

UK MINISTERS ACTING IN DEVOLVED AREAS

104 - The Market Measures (Marketing Standards) (Amendment of Retained Direct EU Legislation) (EU Exit) Regulations 2019

Laid in the UK Parliament: 13 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	W/C 25/02/2019
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

The written statement has an incorrect title. The written statement relates to The Market Measures (Marketing Standards) (Amendment) (EU Exit) Regulations 2019. This has been raised with the Welsh Government.

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018.

The Common Market Organisation (“CMO”) is the framework for the market measures provided for under the Common Agriculture Policy (“CAP”), providing the framework for the market support schemes set up in the various agricultural sectors. The CMOs were set up as a means of meeting the objectives of the CAP and in particular to stabilise markets, ensure a fair standard of living for agricultural producers and increase agricultural productivity. It has over time broadened out to provide a

toolkit that enables the EU to manage market volatility, incentivise collaboration between and competitiveness of agricultural producers and facilitate trade.

The 2019 Regulations make amendments to various existing EU legislation which forms part of UK law relating to the CMO.

The 2019 Regulations make amendments to retained directly applicable EU legislation in relation to food marketing standards. The 2019 Regulations will ensure marketing standards in the food sector will be operable following the UK's exit from the EU. After EU Exit and without amendment, the retained EU legislation would contain inoperable provisions that would prevent the delivery of market support schemes to the agricultural sector.

Legal Advisers agree with the statement laid by the Welsh Government dated 15 February 2019 regarding the effect of these Regulations.

The statement notes that this instrument contains provisions which:

- enable the Welsh Ministers to exercise functions in Wales, without encumbrance;
- confers functions on the Secretary of State to exercise functions in relation to Wales with the consent of the Welsh Ministers and on one occasion in consultation. A single regulation making function is conferred on the Secretary of State without encumbrance.

Functions which are transferred to the Secretary of State alone or with the consent of the Welsh Ministers constitute functions of a Minister of the Crown for the purposes of Schedule 7B to the Government of Wales Act 2006. A future Assembly Bill seeking to remove or modify these functions could trigger a requirement to consult the UK Government.

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