

EXPLANATORY MEMORANDUM TO

The Official Feed and Food Controls (Wales) (Amendment) Regulations 2014

This Explanatory Memorandum has been prepared by the Food Standards Agency (FSA) and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Member's Declaration

In my view the Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Official Feed and Food Controls (Wales) (Amendment) Regulations 2014.

Mark Drakeford AM

Minister for Health and Social Services, one of the Welsh Ministers

8 October 2014

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The Official Feed and Food Controls (Wales) (Amendment) Regulations 2014

1. Description

The Official Feed and Food Controls (Wales) (Amendment) Regulations 2014 will implement EU regulations on import certification requirements for sprouting seeds.

2. Matters of Special Interest to the Constitutional and Legislative Affairs Committee

None

3. Legislative Background

The Welsh Ministers' powers to make these Regulations are conferred by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972. For the purposes of that section:

- (a) the National Assembly for Wales was designated in relation to measures in respect of food (including drink) including the primary production of food by the European Communities (Designation) (no. 2) Order 2005 (functions of the National Assembly for Wales under this designation were transferred to the Welsh Ministers by section 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006); and
- (b) the Welsh Ministers were designated in relation to the veterinary and phytosanitary fields by the European Communities (Designation)(No.2) Order 2008.

This instrument is subject to the negative procedure.

4. Purpose and Intended Effect of the Legislation

The objective of the Regulations is to provide a time limited derogation from the need for the import certificate for seeds intended for the production of sprouts to be accompanied by a signed attestation confirming that the seeds have been produced in accordance with EU Regulations provided that the seeds undergo microbiological testing prior to export from the third country (a country outside of the EU)

5. Consultation

A 4-week consultation was carried out in Wales from 21 August to 18 September 2014. One response was received from the Wales Food Safety Expert Panel confirming that they were unaware of any businesses in Wales that will be affected by the changes to import requirements for sprouting seeds.

6. Regulatory Impact Assessment

A Regulatory Impact assessment has not been prepared for these Regulations as there are no costs identified in Wales.