

Number: WG40424



Llywodraeth Cymru
Welsh Government

Welsh Government Consultation Document

The Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020

Consultation on Regulations to amend the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 to ensure it remains operable after the UK has left the EU.

Date of issue: 14 September 2020
Action required: Responses by 5 October 2020

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

Overview

The Welsh Government is seeking views on proposals to bring into force Regulations to amend the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 to ensure they remain operable after the UK has left the EU.

How to respond

Submit your comments by 5 October 2020 in any of the following ways:

- **Via the online form**
- **Via email or post using the contact details below.**

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Healthy and Active Branch
Public Health Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

email: **Lifestyles@gov.wales**

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data holds about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

e-mail:

Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

Contents

Summary	5
Background	5
Costs and benefits	6
Consultation questions	7
Response form	8

Summary

This consultation concerns the consequences of the UK leaving the EU and the need to amend the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 ('the 2019 Regulations') to ensure a workable enforcement regime remains in Wales following the end of the transition period.

Background

The legislation listed below established the enforcement regime in Wales for obligations arising from EU legislation in the field of nutrition and health claims; the addition of vitamins, minerals and other substances to foods; food for specific groups; and food supplements (NLCS legislation).

The 2019 Regulations made technical amendments to ensure the legislation remains fully operational in the event of 'no deal'. No new powers were granted to Welsh Ministers. The 2019 Regulations made changes to the following regulations:

- Medical Food (Wales) regulations 2000
- Kava-Kava in Food (Wales) Regulations 2006
- Food Supplements (Wales) Regulations 2003
- Infant Formula and Follow-on Formula (Wales) Regulations 2007
- Addition of Vitamins Minerals and other Substances (Wales) Regulations 2007
- Food for Particular Nutritional Uses (Addition of Specific Nutritional Purposes) (Wales) Regulations 2009
- Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016.

We welcome feedback on proposals for the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 ('the 2020 Regulations'). These regulations will amend the 2019 Regulations to reflect the Protocol on Ireland/Northern Ireland (NIP) and that post transition period, certain EU law will continue to apply in Northern Ireland. Specifically the 2020 Regulations will remove references to the Food Standards Agency in Northern Ireland and replace references to the UK with GB. The proposals contained within this consultation are of a technical nature and aim to ensure that certain aspects of Welsh law relating to nutrition continue to operate effectively following the end of the transition period.

Consultation Process

This consultation will last for a three-week period, to provide interested parties in Wales with the opportunity to comment on the proposal. Any responses received as part of this consultation will be given careful consideration and a summary of the responses received will be published on the Welsh Government website within three months of the end of the consultation period.

Other Consultations

Consultations are also being conducted in Northern Ireland and Scotland. England have already concluded the consultation of the UK wide Regulation (and England domestic enforcement provision) which will amend the Nutrition (Amendment etc.) (EU Exit) Regulations 2020, to reflect EU NLCS legislation which has been implemented by the EU since March 2019 and the NIP ensuring following the transition period retained EU law in UK law will apply to GB only. EU NLCS legislation, as detailed in Annex 2 of the NIP, will continue to be directly applicable in Northern Ireland.

Costs and Benefits

Industry

This legislation affects manufacturers and retailers of: pre-packaged foods and food supplements; infant and follow-on formulae; processed cereal-based foods and baby foods; food for special medical purposes; total diet replacement for weight control; food products which assert nutritional or health claims in commercial communications, whether in labelling, presentation, or advertising. No significant changes are being proposed and we estimate that businesses will only have to spend a short amount of time familiarising themselves with the new procedures. Guidance documents will be updated and published accordingly.

Public sector

An Equalities Impact Assessment for this policy has been completed. We consider that the legislation to domesticate EU food and nutrition legislation will not have any effect on equality in relation to any of the protected characteristics under the Public Sector Equality Duty (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, or sexual orientation), or disproportionately impact on any particular group. The policy will also have no effect on family relationships and functions.

Benefits

There are no incremental benefits associated with the proposal as it does not impose additional or new burdens on business and enforcement bodies.

Consultation questions

1. Do you agree with the approach proposed to amend the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019?
2. Do you agree with the impacts that have been identified in this consultation?
3. Are you aware of any impacts that have not been identified in this consultation?
4. Do you have any other comments to make on this matter?

The Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020

Response Form

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Responses should be returned by 5 October 2020 to;

Healthy and Active Branch

Public Health Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Or complete electronically and sent to: **Lifestyles@gov.wales**

- 1 Do you agree with the approach proposed to amend the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019?
- 2 Do you agree with the impacts that have been identified in this consultation?
- 3 Are you aware of any impacts that have not been identified in this consultation?
- 4 Do you have any other comments to make on this matter?

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

