

Number: WG36647



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation Document

## Amendment of Welsh domestic legislation relating to nutrition

Consultation on proposed technical amendments to domestic nutrition legislation  
to ensure it remains operable after the UK has left the EU.

Date of issue: 10 December 2018  
Action required: Responses by 23 December 2018

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

## Overview

The Welsh Government is seeking views on plans to amend domestic nutrition legislation to ensure it can continue to operate in the event the UK leaves the EU without a deal.

## How to respond

Submit your comments by 23 December 2018 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](mailto: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/>

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## Background

Following the EU exit referendum result to leave the EU on 23 June 2016, the Welsh Government has been reviewing the operability of all nutrition legislation applying in Wales for which it has policy responsibility. The purpose of the review was to identify the amendments needed to ensure that the legislation remains operable if the UK leaves the EU without a deal.

The following pieces of domestic legislation have been identified as requiring amendment to establish an enforcement regime for obligations arising from EU legislation in this area. In amending these pieces of domestic legislation no new powers are granted to Welsh Ministers, references to the European Union and its public bodies and institutions are simply omitted or amended to ensure that these regulations remain fully operational in the event of 'no deal'.

- Medical Food (Wales) regulations 2000
- Kava-Kava in Food (Wales) Regulations 2006
- Food Supplements (Wales) Regulations 2003
- Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004
- Infant Formula and Follow-on Formula (Wales) Regulations 2007
- Addition of Vitamins Minerals and other Substances (Wales) Regulations 2007
- Nutrition and Health Claims (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
- The Food for Specific Groups (Information and Compositional Requirements) (Amendment) (Wales) Regulations 2019

## Consultation Process

This consultation will last for a two 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 3 months following the end of the consultation period.

England, Scotland and Northern Ireland will be conducting similar consultation exercises regarding their own domestic regulations.

## Other Consultations

The Department of Health and Social Care is making amendments under the European Union (Withdrawal) Act 2018 to retained EU law relating to nutrition on a UK-wide basis. A UK-wide consultation runs from 3 December 2018 until 14 December 2018. The consultation can be found at:

<https://www.gov.uk/government/consultations/the-nutrition-amendment-eu-exit-regulations-2018>

## **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 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 proposed amendments to domestic nutrition legislation?
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?

# Proposed approach for the amendment of Welsh domestic legislation relating to nutrition.

## Response Form

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Responses should be returned by 23 December 2018 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 proposed amendments to domestic nutrition legislation?
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: