

2021 No. 1358

EXITING THE EUROPEAN UNION

AGRICULTURE

**The Import and Export Licensing (Miscellaneous Amendments)
Regulations 2021**

Made - - - -at 10.28 a.m. on 2nd December 2021

Laid before Parliament at 4.00 p.m. on 2nd December 2021

Coming into force - - - - 23rd December 2021

The Secretary of State makes these Regulations in exercise of the powers conferred by Articles 177, 178 and 227(4) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products(a), and section 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(b).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Import and Export Licensing (Miscellaneous Amendments) Regulations 2021 and come into force on 23rd December 2021.

(2) These Regulations extend to the United Kingdom.

Amendment of Commission Delegated Regulation (EU) 2016/1237

2.—(1) Commission Delegated Regulation (EU) 2016/1237 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences(c) is amended in accordance with this regulation.

(2) In Part 1 of the Annex, under “List of products referred to in Article 2(1)(a)”, omit Section A (rice) and Section H (ethyl alcohol of agricultural origin).

(3) In Part 2 of the Annex, under “List of products referred to in Article 2(2)(a)”, omit Section A (rice).

Amendment of Commission Implementing Regulation (EU) 2016/1239

3.—(1) Commission Implementing Regulation (EU) 2016/1239 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the system of import and export licences(d) is amended in accordance with this regulation.

(a) EUR 1308/2013; Articles 177 and 178 were amended by S.I. 2019/1422 and Article 227 was amended by S.I. 2019/831.

(b) 2018 c. 16. Section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(c) EUR 1237/2016, as amended by S.I. 2019/1409.

(d) EUR 1239/2016, as amended by S.I. 2019/1409.

(2) In Part 1 of Annex II, under “List of products referred to in Article 2(1)(a) of Delegated Regulation (EU) 2016/1237”, omit Section A (rice) and Section H (ethyl alcohol of agricultural origin).

(3) In Part 2 of Annex II, under “List of products referred to in Article 2(2)(a) of Delegated Regulation (EU) 2016/1237”, omit Section A (rice).

Release of securities

4.—(1) Paragraph (2) applies where—

- (a) prior to the coming into force of these Regulations, an import or export licence has been issued pursuant to Article 2 of Commission Delegated Regulation (EU) 2016/1237 (cases where a licence is required); but
- (b) the requirement to present that licence for the product concerned no longer applies by virtue of the amendments made by regulations 2(2) and 3(2) or, as the case may be, regulations 2(3) and 3(3).

(2) Where this paragraph applies, any security held by the licence issuing authority in accordance with Article 4 of Commission Delegated Regulation (EU) 2016/1237 (security) in connection with the issue of the licence is to be released on the request of the person who lodged the security.

Victoria Prentis
Minister of State

At 10.28 a.m. on 2nd December 2021

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by Articles 177, 178 and 227(4) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products; and in exercise of the powers conferred by section 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 in order to implement the Protocol on Ireland/Northern Ireland in the withdrawal agreement (“the Protocol”).

These Regulations amend provisions of retained EU legislation. Regulation 2 amends Commission Delegated Regulation (EU) 2016/1237 by omitting sections of the Annex which specify import licensing requirements for rice and ethyl alcohol of agricultural origin and export licensing requirements for rice respectively. Corresponding amendments are made in regulation 3 in respect of these products in Annex II of Commission Implementing Regulation (EU) 2016/1239.

Regulation 4 provides for the release of securities lodged with an application for an import or export licence in cases where a licence is no longer required by virtue of the amendments made to retained EU legislation by regulations 2 and 3.

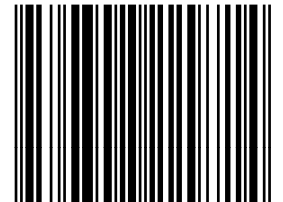
Although the effect of the amendments made by regulations 2 and 3 is that the requirement for the licences concerned no longer applies in respect of Northern Ireland under retained EU legislation, Chapter 1 of Part III of Regulation (EU) No 1308/2013 applies in respect of Northern Ireland by virtue of the application of section 7A of the European Union (Withdrawal) Act 2018 and Annex 2 of the Protocol.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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