. That SI was made on 21 January 2019.

In relation to the query about the School Milk (Wales) Regulations 2017, the purpose of the proposed changes is to protect our regulatory framework, and to ensure the statute book remains operable and current as we exit from the EU. The Welsh Government has committed to revising our Healthy Eating in Schools Regulations 2013¹.

4. Steps taken as a result of this consultation

The Welsh Government has reviewed all responses and will take forward the changes to the legislation outlined in the consultation.

¹ <https://beta.gov.wales/healthy-weight-healthy-wales>.

Annex A

List of respondents who chose not to be anonymised:

Name of Respondent	Organisation
Arlene Pryce	Not specified
John Howe	Not specified
Amanda Baker	The Vegan Society
Paul Church	The School & Nursery Milk Alliance
Gary Lewis	Rhondda Cynon Taf
Gwyn Howells	Hybu Cig Cymru – Meat Promotion Wales
Dilys Harris	Caerphilly CBC