

UK MINISTERS ACTING IN DEVOLVED AREAS

108 - The Detergents (Safeguarding) (Amendment) (EU Exit) Regulations 2019

Laid in the UK Parliament: 14 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	N/A
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 37
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	W/C 25/02/2019

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of the European Union (Withdrawal) Act 2018. These Regulations amend Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents (“the Detergents Regulation”) to enable its continued operability following EU Exit.

The Detergents Regulation establishes common rules to enable detergents and surfactants to be sold and used across the EU, and contains a safeguard clause to ensure the protection of the environment and human health from unforeseen risks of detergents. The safeguard clause allows Member States to implement temporary national restrictions on the free movement of detergents within the Single Market in the event of safety concerns. It also provides for the European Commission to analyse the justification of any national safeguard

measures and to inform all national competent authorities about dangerous detergents, in order to have any necessary restrictions extended to all Member States.

These Regulations removes references to Member States and the European Commission in the safeguard clause and provide for an appropriate authority to initiate temporary, restrictive actions in relation to a product where that authority has justifiable grounds for believing that a specific detergent, despite complying with the Detergents Regulation, constitutes a risk to the safety or health of humans, animals or a risk to the environment. In relation to Wales, the appropriate authority is the Welsh Ministers where the matter would be within the legislative competence of the Assembly, and the Secretary of State where the matter is reserved. Legal Advisers agree with the statement laid by the Welsh Government dated 15 February 2019 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.