
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Common Fisheries Policy (Amendment
etc.) (EU Exit) Regulations 2019**

PART 7

**AMENDMENT OF THE COMMON ORGANISATION
OF THE MARKETS REGULATIONS**

**Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the
common organisation of the markets in fishery and aquaculture products**

19.—(1) Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products is amended as follows.

(2) In Article 1—

- (a) in paragraph 3 omit “Council Regulation (EU) No 1220/2012 and by”;
- (b) omit paragraph 4.

(3) In Article 2 for “Union” substitute “United Kingdom”.

(4) In Article 5—

- (a) in point (e) for “Union” substitute “United Kingdom”; and
- (b) in point (f) for “Union” substitute “United Kingdom”.

(5) In Article 6(1) for “one or more Member States” substitute “the United Kingdom”.

(6) In Article 7—

- (a) in paragraph 1(a) for “the Member State concerned” substitute “a fisheries administration”; and
- (b) in paragraph 2 omit point (b).

(7) In Article 8—

- (a) in paragraph (1)(c) for “Union” substitute “United Kingdom”; and
- (b) in paragraph (2)(a) for “Member States” substitute “a fisheries administration”.

(8) In Article 9(1) for “one or more Member States” substitute “the United Kingdom”.

(9) In Article 10 omit paragraph 2.

(10) In Article 11 for “one or more Member States” substitute “the United Kingdom”.

(11) In Article 12 omit “Union”.

(12) In Article 13—

- (a) in point (a) for “Union” substitute “applicable”;
- (b) in point (b) for “Union” substitute “United Kingdom”; and
- (c) in point (c) omit “Union or national”.

- (13) In Article 14—
- (a) in paragraph 1—
 - (i) for “Member States” substitute “A fisheries administration”;
 - (ii) in point (b) for “territory of the Member State concerned” substitute “United Kingdom”; and
 - (iii) for point (c) substitute—
 - “(c) have legal personality, are established in the United Kingdom and have their official headquarters there;”.
- (14) Omit Article 15.
- (15) In Article 16—
- (a) in paragraph 1—
 - (i) for “Member States” substitute “A fisheries administration”;
 - (ii) for “on their territory” substitute “in the United Kingdom”; and
 - (iii) for point (d) substitute—
 - “(d) have legal personality, are established in the United Kingdom and have their official headquarters there;”;
 - (b) in paragraph 2 for “the Member State concerned” substitute “a fisheries administration”; and
 - (c) in paragraph 3 for “decembre” substitute “December”.
- (16) In Article 18—
- (a) in the heading omit “by Member States”;
 - (b) in paragraph 1 for “Member States shall” substitute “A fisheries administration must”; and
 - (c) omit paragraph 2.
- (17) Omit Articles 19 and 20.
- (18) In Article 22(1)—
- (a) for “Member State” substitute “fisheries administration”; and
 - (b) in point (a)—
 - (i) for “one Member State” substitute “the United Kingdom”, and
 - (ii) for “the competent national authorities” substitute “a fisheries administration”;
- (19) In Article 23—
- (a) in paragraph 1—
 - (i) for “Member State” substitute “fisheries administration”;
 - (ii) in point (a)—
 - (aa) for “a Member State” substitute “the United Kingdom”, and
 - (bb) for “the competent national authorities” substitute “a fisheries administration”, and
 - (iii) in point (b) for “Member State concerned or the Union” substitute “United Kingdom”; and
 - (b) in paragraph 2 omit “, without prejudice to Article 25(4)”.
- (20) In Article 24 for “the Member State concerned” substitute “a fisheries administration”.
- (21) Omit Articles 25 to 27.

- (22) In Article 28—
- (a) in paragraph 1 for “its competent national authorities” substitute “a fisheries administration”;
 - (b) in paragraph 3 for “The competent national authorities shall” substitute “A fisheries administration must”;
 - (c) in paragraph 4 for “the competent national authorities” substitute “a fisheries administration”;
 - (d) in paragraph 5 for “its competent national authorities” substitute “a fisheries administration”;
 - (e) omit paragraph 6;
 - (f) in paragraph 7 for “Member States shall” substitute “A fisheries administration must”; and
 - (g) in paragraph 8 for “Member States shall” substitute “a fisheries administration must”.
- (23) Omit Articles 30 to 32
- (24) In Article 33(1) omit “(Union or imported)”.
- (25) In Article 34(1) omit “Union”.
- (26) In Article 35—
- (a) in paragraph 1 for “within the Union” substitute “in the United Kingdom”;
 - (b) in paragraph 4 for “Member States” substitute “A fisheries administration”; and
 - (c) omit paragraphs 5 and 6.
- (27) Omit Article 36.
- (28) In Article 37—
- (a) in paragraph 1—
 - (i) for “Member States shall” substitute “the Secretary of State must”,
 - (ii) for “their territory” substitute “the United Kingdom”, and
 - (iii) in point (b)(i) omit “in the official language or languages of the Member State concerned”; and
 - (b) omit paragraph 3.
- (29) In Article 38(1)—
- (a) in point (b) for “Member State” substitute “United Kingdom”; and
 - (b) in point (c) for “Member State or third country” substitute “country”.
- (30) In Article 40—
- (a) for “Articles 101 to 106 TFEU and their implementing provisions shall apply” substitute “Part 1 of the Competition Act 1998(1) applies”; and
 - (b) omit “referred to in Article 101(1) and Article 102 TFEU”.
- (31) In Article 41—
- (a) in the heading for “Exceptions to” substitute “Exclusions from”;
 - (b) in paragraph 1—
 - (i) for “Article 101(1) TFEU shall” substitute “the prohibition in Chapter 1 of the Competition Act 1988 does”,
 - (ii) in point (a) after “TFEU” insert “(as it had effect immediately before exit day)”, and

- (iii) in point (c) omit “within the Union”;
- (c) in paragraph 2—
 - (i) for “Article 101(1) TFEU shall” substitute “the prohibition in Chapter 1 of the Competition Act 1998 does”,
 - (ii) in point (a) after “TFEU” insert “(as it had effect immediately before exit day)”,
 - (iii) in point (c) omit “within the Union”, and
 - (iv) in point (f) for “of the CFP” substitute “specified in Article 2 of Regulation 1380/2013”; and
- (d) after paragraph 2 insert—
 - “3. The Competition and Markets Authority⁽²⁾ may at any time give a direction to the effect that the exclusions in paragraphs (1) and (2) of this Article no longer apply to a particular agreement.
 - 4. Subparagraphs (4) to (8) of paragraph 9 of Schedule 3 to the Competition Act 1998⁽³⁾ apply to a direction under paragraph (3) of this Article as they apply to a direction under paragraph 9 of Schedule 3 to the Competition Act 1998.”.
- (32) Omit Article 42.
- (33) Omit Articles 48 and 49.

Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products

20.—(1) Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products is amended as follows.

- (2) In Article 1—
 - (a) in paragraph 1 for “Article 2 of Regulation (EEC) No 3759/92” substitute “Article 33 of Regulation (EU) No 1379/2013”;
 - (b) in paragraph 2, in point (a) for “on Community territory” substitute “in the United Kingdom”; and
 - (c) omit paragraph 3.
- (3) In Article 2(1) for “Community” substitute “United Kingdom”.
- (4) In Article 6 omit paragraphs 1 and 6.
- (5) In Article 7(2)—
 - (a) for “the minimum lengths required under:” substitute “minimum conservation reference sizes set out in other relevant retained direct EU legislation”; and
 - (b) omit all three indents.
- (6) In Article 11(2)—
 - (a) for “Community” in each place it occurs, substitute “United Kingdom”; and
 - (b) for “Regulation (EC) No 1093/94” substitute “Council Regulation (EC) No 1005/2008”.
- (7) In Article 12—
 - (a) for “Member States shall” substitute “A fisheries administration must”; and

(2) The Competition and Markets Authority was established by section 25 of the Enterprise and Regulatory Reform Act 2013 (c. 24).

(3) 1998 c. 41. Paragraph 9 of Schedule 3 was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 5, Part 1, paragraph 55.

- (b) for “the competent national authorities” substitute “a fisheries administration”.
- (8) Omit Articles 13, 14 and 16.
- (9) In Annex 1—
 - (a) in Table A (WHITEFISH) omit table note (1);
 - (b) in Table B (BLUEFISH) omit table notes (1) and (2); and
 - (c) in Table C (SELACHII) omit table note (1).
- (10) In the Table in Annex 2 for the column heading “Minimum sizes to be observed in the conditions laid down in the Regulations referred to in Article 7” substitute “Minimum sizes to be observed in accordance with conditions laid down in legislation specifying minimum conservation reference sizes for relevant fish”.

Commission Regulation (EEC) No 3703/85 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish

21.—(1) Commission Regulation (EEC) No 3703/85 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish is amended as follows.

(2) In Article 1 for “Regulation (EEC) No 103/76” substitute “Council Regulation (EC) No 2406/96”.

(3) In Article 2 for “7(1) and 8(3) of Regulation (EEC) No 103/76” substitute “5(1) and 8(2) of Council Regulation (EC) No 2406/96”.

(4) In Article 3—

- (a) for “7(1) and 8(3) of Regulation (EEC) No 103/76” substitute “5(1) and 8(2) of Council Regulation (EC) No 2406/96”; and
- (b) for “the Member State” substitute “a fisheries administration”.

(5) In Article 4—

- (a) for “Member States shall” substitute “A fisheries administration must”; and
- (b) for “Regulation (EEC) No 103/76” substitute “Council Regulation (EC) No 2406/96”.

(6) In Article 5—

- (a) for “8(4) of Regulation (EEC) No 103/76” substitute “8(3) of Council Regulation (EC) No 2406/96”;
- (b) for “national provisions or commercial rules applied in Member States” substitute “requirements in any other enactment”;
- (c) omit “, as provided for in Article 8(5) of Regulation (EEC) No 103/76,”; and
- (d) for “national provisions on matter of commercial law” substitute “requirements in any other enactment”.

(7) In Article 6—

- (a) for “7 and 8 of Regulation (EEC) No 103/76” substitute “5 and 8 of Council Regulation (EC) No 2406/96”; and
- (b) for “the inspection provided for in Article 4 of Regulation (EEC) No 3796/81” substitute “inspection”.

(8) In Article 7—

- (a) in paragraph 1 for “Regulation (EEC) No 103/76” substitute “Council Regulation (EC) No 2406/96”; and
- (b) in paragraph 2 omit “in the Member States”.

- (9) In Article 8—
- (a) in paragraph 1 for “Regulation (EEC) No 103/76” substitute “Council Regulation (EC) No 2406/96”
 - (b) in paragraph 2—
 - (i) in point (a) for “Regulation (EEC) No 103/76” substitute “Council Regulation (EC) No 2406/96”,
 - (ii) in point (b) for “6, 7 and 8 of Regulation (EEC) No 103/76” substitute “4, 5 and 8 of Council Regulation (EC) No 2406/96”, and
 - (iii) in point (c) for “11 of Regulation (EEC) No 103/76” substitute “12 of Council Regulation (EC) No 2406/96”; and
 - (c) in paragraph 3 omit “as laid down in Article 6(6) of Regulation (EEC) No 103/76”.
- (10) In Article 9—
- (a) for “Member States shall” substitute “A fisheries administration must”; and
 - (b) for “Regulation (EEC) No 103/76” substitute “Council Regulation (EC) No 2406/96”.
- (11) In Article 10, in the second indent of paragraph 3 for “the office responsible for weights and measures in the Member State concerned” substitute “a local weights and measures authority”.
- (12) In Article 11—
- (a) for “Member States shall” substitute “a fisheries administration must”;
 - (b) in the first indent—
 - (i) before “vessels” insert “United Kingdom fishing”, and
 - (ii) for “Regulation (EEC) No 103/76” substitute “Council Regulation (EC) No 2406/96”; and
 - (c) in the second indent, for “the vessels” substitute “in relation to United Kingdom fishing vessels”.
- (13) Omit Article 12.
- (14) In Annex 1, in the table note for “Article 2 of Regulation (EEC) No 3796/81” substitute “Article 33 of Regulation (EU) No 1379/2013”.

Council Regulation (EEC) No 2136/89 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products

22.—(1) Council Regulation (EEC) No 2136/89 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products is amended as follows.

- (2) In Article 1 for “Community” substitute “United Kingdom”.
- (3) In Article 7a for “Community” substitute “United Kingdom”.
- (4) Omit Article 9.

Council Regulation (EEC) No 1536/92 laying down common marketing standards for preserved tuna and bonito

23.—(1) Council Regulation (EEC) No 1536/92 laying down common marketing standards for preserved tuna and bonito is amended as follows.

- (2) In Article 1 for “Community” substitute “United Kingdom”.
- (3) In Article 5(3) omit “in the Member State in which the products are marketed”.

- (4) In Article 6 omit “Community”.
- (5) Omit Article 9.

Commission Implementing Regulation (EU) No 1418/2013 concerning production and marketing plans pursuant to Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products

24.—(1) Commission Implementing Regulation (EU) No 1418/2013 concerning production and marketing plans pursuant to Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products is amended as follows.

- (2) In Article 2—
 - (a) in paragraph 1—
 - (i) for “their competent national authorities” substitute “a fisheries administration”, and
 - (ii) for “the competent national authorities” substitute “a fisheries administration”, and
 - (b) in paragraphs 2, 3 and 5 for “competent national authority” in each place it occurs, substitute “fisheries administration”.
- (3) In Article 3 for “competent national authority” in each place it occurs, substitute “fisheries administration”.
- (4) Omit Article 4.

Commission Implementing Regulation (EU) No 1419/2013 concerning the recognition of producer organisations and inter-branch organisations, the extension of the rules of producer organisations and inter-branch organisations and the publication of trigger prices as provided for by Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products

25.—(1) Despite the revocation of Articles 27 and 32 of Regulation (EU) No 1379/2013, Commission Implementing Regulation (EU) No 1419/2013 concerning the recognition of producer organisations and inter-branch organisations, the extension of the rules of producer organisations and inter-branch organisations and the publication of trigger prices as provided for by Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products continues to have effect and is amended as follows.

- (2) In Article 2(1)—
 - (a) for “the Member State concerned shall” substitute “a fisheries administration must”; and
 - (b) for “the Member State shall” substitute “a fisheries administration must”.
- (3) In Article 3—
 - (a) for “Member State” substitute “fisheries administration”; and
 - (b) for “The Member State shall” substitute “A fisheries administration must”.
- (4) Omit Articles 4 and 5.
- (5) In Article 6 for “Member States” substitute “a fisheries administration”.
- (6) Omit Article 7.
- (7) Omit Annexes 2 and 3.
- (8) In Annex 4—
 - (a) for “Member States” substitute “a fisheries administration”;

- (b) for “their territories” substitute “the United Kingdom”; and
- (c) omit points (b), (c) and (f).