

Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 000

EXITING THE EUROPEAN UNION AGRICULTURE FOOD

The Market Measures (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2019

*Made - - - - - ****

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾.

There has been consultation through representative bodies, as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽²⁾, during the preparation of these Regulations so far as they relate to food.

In accordance with paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Market Measures (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2019 and come into force on the later of exit day or the day after the day on which they are made.

Amendment of the Hops Certification Regulations 1979

2.—(1) The Hops Certification Regulations 1979⁽³⁾ are amended as follows.

(1) 2018 c. 16.

(2) OJ No L 31, 1.2.2002, p.1, as last amended by Commission Regulation (EU) 2017/228 (OJ No L 35, 10.2.2017, p.10).

(3) S.I. 1979/1095, as amended by S.I. 1991/2198, 2011/1043, 2018/942.

(2) In regulation 1(2)—

(a) for the definition of “the appropriate Minister” substitute—

““the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs,

but the appropriate authority is the Secretary of State—

- (i) in relation to Scotland, if consent is given by the Scottish Ministers;
- (ii) in relation to Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs;”;

(b) for “EU provisions”, in each place it occurs, substitute “relevant provisions”;

(c) in the definitions of “certification centre” and “certifying officer”, for “Minister” substitute “authority”.

(3) In regulation 2 for “EU provisions” substitute “relevant provisions”.

(4) In regulation 3—

(a) for “EU provisions”, in each place it occurs (including in the heading), substitute “relevant provisions”;

(b) in paragraph (1), for sub-paragraphs (c) to (e) substitute—

“(c) sell any hop cones imported from a third country and falling within combined nomenclature code 1210 10 unless there has been issued in respect of those hop cones either—

- (i) an attestation of equivalence, or
- (ii) in respect of hop cones imported from the European Union before 29 March 2021, provided that the Secretary of State has not published a statement under Article 77(4) of Regulation (EU) No 1308/2013 in relation to such hop cones, an EU certificate(4);

(d) sell any hop products imported from a third country unless there has been issued in respect thereof either—

- (i) an attestation of equivalence, or
- (ii) in respect of hop products imported from the European Union before 29 March 2021, provided that the Secretary of State has not published a statement under Article 77(4) of Regulation (EU) No 1308/2013 in relation to such hop products, an EU certificate;

(e) except as provided for in Article 1(3)(a) of [Commission Regulation \(EC\) No 1850/2006](#) (which relates to hops harvested on land owned by a brewer and used by him in the natural or processed state), use for the manufacture of hop products any hops imported from a third country unless there has been issued in respect thereof either—

- (i) an attestation of equivalence, or

(4) A definition of “EU certificate” is inserted into Regulation (EC) 1295/2008 by The Common Organisation of Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

- (ii) in respect of hops imported from the European Union before 29 March 2021, provided that the Secretary of State has not published a statement under Article 77(4) of Regulation (EU) No 1308/2013 in relation to such hops, an EU certificate.”.
- (5) In regulation 5(1)—
 - (a) for “Minister” substitute “authority”;
 - (b) for “him” substitute “it”;
 - (c) for “European Union” substitute “United Kingdom”;
 - (d) for “EU provisions” substitute “relevant provisions”;
 - (e) for “his” substitute “its”;
 - (f) for “he” substitute “it”.
- (6) In regulation 5(2)(c) for “EU provisions” substitute “relevant provisions”.
- (7) In regulation 7(1) and (2) for “Minister”, in each place it occurs, substitute “authority”.
- (8) In regulation 8(1) and (2) for “Minister” substitute “authority”.
- (9) In regulation 9(1)(d) for “EU provisions” substitute “relevant provisions”.
- (10) In regulation 10 for “EU provisions” substitute “relevant provisions”.

Amendment of the Reporting of Prices of Milk Products (England) Regulations 2008

3.—(1) The Reporting of Prices of Milk Products (England) Regulations 2008⁽⁵⁾ are amended as follows.

- (2) In regulation 2—
 - (a) omit the definition of “Commission Regulation”;
 - (b) for the definition of “milk products” substitute—

““milk products” means whey powder, skimmed milk powder, whole milk powder, butter, cheeses (including commodity cheeses) and raw milk.”.
- (3) In regulation 3(1) omit “for the purposes of Articles 2 and 3 of the Commission Regulation”.

Amendment of the Reporting of Prices of Milk Products Regulations (Northern Ireland) 2008

4.—(1) The Reporting of Prices of Milk Products Regulations (Northern Ireland) 2008⁽⁶⁾ are amended as follows.

- (2) In regulation 2(1)—
 - (a) omit the definition of “Commission Implementing Regulation”;
 - (b) for the definition of “milk products” substitute—

““milk products” means whey powder, skimmed milk powder, whole milk powder, butter, cheeses (including commodity cheeses) and raw milk.”.
- (3) In regulation 3(1) omit “for the purposes of Articles 7, 11 and 12 of the Commission Implementing Regulation”.

⁽⁵⁾ [S.I. 2008/1428](#), amended by [S.I. 2011/456](#).

⁽⁶⁾ [S.R. 2008 No.240](#).

Amendment of the Marketing of Fresh Horticultural Produce Regulations 2009

5.—(1) The Marketing of Fresh Horticultural Produce Regulations 2009(7) are amended as follows.

(2) In regulation 2(2) for “EU marketing rules”, in both places it occurs, substitute “marketing rules”.

(3) In regulation 3(2)—

- (a) in the words before sub-paragraph (a), omit “EU”;
- (b) in sub-paragraph (a), omit paragraphs (i), (iii) and (v).

(4) In regulation 3(4)—

- (a) omit “EU”;
- (b) for “(i) to (v)” substitute “(ii) and (iv)”.

(5) In regulation 4—

- (a) omit “EU”, in each place it occurs (including in the heading);
- (b) in paragraph (8), for “European Union” substitute “United Kingdom”.

(6) In regulation 7(3)(a) omit paragraph (ii).

(7) In regulation 8(1)(f) and (2) omit “EU”.

(8) In regulation 9(1) omit “EU”.

(9) In regulation 10 omit “EU”, in each place it occurs.

(10) In regulation 11 omit “EU”, in each place it occurs.

(11) In regulation 12(2)(e) omit “EU”.

(12) In regulation 14(3)(a) and (5)(a)(ii) omit “EU”.

(13) In regulation 16(1)(c) omit “EU”, in both places it occurs.

(14) After regulation 23 insert—

“24 Transitional provisions: withdrawal from the EU

(1) Regulation 4 does not apply in relation to a failure to comply with Article 7 of Commission Implementing Regulation 543/2011 if the matter constituting the alleged contravention—

- (a) relates to a product that was placed on the market on or before 31 December 2020, and
- (b) would not have constituted a contravention of that Regulation as it applied immediately before exit day.

(2) An authorised officer must not exercise the powers under regulation 11(1) in relation to a failure to comply with Article 7 of Commission Implementing Regulation 543/2011 if the matter constituting the alleged contravention—

- (a) relates to a product that was placed on the market on or before 31 December 2020, and
- (b) would not have constituted a contravention of that Regulation as it applied immediately before exit day.”.

(15) In the Schedule for “Member States” substitute “the relevant authorities”.

(7) [S.I. 2009/1361](#); relevant amending instruments are [S.I. 2011/1043](#); [S.I. 2011/2587](#).

Amendment of the Beef and Veal Labelling Regulations 2010

6.—(1) The Beef and Veal Labelling Regulations 2010⁽⁸⁾ are amended as follows.

(2) In regulation 4(1)(a)(vi) after “third countries” insert “, as read with Article 15za (transitional provisions)”;

(3) Omit regulation 4(1)(b)(viii).

(4) After regulation 4(3) insert—

“(4) Paragraph (1)(b)(ii) shall not apply in relation to a failure to comply with Article 2(2)(b) of Regulation (EC) No 1825/2000 of the European Parliament and the Council if the matter constituting the alleged contravention—

(a) relates to a product that was placed on the market on or before 31 December 2020, and

(b) would not have constituted a contravention of that Regulation as it applied immediately before exit day.”.

(5) In regulation 6(2) omit “, including any representative of the European Commission”.

Amendment of the Quality Standards for Green Bananas (England and Wales) Regulations 2012

7.—(1) The Quality Standards for Green Bananas (England and Wales) Regulations 2012⁽⁹⁾ are amended as follows.

(2) In regulation 3(2)—

(a) in sub-paragraph (a) omit “in other Member States and”;

(b) omit sub-paragraph (b).

(3) Omit regulation 6(4)(a)(ii).

(4) Omit regulation 21(2).

Amendment of the Olive Oil (Marketing Standards) Regulations 2014

8.—(1) The Olive Oil (Marketing Standards) Regulations 2014⁽¹⁰⁾ are amended as follows.

(2) In regulation 2(2), in the words after sub-paragraph (c), before “EU” insert “retained”.

(3) In regulation 2(3) before “EU”, in both places it occurs, insert “retained”.

(4) In regulation 4 before “EU” insert “retained”.

(5) In regulation 6(1), in the words before sub-paragraph (a), before “EU” insert “retained”.

(6) In regulation 6(3)(c) before “EU” insert “retained”.

(7) In regulation 6(5)(a) before “EU” insert “retained”.

(8) Omit regulation 6(9)(a)(ii) (but not the final “and”).

(9) In regulation 7(2) before “EU” insert “retained”.

(10) In regulation 11(1)(c) before “EU” insert “retained”.

(11) Omit regulation 19(3).

⁽⁸⁾ [S.I. 2010/983](#), to which there are amendments not relevant to these Regulations.

⁽⁹⁾ [S.I. 2012/947](#).

⁽¹⁰⁾ [S.I. 2014/195](#).

Amendment of the Milk and Milk Products (Pupils in Educational Establishments) (England and Northern Ireland) Regulations 2017

9.—(1) The Milk and Milk Products (Pupils in Educational Establishments) (England and Northern Ireland) Regulations 2017(**11**) are amended as follows.

- (2) In regulation 2, in the definition of “Union aid”—
 - (a) omit “Union”;
 - (b) after “Council Regulation” insert “(whether before or after exit)”.
- (3) Omit regulation 3.
- (4) In regulation 4(1)—
 - (a) for “Union aid”, in each place it occurs, substitute “Aid”;
 - (b) for “a payment under regulation 3” substitute “an additional payment under Articles 23a(6) and 217 of the Council Regulation (as it had effect immediately before exit day)”.
- (5) In regulation 7(1) omit “Subject to paragraph (2),”.
- (6) Omit regulation 7(2).

Amendment of the Carcase Classification and Price Reporting (England) Regulations 2018

10.—(1) The Carcase Classification and Price Reporting (England) Regulations 2018(**12**) are amended as follows.

- (2) In regulation 2(1)—
 - (a) for “European beef”, in each place it occurs, substitute “retained EU beef”;
 - (b) for “European pig”, in each place it occurs, substitute “retained EU pig”;
- (3) Omit regulation 8(2)(b).
- (4) Omit regulation 14(2)(b).
- (5) In regulation 16, for “European” substitute “retained EU”.
- (6) In regulation 27, for “European”, in each place it occurs (including in the heading), substitute “retained EU”.
- (7) In regulation 28, for “European”, in each place it occurs (including in the heading), substitute “retained EU”.
- (8) In regulation 37, for “European”, in both place it occurs, substitute “retained EU”.
- (9) In Schedule 1—
 - (a) for “European”, in both places it occurs (including in the heading), substitute “retained EU”;
 - (b) in the fourth row of the table, for “Union” substitute “United Kingdom”.
- (10) In Schedule 2—
 - (a) for “European”, in each place it occurs (including in the heading), substitute “retained EU”;
 - (b) in Part 1, in the third row of the table, for “methods authorised by the Commission” substitute “authorised methods”.

(11) [S.I. 2017/734](#).

(12) [S.I. 2018/1164](#).

Date

Name
Minister of State
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 the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (c), (d), (e) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to domestic secondary legislation in the field of food marketing standards.

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