EXPLANATORY MEMORANDUM TO

THE ENVIRONMENT, FOOD AND RURAL AFFAIRS (AMENDMENT) (EU EXIT) REGULATIONS 2019

2019 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs ("Defra") and is laid before Parliament by Act.

2. Purpose of the instrument

2.1 The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations amends domestic regulations, retained and directly applicable EU regulations and directly applicable EU decisions, which implement different European regulations and directives related to: i) natural mineral waters ("NMWs"), ii) spirits; iii) food labelling; iv) wines and aromatised wines; v) genetically modified organisms (release to the environment) ("GMOs"); and vi) animal health to ensure that the existing policy regimes can continue to operate effectively after the UK leaves the EU. The regulations and decisions implemented are as follows:

Natural Mineral Waters:

- The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 (SI No. 2785, 2007) on the sale of natural mineral water

Spirit Drinks:

- Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and protection of Geographical Indications for Spirit Drinks (if its replacement regulation is not in force by 29th March 2019, otherwise Regulation (EC) No 110/2008 will not be in this instrument)

Food Labelling:

- Commission Regulation (EU) No 1169/2011 of the European Parliament and of the Council on food information to consumers

Wine and Aromatised Wine:

- Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91
- EU Delegated Regulation 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation

Genetically Modified Organisms:

- Regulation (EC) No 1830/2003 of the European Parliament and of the Council concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms

Animal Health:

- Commission Decision 2009/821/EC of 27 November 2009 on border inspection posts
- Commission Implementing Decision 2011/630/EU of 20 September 2011on imports of bovine semen
- Commission Implementing Decision 2012/137/EU of 1 March 2012 on imports of porcine semen
- Commission Implementing Regulation (EU) 2018/659 of 12 April 2018 on conditions for importing equidae and the semen, ova and embryo equidae
- Commission Regulation (EC) No 2004/599 of 30 March 2004 concerning the adoption of a harmonised model certificate and inspection report linked to intra-Community trade in animals and products of animal origin

What did any relevant EU law do before exit day?

2.2 This instrument solely amends law to ensure that a number of regimes continue to operate as intended after EU Exit. The EU regulations and decisions concerned cover: NMWs; spirits; food labelling; wines and aromatised wines; GMOs; and animal health. See section 7 for further information on how the EU regulations and decisions mentioned in section 2.1 were implemented.

Why is it being changed?

2.3 Modifications are necessary to the text of the legislation, removing or amending references to EU directives and associated EU terms to correct this deficiency to enable the legislative functions to continue to be exercised by UK public authorities.

2.4 The amendments simply change the identity of the bodies carrying out the specified legislative functions and converts the EU procedures to UK procedures so ensuring that the regimes outlined in section 2.1 continue to operate after EU Exit. The instrument does not make changes to substantive policy content.

2.5 In the case of natural mineral waters, the policy position proposed in this instrument not only ensures the operability of the legislation after EU Exit by ensuring the government takes back control of the field of recognition of natural mineral waters, but gives the power to the Secretary of State to withdraw recognition of existing EU natural mineral waters after a period of notice if certain conditions are not met. Please refer to section 7.2 below.

What will it now do?

2.6 The instrument will address deficiencies in legislation arising from EU Exit and ensure that existing protections and regulatory frameworks are maintained and continue to work in the same way once the UK has left the EU.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 The territorial application of this instrument includes Scotland and Northern Ireland.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom, except as regards Part 2 of the instrument which extends to England and Wales.

4.2 The territorial application of this instrument is the United Kingdom, except as regards Part 2 of the instrument which applies to England only.

4.3 Amendments made to Regulation (EC) No 1830/2003 on the traceability and labelling of genetically modified organisms will apply to the UK and respect that decisions on the release and marketing of GMOs are a devolved matter in Scotland and Wales, and a transferred matter in Northern Ireland. Each of the Devolved Administrations may make their own statutory instruments in order to be able to continue to carry out similar amendments to retained EU law concerning GMOs in their territories, or the Secretary of State may do so on their behalf, with their consent.

5. European Convention on Human Rights

5.1 The Parliamentary Under Secretary of State for Food and Animal Welfare, David Rutley MP, has made the following statement regarding Human Rights:

"In my view the provisions of the Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 are compatible with the Convention rights."

6. Legislative Context

6.1 This instrument is made in exercise of powers conferred by section 8(1) of, and paragraph 21 of schedule 7 to, the European Union (Withdrawal) Act 2018. Section 8(1) of the European Union (Withdrawal) Act provides that a Minister of the Crown may by regulations make such provisions as the Minister considers appropriate to prevent, remedy or mitigate any failure of retained EU law to operate effectively or any other deficiency in retained EU law arising from the withdrawal of the UK from the EU.

7. Policy background

What is being done and why?

7.1 This instrument makes amendments to the following legislation. These changes will ensure the continued operability of the existing regulations largely through replacement of references to the EU or to Member States. Where powers are vested in the European Commission they are returned to the UK authorities.

7.2 *The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007*

These regulations transpose Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009. The Directive requires natural mineral waters to go through a process of recognition to prove that they have the necessary composition and characteristics to be sold and marketed as natural mineral waters in all EU Member States. Recognition is carried out by individual Member States.

This instrument will ensure the operability of the Regulations dealing with natural mineral waters in England after Exit. The amendments proposed roll-over the existing recognition of natural mineral waters which obtained their recognition in or by another member state in the EEA after Exit and introduce a power for the Secretary of State to end the arrangement on giving notice. This policy would ensure market stability immediately after Exit, facilitate trade and business confidence; and would protect consumers against price increases as a direct consequence of EU Exit. Since this option on Day One would represent the status quo and would enable consumer choice to be protected, it is also in line with the Government's views on goods after EU Exit set out in the White Paper 'The Future Relationship between the United Kingdom and the European Union'.

This option enables the Secretary of State to withdraw such recognitions, giving a period of notice for businesses to adjust, should the need arise, thus maintaining the UK Government control over the recognition and sale of EEA natural mineral waters in England. Leaving the Regulations unchanged would mean that existing and future natural mineral waters which obtained recognition in or by a member state in the EEA would be able to be sold in England irrespective of the Secretary of State's powers to regulate this field.

7.3 *Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and protection of Geographical Indications for Spirit Drinks.*

No change is being made to amend the regulation, definition and protection of spirit drinks as a direct result of EU Exit other than for operability, i.e. the procedures for geographical indications and other specifications which will be 'domesticated' for UK use so that they are functional in the UK. There are no plans to change the definition of the various spirit drink categories.

7.4 *Commission Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers*

No change is being made to policy. This Regulation on the provision of food information to consumers, and their related implementing regulations (which are not being amended) sets out clearly the food information that is mandatory as well as the modalities with which both mandatory and voluntary information is presented to consumers. The functions that are being transferred allow new rules to be made concerning how certain pieces of information can be presented to the consumer. Without these corrections it would require new primary legislation to, for example, update the list of allergens that must be labelled on pre-packed food and change the way nutritional values are presented.

7.5 *Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the*

protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91

This Regulation will transfer powers from the EU to UK Ministers and make operable rules relating to production and marketing standards for aromatised wine in the UK. It will also provide a basis for the producers to protect geographical indications associated with aromatised wines, and mechanisms to control the production and use of those geographical indications.

7.6 *Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation*

This Regulation will transfer powers from the EU to UK ministers and make operable rules for the administration and application requirements for protection of designations of origin, geographical indications and traditional terms of wines and the labelling and presentation of wine sector products.

7.7 *Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms*

Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms requires Member States to ensure that authorised genetically modified organisms are labelled and traceable at all stages of their being placed on the market, implemented by Regulation (EC) No 1830/2003. This instrument will amend Regulation (EC) No 1830/2003 to transfer powers from the European Commission to the Secretary of State to make legislation in England for the purpose of: i) developing, as appropriate, technical statutory guidance for England on sampling and testing for the presence of GMOs; and ii) amending the threshold, for England, below which products containing adventitious or technically unavoidable traces of GMOs do not need to be labelled. These are minor and technical changes including amending references to the EU and EU institutions to UK (specifically English, in this case) equivalents. No change is being made to policy.

7.8 *Commission Decision 2009/821/EC*

This instrument further amends Decision 2009/821/EC which lists approved border inspection posts related to the movement of animals and animal products, by making provision for the approved lists of such border inspection posts to be published by the appropriate authority UK authority. Other parts of this Decision are being amended by the EU Exit Statutory Instrument, the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.

7.9 *Commission Implementing Decision 2011/630/EU*

This instrument modifies cross-references to EU directives to allow the Decision, which relates to imports into the Union of semen of domestic animals of the bovine species, to be fully operable after EU Exit. Other parts of this Decision are being amended by the EU Exit Statutory Instrument, the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.

7.10 *Commission Implementing Decision 2012/137/EU*

This instrument modifies cross-references to EU directives to allow the Decision, which relates to imports into the Union of semen of domestic animals of the porcine species, to be fully operable after EU Exit. Other parts of this Decision are being amended by the EU Exit Statutory Instrument, the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.

7.11 *Commission Implementing Regulation (EU) 2018/659*

This instrument modifies cross-references to EU directives within the Regulation, which sets the conditions for entry into the Union of live equidae (equines) and of their semen, ova and embryos, to allow the Regulation to be fully operable after EU Exit. Other parts of this Decision are being amended by the EU Exit Statutory Instrument, the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.

7.12 *Commission Regulation (EC) No 599/2004*

This Regulation lays down a harmonised model health certificate and inspection report for trade in products of animal origin. It has largely been superseded by an updated model for most purposes but the model certificate is still referred to in certain EU legislation where disease restrictions are in place. The deficiency amendments are minor and technical in nature, and no change is being made to policy.

8. European Union (Withdrawal) Act 2018/Withdrawal of the United Kingdom from the European Union

8.1 This instrument is being made using the power in section 8 of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom from the EU. The instrument is also made under the power in paragraph 21 of Schedule 7 to that Act. In accordance with the requirements of that Act, the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

9. Consolidation

9.1 Defra does not intend to consolidate the relevant legislation at this time.

10. Consultation outcome

10.1 This instrument itself was not subject to consultation because its purpose is to solely enable the current policy framework for legislative functions relating to natural mineral waters, spirits, food labelling, wines and aromatised wines, GMOs and animal health to remain unchanged by the withdrawal of the UK from the European Union.

10.2 However, Defra has engaged with the Devolved Administrations and stakeholder umbrella organisations as follows:

10.3 **Natural Mineral Water:** Defra has engaged all major stakeholders in the process throughout 2018, from individual companies to industry bodies, and carried out a public consultation on the policy options available to regulate the recognition of EU natural mineral waters which closed on 13 November 2018.

10.4 The formal response rate was low, and Defra considers this is due to the extensive and prolonged consultation activity with key stakeholders that has taken place since the

beginning of 2018 which had already informed the development of proposals which were subject to formal consultation.

10.5 The SI text reflects the option favoured by the majority respondents.

10.6 **Spirit Drinks:** Defra has engaged with industry throughout the development of the new replacement regulation for Regulation (EC) No 110/2008, and although no formal consultation has taken place with industry or the Devolved Administrations, stakeholders have been kept informed of progress.

10.7 **Food Labelling:** Defra has raised stakeholder awareness of the food labelling Technical Notice published on 24 September 2018 and raised awareness of the amending food labelling laws consultation which closed on 4 December 2018, to which Government responded on 5 February 2019. 69 responses were received. These focused on the changes to labelling that arise from the UK no longer being in the EU. The consultation sought views on what adjustment period might be appropriate for making changes to labelling that arise from the UK no longer being in the EU and; views of all the general technical changes to maintain the operability of the relevant legislation in the context of the UK having left the EU and thus being a 'third country' in respect of the EU. No views were expressed on functions being transferred.

10.8 Defra and Ministers have also engaged multiple times with key stakeholders, including the British Retail Consortium, National Farmers' Union, Food and Drink Federation and British Hospitality Association on the amendments being made to food labelling legislation for EU Exit. Defra has also held two workshops on this subject and held meetings with individual businesses. No issues were raised concerning functions being transferred.

10.9 **Wine and aromatised wine:** Defra has engaged with the Devolved Administrations in the detailed drafting of this Regulation and the provisions it contains. We have also made key industry and producer stakeholders aware of our general plans for retaining EU laws which have been welcomed.

10.10 **GMOs:** Defra has engaged with parties with an interest in GMOs, such as: umbrella industry organisations representing companies active in agricultural bio-technology; establishments interested in research in GMOs; Non-Government Organisations; and a selection of environmental campaigning communities, and has shared the proposals in this instrument with them. No significant concerns were raised. The Devolved Administrations were engaged in the development of the instrument, and are content with it.

10.11 This instrument will make amendments to legislative functions regarding GMOs in the UK, respecting that decisions on the release and marketing of GMOs are a devolved matter in Scotland and Wales, and a transferred matter in Northern Ireland. Each of the Devolved Administrations may make their own statutory instruments in order to be able to continue to carry out similar amendments to retained EU law concerning GMOs in their territories, or the Secretary of State may do so on their behalf, with their consent.

10.12 **Animal Health:** No consultation was undertaken given that no change to policy is being made.

11. Guidance

11.1 Defra is not producing any specific guidance on this instrument, as it only makes technical amendments to deficiencies in retained EU legislation arising from the UK's withdrawal from the EU.

11.2 The Government has published Technical Notices on the GOV.UK website to help people prepare for EU Exit. These provide relevant background information to the NMWs, Food and GMOs content of this instrument. They are:

- Developing genetically modified organisms (if there is no Brexit deal (see: https://www.gov.uk/government/publications/developing-genetically-modified-organisms-gmos-if-theres-no-brexit-deal/developing-genetically-modified-organisms-gmos-if-theres-no-brexit-deal)
- Recognition of NMWs if there is no Brexit deal (see: https://www.gov.uk/guidance/food-standards-labelling-durability-and-composition#bottled-water)
- Producing and labelling food if there is no Brexit deal (see:https://www.gov.uk/government/publications/producing-and-labelling-food-if-theres-no-brexit-deal)

12. Impact

12.1 There is no significant impact on business, charities or voluntary bodies. Legislative decision making powers will be transferred from the Commission to appropriate UK public authorities. The impact of these new arrangements will be dependent on how these powers are exercised in the future, after EU Exit, which is outside of the scope of this instrument.

12.2 There is no significant impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument as its purpose is to maintain existing regulatory standards and so there is expected to be minimal impact on business.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 No disproportionate impacts are expected to impact small and micro businesses.

14. Monitoring & review

14.1 As these instruments are made under the powers in the European Union (Withdrawal) Act 2018, no review clause is required. Defra and its agencies will, however, monitor and review the impact of the instruments as part of its standard policy-making procedures, and will ensure that the provisions are adhered to.

15. Contact

15.1 Robin Carter at Defra: Telephone: 020 80263973 or email: robin.carter@defra.gov.uk can be contacted with any queries regarding the instrument.

15.2 Ananda Guha, Deputy Director for Exports and EU Exit at Defra, can confirm that this Explanatory Memorandum meets the required standard.

15.3 David Rutley MP, Parliamentary Under Secretary of State for Food and Animal Welfare at Defra can confirm that this Explanatory Memorandum meets the required standard.

Annex

Statements under the European Union (Withdrawal) Act 2018

Part 1

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) to make a Negative SI.	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees.
Appropriate-Ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2.	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2.	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2.	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2. In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs.	Explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.
Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9, and	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.

		23(1) or jointly exercising powers in Schedule 2 to create a criminal offence.	
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Explanations where amending regulations under s2(2) ECA 1972	Paragraph 13, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA 1972.	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA 1972, identifying the relevant law before exit day, and explaining the instrument's effect on retained EU law.
Scrutiny statement where amending regulations under s2(2) ECA 1972	Paragraph 16, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA 1972.	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.

Part 2

Statements required when using enabling powers under the European Union (Withdrawal) Act 2018

1. Appropriateness statement

1.1 The Parliamentary Under Secretary of State for Food and Animal Welfare, David Rutley MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In my view the Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 does no more than is appropriate".

1.2 This is the case because: the amendments made by the instrument are the minimum required to ensure that existing domestic legislation remains operable after the United Kingdom ("UK") leaves the European Union ("EU"). The amendments are predominantly technical in nature and do no more than is strictly necessary to ensure that UK law continues to function effectively. See section 7, sub-paragraphs 1 to 12 of this explanatory memorandum.

2. Good reasons

2.1 The Parliamentary Under Secretary of State for Food and Animal Welfare, David Rutley MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action".

2.2 These are that without this instrument, the domestic Regulation, EU Regulations and EU Decisions listed at section 2.1 of this explanatory memorandum, which are converted into UK law by the European Union (Withdrawal) Act 2018 will not work properly, and that it is appropriate, after EU Exit, for UK public authorities to exercise the legislative functions within this instrument that are currently carried out by the Commission.

3. Equalities

3.1 The Parliamentary Under Secretary of State for Food and Animal Welfare, David Rutley MP, has made the following statements:

"The draft instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts."

3.2 The Parliamentary Under Secretary of State for Food and Animal Welfare, David Rutley MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In relation to the draft instrument, I, David Rutley MP, have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010."

4. Explanations

4.1 The explanations statement has been made in section 2 of the main body of this explanatory memorandum.

5. Legislative sub-delegation

5.1 The Parliamentary Under Secretary of State for Food and Animal Welfare, David Rutley MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In my view it is appropriate to create ~~a~~ relevant sub-delegated powers in the Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019."

5.2 This is appropriate because:

- It enables the Minister to publish and amend health certificates and certain lists, rather than retaining them in legislation, so that they can be amended and improved quickly in future. As the contents of the certificates and lists reflect the legislation for imports, substantive changes would still require the usual parliamentary oversight.
- It enables the Secretary of State to withdraw recognition of natural mineral waters which obtained their recognition in or by another member state in the EEA or in Iceland or Norway after exit, giving a period of notice for businesses to adjust, should the need arise, thus maintaining the UK Government control over the recognition and sale of EEA natural mineral waters in England.
- It enables the Secretary of State to grant derogations in respect of the labelling of spirit drink exports in such a way as to be compatible with the law of an importing third country.
- It enables the Secretary of State to exercise the power to determine applications for geographical indications relating to wine by administrative means given that there may be a large volume of such decisions depending on the number of applications which are made, and a requirement for all such decisions to be made by Statutory Instrument would require additional resource and could cause delay in ensuring that decisions are made and come into force promptly. Scrutiny and awareness of the decisions made by the Secretary of State will be sufficiently provided through the requirement for decisions to be published on a register.