

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.

EXITING THE EUROPEAN UNION AGRICULTURE

The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019

Made - - - -

Coming into force in accordance with regulation 1

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

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⁾.

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.

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (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.

(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).

PART 2

Common Market Organisation Amendments

Amendment of Regulation (EU) No 1308/2013

2. Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products is amended in accordance with regulations 3 to 28.

3. In Article 77—

(a) in paragraph 4, at the end insert the following subparagraphs—

“Products of the hops sector imported from the European Union before 29 March 2021 may be marketed or exported if covered by a certificate issued in accordance with Article 77 of Regulation (EU) No 1308/2013, as it has effect in EU law as amended from time to time, provided that the Secretary of State considers that the quality standards adopted in EU law for any hops or hop products are at least equivalent to the quality standards adopted for like products harvested within the United Kingdom or made from such products.

If, before 29 March 2021, the Secretary of State considers the EU quality standards referred to in the third subparagraph are not at least equivalent to the quality standards in the United Kingdom, the Secretary of State must publish a statement to that effect.”;

(b) in paragraph 5, for the words from “Commission” to “from” substitute “Secretary of State may make regulations making exceptions to”.

4. In Article 90(3)

(a) for “Commission” substitute “Secretary of State;

(b) at the end insert—

“; or

(c) a certificate and an analysis report which comply with points (a) and (b) as they had effect immediately before exit day.”.

5. In Article 97, in the heading and in paragraphs 1 and 2, for “Commission” substitute “Secretary of State”.

6. After Article 99, insert—

“Article 99a

Appeals

1. The following may appeal to the First-tier Tribunal (the “FTT”) against a decision of the Secretary of State to approve an application made under Article 94 for protection of a name as a designation of origin or geographical indication:

(a) a person who submitted a statement in accordance with Article 98;

(b) a person marketing a product that is, or may be, affected by the registration of the designation of origin or geographical indication.

2. The following may appeal to the FTT against a decision of the Secretary of State to reject an application made under Article 94 for protection of a name as a designation of origin or geographical indication:

(a) the person who submitted the application for protection;

- (b) a person marketing a product that is, or may be, affected by the decision not to register the designation of origin or geographical indication.
- 3. In determining an appeal under paragraph 1 or 2 the FTT:
 - (a) must consider the decision appealed against afresh, and
 - (b) may take into account evidence that was not available to the Secretary of State.
- 4. The FTT may:
 - (a) dismiss the appeal,
 - (b) if it allows an appeal made under paragraph 1:
 - (i) quash the decision and direct the Secretary of State to reject the application and (if appropriate) restore the register; or
 - (ii) remit the matter to the Secretary of State with a direction to repeat the scrutiny of the application and (if appropriate) to restore the register in the meantime; or
 - (c) if it allows an appeal made under paragraph 2:
 - (i) quash the decision and direct the Secretary of State to approve the application and register the designation of origin or geographical indication; or
 - (ii) remit the matter to the Secretary of State with a direction to repeat the scrutiny of the application.
- 5. The Secretary of State may consider a decision mentioned in paragraph 1 or paragraph 2 afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time of the original decision.
- 6. Paragraph 5 applies even though an appeal has been made to the FTT in respect of the original decision.
- 7. Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision, the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter.
- 8. If the Secretary of State makes the same decision again, the appeal to the FTT restarts. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise.

Article 99b

Appeals: effect of appeal

- 1. Where an appeal is made to the FTT relating to a decision to approve an application made under Article 94 for protection of a name as a designation of origin or geographical indication, and the Secretary of State has made an entry in the register provided for in Article 104 as a result of that decision, the entry in the register is to be maintained but is in suspense and must be marked to indicate that it is in suspense until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State.
- 2. Where an appeal is made to the FTT relating to a decision to approve an application made under Article 94 for protection of a name as a designation of origin or geographical indication, and the Secretary of State has not made an entry in the register provided for in Article 104 as a result of that decision, the Secretary of State must not make an entry in the

register until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State.”.

7. In Article 107—

- (a) for the heading substitute “Protection of established protected designations of origin etc.”;
- (b) for paragraphs 1 to 4 substitute—

“1. The Secretary of State must enter the names of established protected designations of origin, established protected geographical indications, and established traditional terms, in the register provided for in Article 104 of this Regulation.

2. For the purposes of paragraph 1:

- (a) ‘established protected designation of origin’ means a designation of origin shown as a registered United Kingdom designation of origin on the register maintained by the Commission pursuant to Article 104 as it had effect immediately before exit day, including a protection granted via the conclusion of a bilateral trade agreement as that register stood immediately before exit day;
- (b) ‘established protected geographical indication’ means a geographical indication shown as a United Kingdom registered geographical indication on the register maintained by the Commission pursuant to Article 104 as it had effect immediately before exit day, including a protection granted via the conclusion of a bilateral trade agreement as that register stood immediately before exit day;
- (c) ‘established traditional term’ means a traditional term shown as a United Kingdom registered traditional term on the register maintained by the Commission pursuant to Article 104 as it had effect immediately before exit day, including a protected traditional term granted via the conclusion of a bilateral trade agreement as that register stood immediately before exit day.”.

8. In Article 148—

- (a) in paragraph 1—
 - (i) for “a Member State”, in both places it occurs, substitute “the Secretary of State”;
 - (ii) in the second subparagraph, for “it” substitute “the Secretary of State”;
- (b) in paragraph 1a, for “Member States do” substitute “the Secretary of State does”;
- (c) in paragraph 4—
 - (i) for “a Member State”, in both places it occurs, substitute “the Secretary of State”;
 - (ii) for “it”, in both places it occurs, substitute “the Secretary of State”;
- (d) omit paragraph 5.

9. In Article 149—

- (a) in paragraph 2—
 - (i) in point (c)—
 - (aa) omit point (i)—
 - (bb) in points (ii) and (iii), for the words from “any” to “that Member State” substitute “the United Kingdom does not exceed 33% of total production in the United Kingdom”;
 - (ii) in point (d), for “Member States” substitute “the Secretary of State”;
 - (iii) in point (f), for the words from “competent” to “operates” substitute “Competition and Markets Authority”;
- (b) omit paragraph 3;

- (c) omit paragraph 5;
- (d) in paragraph 6—
 - (i) in the first subparagraph, for the words from “competition” to “paragraph”, in the third place it occurs, substitute “Competition and Markets Authority”;
 - (ii) omit the second subparagraph;
- (e) in paragraph 7, omit point (a);
- (f) omit paragraph 8.

10. Omit Article 150.

11. In Article 151—

- (a) in the first paragraph, for “competent national authority” substitute “Secretary of State”;
- (b) omit the third paragraph.

12. In Article 152—

- (a) in paragraph 1, for “Member States” substitute “The Secretary of State”;
- (b) in paragraph 1a—
 - (i) in the first subparagraph, for “Article 101(1) TFEU” substitute “section 2(1) of the Competition Act 1998(3)”;
 - (ii) in the second subparagraph, in point (a), omit from “, thus” to the end;
 - (iii) in the third subparagraph, for the words from “Member” to “subparagraph”, substitute “nothing in this Regulation prevents the Secretary of State from providing that the condition set out in point (d) of the second subparagraph does not apply”;
- (c) in paragraph 1c—
 - (i) in the first subparagraph, for the words from “national” to “1/2003”, substitute “Competition and Markets Authority”;
 - (ii) omit the second and third subparagraphs;
- (d) in paragraph 2, for “Union support” substitute “public funding”.

13. In Article 153, in paragraph 1, in point (b), for the words from “Member” to “condition” substitute “nothing in this Regulation prevents the Secretary of State from providing that this condition does not apply”.

14. In Article 154—

- (a) in paragraph 1—
 - (i) for “a Member State” substitute “the Secretary of State”;
 - (ii) in point (b), for the words from “to” to “concerned” substitute “as laid down by the Secretary of State”;
- (b) in paragraph 1a, for “Member States” substitute “The Secretary of State”;
- (c) for paragraph 2 substitute—

“2. A producer organisation is deemed to be recognised pursuant to Article 152 if the Secretary of State made a decision to deem such recognition prior to exit day.”
- (d) omit paragraph 3;
- (e) in paragraph 4—
 - (i) for “Member States” substitute “The Secretary of State”;

- (ii) in point (a), omit the words from “this” to the end;
- (iii) omit point (d).

15. In Article 155—

- (a) for “Member States” substitute “The Secretary of State”;
- (b) omit “by the Commission”.

16. In Article 156—

- (a) in paragraph 1, in the first subparagraph, for “Member States” substitute “The Secretary of State”;
- (b) in paragraph 2—
 - (i) for “Member States” substitute “Secretary of State”;
 - (ii) for “Member State concerned” substitute “Secretary of State”.

17. In Article 157—

- (a) in paragraph 1—
 - (i) for “Member States” substitute “The Secretary of State”;
 - (ii) in point (c)(v), omit “, compatible with Union rules,”;
- (b) in paragraph 1a, for “Member States” substitute “The Secretary of State”;
- (c) omit paragraph 2;
- (d) in paragraph 3—
 - (i) for “Member States” substitute “the Secretary of State”;
 - (ii) in point (c)—
 - (aa) omit the words from “in” to “Union”;
 - (bb) in point (v), omit “compatible with Union rules”.

18. In Article 158—

- (a) in paragraph 1—
 - (i) for “Member States” substitute “The Secretary of State”;
 - (ii) in point (b), for “territory concerned” substitute “United Kingdom”;
- (b) omit paragraphs 2 to 4;
- (c) in paragraph 5—
 - (i) for “Member States” substitute “the Secretary of State”;
 - (ii) in point (a), omit the words from “this” to the end;
 - (iii) in point (c), for “the applicable penalties they have laid down” substitute “any applicable penalties”;
 - (iv) omit point (e).

19. In Article 159, for “Member States” substitute “the Secretary of State”.

20. In Article 161—

- (a) in paragraph 1—
 - (i) for “Member States” substitute “The Secretary of State”;
 - (ii) in point (b), for the words from “to” to “concerned” substitute “as laid down by the Secretary of State”;

- (b) omit paragraph 2;
- (c) in paragraph 3—
 - (i) for “Member States” substitute “The Secretary of State”;
 - (ii) in point (a), omit the words from “this” to the end;
 - (iii) omit point (d).

21. Omit Article 162.

22. In Article 163—

- (a) in paragraph 1—
 - (i) for “Member States” substitute “The Secretary of State”;
 - (ii) in point (b), for “territory concerned” substitute “United Kingdom”;
- (b) omit paragraph 2;
- (c) in paragraph 3—
 - (i) in the introductory words—
 - (aa) for “Member States make” substitute “the appropriate authority(4) makes”;
 - (bb) for “they shall” substitute “it must”;
 - (ii) in point (a), omit from “this” to the end;
 - (iii) omit point (e).

23. Omit Articles 164 and 165.

24. In Article 168—

- (a) in paragraph 1—
 - (i) for “a Member State” substitute “the Secretary of State”;
 - (ii) for “its territory”, in both places it occurs, substitute “the United Kingdom”;
- (b) in paragraph 1a, for “Member States do” substitute “the Secretary of State does”;
- (c) in paragraph 2—
 - (i) in the first subparagraph—
 - (aa) for “Member State” substitute “Secretary of State”;
 - (bb) for “it” substitute “the Secretary of State”;
 - (ii) in the second subparagraph, for the words from the beginning to “adopt” substitute “The Secretary of State must ensure that any provisions made”;
- (d) in paragraph 3, for “Member State” substitute “Secretary of State”;
- (e) in paragraph 6, in the second subparagraph—
 - (i) for “a Member State”, in both places it occurs, substitute “the Secretary of State”;
 - (ii) for “it”, in both places it occurs, substitute “the Secretary of State”;
 - (iii) for “internal market”, in both places it occurs, substitute “market in the United Kingdom”;
- (f) for paragraph 7 substitute—

(4) A definition of “appropriate authority” is inserted into Regulation (EU) 1308/2013 by The Common Organisation of Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

“7. The Secretary of State must ensure that any provisions made to implement the options referred to in this Article do not impair the proper functioning of the market in the United Kingdom.”.

25. In Article 176—

- (a) in paragraph 1, for “Union” substitute “United Kingdom”;
- (b) for paragraph 2 substitute—

“2. Without prejudice to the application of Articles 177, 178 and 179 of this Regulation, the Secretary of State must issue licences to any applicant established in the United Kingdom.”;

- (c) in paragraph 3, for “Union” substitute “United Kingdom”.

26. In Article 188—

- (a) in paragraph 1, for “Commission” substitute “Secretary of State”;
- (b) in paragraph 3—
 - (i) for “Member States” substitute “The Secretary of State”;
 - (ii) for “Commission” substitute “Secretary of State”.

27. In Article 190(2), at the end insert the following subparagraph—

“Products of the hops sector imported from the European Union before 29 March 2021 shall be considered to be of the standard referred to in paragraph 1 if they are accompanied by a certificate issued in accordance with Article 77 of Regulation (EU) No 1308/2013⁽⁵⁾ as it has effect in EU law, as amended from time to time, provided that the Secretary of State has not published a statement under Article 77(4) in respect of those products.”.

28. In Annex 2, in Part 2, in Section A, in paragraph 6(a), for “Member State concerned” substitute “Secretary of State”.

Amendment of Regulation (EU) No 510/2014

29. Regulation (EU) No 510/2014 of the European Parliament and of the Council laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products is amended in accordance with regulations 30 to 38.

30. In Article 6—

- (a) in paragraph 1, after “circulation” insert “in the United Kingdom”;
- (b) in paragraph 2—
 - (i) for “Member States” substitute “the Secretary of State”;
 - (ii) for “Union” substitute “United Kingdom”;
 - (iii) omit the words from “, irrespective” to the end;
- (c) in paragraph 3, for “Union” substitute “United Kingdom”;
- (d) in paragraph 4—
 - (i) after “circulation” insert “in the United Kingdom”;
 - (ii) for “third” substitute “another”.

(5) OJ L 347, 20.12.2013, p.671, as last amended by Regulation (EU) No 2017/2393 of the European Parliament and of the Council (OJ L 350, 29.12.2017, p.15).

31. In Article 22(2), for “accordance with Article 29 TFEU”, in each place it occurs, substitute “the United Kingdom”.

32. Article 23(1), for “authorities of the Member State” substitute “authority”.

33. In Article 25—

(a) for the words from “concluded” to “TFEU” substitute “to which the United Kingdom is a party”;

(b) for “authorities of the Member State” substitute “authority”.

34. In Article 28(2)—

(a) for “Member States” substitute “The Secretary of State”;

(b) for the words from “Union”, in the first place it occurs, to the end substitute “United Kingdom”.

35. In Article 30(1), for “authorities of the Member State concerned” substitute “authority”.

36. Omit Articles 37 and 38.

37. In Article 40(1), for “legal acts adopted” substitute “regulations made”.

38. Omit Article 46 and the sentence which follows it.

Amendment of Regulation (EC) No 566/2008

39. [Commission Regulation \(EC\) No 566/2008](#) laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less is amended in accordance with regulation 40 and 41.

40. For Article 2, substitute—

“Article 2

Definitions

1. For the purposes of this Regulation, the following definitions shall apply:

(a) ‘competent authority’ means any authority appointed by the appropriate authority competent for the organisation of official checks referred to in point VI of Part I of Annex VII to Regulation (EU) No 1308/2013; it shall also include, where appropriate, the corresponding authority of a third country;

(b) ‘relevant authority’ means:

(i) in relation to England, the Secretary of State;

(ii) in relation to Wales, the Welsh Ministers;

(iii) in relation to Scotland, the Scottish Ministers;

(iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(c) ‘third country’ means any country or territory other than:

(i) the United Kingdom;

(ii) the Bailiwick of Jersey;

(iii) the Bailiwick of Guernsey;

(iv) the Isle of Man.”.

41. In Article 7—

- (a) in paragraph 3—
 - (i) for “Commission”, in both places it occurs, substitute “Secretary of State”;
 - (ii) for “Community”, substitute “United Kingdom”;
 - (iii) at the end of the second subparagraph insert—

“Notifications made before exit day to the Commission of the European Union under this paragraph, as it had effect immediately before exit day, are deemed to have been made to the Secretary of State.”;
 - (iv) for “Member States” substitute “relevant authorities for Wales, Scotland and Northern Ireland”;
 - (v) at the end insert—

“By way of derogation from the second subparagraph, in relation to a member State, the notification referred to in the first subparagraph shall be made on or before 30 June 2019 or before the first consignment of meat of each individual operator is imported into the United Kingdom after exit day (whichever is later) and thereafter within one month after any changes in the information to be notified.”;
- (b) in paragraph 4—
 - (i) in the first subparagraph—
 - (aa) for the words from “Upon request” to “initiative, the Commission” substitute “The Secretary of State”;
 - (bb) for “Regulation (EC) No 1234/2007” substitute “Regulation (EU) No 1308/2013”;
 - (ii) in the second subparagraph, for “Commission”, in both places it occurs, substitute “Secretary of State”;
- (c) in paragraph 5—
 - (i) for “Regulation (EC) No 1234/2007”, in the first and third places it occurs, substitute “Regulation (EU) No 1308/2013”;
 - (ii) for “Commission”, substitute “Secretary of State”;
 - (iii) omit “, in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007,”.

Amendment of Regulation (EU) No 543/2011

42. Commission Implementing Regulation (EU) No 543/2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors is amended in accordance with regulations 43 to 48.

43. After Article 1(2) insert—

“**3.** In this Regulation, ‘third country’ means any country or territory other than:

- (a) the United Kingdom;
- (b) the Bailiwick of Jersey;
- (c) the Bailiwick of Guernsey;
- (d) the Isle of Man.”.

44. In Article 14—

- (a) in paragraph 1—
 - (i) for “Union”, in each place it occurs, substitute “United Kingdom”;

- (ii) for “Commission” substitute “Secretary of State”;
- (iii) for “it” substitute “the Secretary of State”;
- (b) omit paragraphs 4 and 6;
- (c) after paragraph 6 insert—

“7. Notwithstanding paragraph 1, until 29 March 2021, competent authorities in third countries may continue to use certificates which conform to Article 14(1) of Commission Implementing Regulation (EU) No 543/2011⁽⁶⁾, as it has effect in EU law as amended from time to time.

8. If at any time until 29 March 2021 the Secretary of State considers that the marketing standards that apply in the EU to any products to which this Title applies are not at least equivalent to the marketing standards that apply in the United Kingdom for like products:

- (a) the Secretary of State must publish a statement to that effect, and
- (b) paragraph 7 shall not apply in relation to the products set out in such statement.”.

45. In Article 15—

- (a) in the heading for “Union” substitute “United Kingdom”;
- (b) in paragraph 1—
 - (i) for “Commission” substitute “Secretary of State”;
 - (ii) for the words from “may, in accordance” to “approve” substitute “may make regulations approving”;
 - (iii) for “Union” substitute “United Kingdom”;
- (c) in paragraph 2, for “Union”, in each place it occurs, substitute “United Kingdom”;
- (d) in paragraph 4—
 - (i) for “Commission” substitute “Secretary of State”;
 - (ii) at the end insert “Whenever the Secretary of State makes regulations under paragraph 1, those regulations must include provision amending Annex IV to include the third country or countries where conformity checks have been approved under paragraph 1 and the products concerned.”.

46. In Article 16 for “Commission” substitute “Secretary of State”.

47. In Article 18—

- (a) omit paragraph 1;
- (b) in paragraph 2—
 - (i) for “A Member State where” substitute “Where”;
 - (ii) after “from a third country” insert “listed in Annex IV”;
 - (iii) after “marketing standards” insert “, the Secretary of State”;
 - (iv) omit “the Commission, the Member States likely to be concerned and”;
- (c) omit paragraphs 3 to 5.

48. Before Article 149 insert—

⁽⁶⁾ OJ L 157, 15.6.2011, p.1, as last amended by Commission Implementing Regulation (EU) No 2017/1185 (OJ L 171, 4.7.2017, p.113).

“Article A149

Regulations

1. Regulations made by the Secretary of State under this Regulation are to be made by statutory instrument.
2. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
3. Such regulations may—
 - (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018));
 - (b) make different provision for different purposes.
4. Before making any regulations under this Regulation, the Secretary of State must consult—
 - (a) such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by the regulations;
 - (b) such other bodies or persons as the Secretary of State may consider appropriate.”.

Amendment of Regulation (EC) No 1295/2008

49. Commission Regulation (EC) No 1295/2008 on the importation of hops from third countries is amended in accordance with regulations 50 to 56.

50. In Article 1(1)—

- (1) for “Community” substitute “United Kingdom”;
- (2) for “point (f) of Article 1 of Regulation (EC) No 1234/2007” substitute “point (f) of Article 1(2) of Regulation (EU) No 1308/2013”;
- (3) for “Article 158(1)” substitute “Article 190(1)”.

51. For Article 1(2) substitute—

- “2. The proof referred to in Article 1(1) of this Regulation shall be furnished by production of either:
- (a) the attestation provided for in Article 190(2) of Regulation (EU) No 1308/2013, hereinafter referred to as an ‘attestation of equivalence’, or
 - (b) until 29 March 2021 or such time as the Secretary of State publishes a statement under Article 77(4) of that Regulation in relation to the relevant products (whichever is earlier), a certificate issued in accordance with Article 77 of Regulation (EU) No 1308/2013(7), as it has effect in EU law as amended from time to time, hereinafter referred to as an ‘EU certificate’.”.

52. In Article 3—

- (a) for “Annex I shall be revised” substitute “The Secretary of State may make regulations revising Annex I”;
- (b) at the end insert—

(7) OJ L 347, 20.12.2013, p.671, as last amended by Regulation (EU) No 2017/2393 of the European Parliament and of the Council (OJ L 350, 29.12.2017, p.15).

“Certificates accompanying hops and hop products imported from the European Union before 29 March 2021 shall be recognised as EU certificates provided that:

- (a) such certificates are issued in accordance with Article 77 of Regulation (EU) No 1308/2013⁽⁸⁾, as it has effect in EU law as amended from time to time, and Regulation (EC) No 1850/2006⁽⁹⁾, as it has effect in EU law as amended from time to time, and
- (b) the Secretary of State has not published a statement under Article 77(4) of Regulation (EU) No 1308/2013 in relation to the relevant hops or hops products (as the case may be).”.

53. After Article 4(1) insert—

“**1A.** By way of derogation from paragraph 1, until 29 March 2021, the attestation of equivalence may instead be made out in accordance with Article 4(1) of [Commission Regulation \(EC\) No 1295/2008](#)⁽¹⁰⁾, as it has effect in EU law as amended from time to time.

1B. If at any time until 29 March 2021 the Secretary of State considers that the quality standards adopted in EU law for any hops or hop products are not at least equivalent to the quality standards adopted for like products harvested within the United Kingdom or made from such products:

- (a) the Secretary of State must publish a statement to that effect, and
- (b) paragraph 1A shall not apply in relation to the products set out in such statement.”.

54. In Article 6—

- (a) after paragraph 1 insert—

“**1A.** By way of derogation from paragraph 1, until 29 March 2021, the extract may instead be drawn up in accordance with Article 6(1) of [Commission Regulation \(EC\) No 1295/2008](#), as it has effect in EU law as amended from time to time.

1B. If at any time until 29 March 2021 the Secretary of State considers that the quality standards adopted in EU law for any hops or hop products are not at least equivalent to the quality standards adopted for like products harvested within the United Kingdom or made from such products:

- (a) the Secretary of State must publish a statement to that effect, and
- (b) paragraph 1A shall not apply in relation to the products set out in such statement.”.

- (b) in paragraph 2, for “competent authority as referred to in Article 21 of Regulation (EC) No 1850/2006” substitute “Secretary of State”.

55. After Article 6 insert—

“Article 6a

1. Where, before its entry into free circulation, a consignment covered by an EU certificate is split up and redispached a certificate extract shall be drawn up in respect of each new consignment resulting from such splitting.

The EU certificate shall be replaced by the necessary number of certificate extracts.

⁽⁸⁾ OJ L 347, 20.12.2013, p.671, as last amended by Regulation (EU) No 2017/2393 of the European Parliament and of the Council (OJ L 350, 29.12.2017, p.15).

⁽⁹⁾ OJ L 355, 15.12.2006, p.72, as last amended by [Commission Regulation \(EU\) No 519/2013](#) (OJ L 158, 10.6.2013, p.74).

⁽¹⁰⁾ OJ L 340, 19.12.2008, p.45, as last amended by Commission Implementing Regulation (EU) No 2015/2000 (OJ L 292, 10.11.2015, p.4).

Each extract shall be drawn up by the party concerned in one original and two copies and shall contain the following information, taken from the EU certificate:

- (a) the description of the product;
- (b) the reference number of the EU certificate;
- (c) the net and/or gross weight;
- (d) the hop production area or the place of production;
- (e) the year of harvesting;
- (f) the variety;
- (g) the mention ‘seeded hops’ or ‘seedless hops’, as appropriate;
- (h) in the case of products prepared from hops, the place and date of processing;
- (i) the following declaration:

“I the undersigned declare that the products above were covered by the EU certificate
 (date), reference No
 At, on
(Signature)”.

2. The customs authorities shall:

- (a) endorse the EU certificate with the following wording:

“This EU certificate has been replaced byextracts.
 At, on
(Signature).....(S

- (b) countersign the original and the two copies of each extract.

They shall retain the original of the EU certificate, send two copies to the Secretary of State and return the original and the two copies of each extract to the person concerned.”.

56. After Article 10 insert—

“Article 10A

Regulations

1. Regulations made by the Secretary of State under this Regulation are to be made by statutory instrument.

2. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

3. Such regulations may—

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018));

(b) make different provision for different purposes.

4. Before making any regulations under this Regulation the Secretary of State must consult—

- (a) such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by the regulations;
- (b) such other bodies or persons as the Secretary of State may consider appropriate.”.

PART 3

Financing, management and monitoring amendments

Amendment of Regulation (EU) No 1306/2013

57. Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy is amended in accordance with regulation 58.

58. In Article 90(4)—

- (a) For “Commission shall adopt implementing acts” substitute “Secretary of State may make regulations”;
- (b) omit point (a);
- (c) in points (c) and (d), omit “by the Member States”;
- (d) omit the last sentence.

PART 4

Consequential amendments

The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009

59. The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009(11) are amended in accordance with regulations 60 and 61.

60. In rule 1(3), after the definition of “party” insert—

““PDO or PGI wine decision” means a decision of the Secretary of State to approve or reject an application made under Article 94 of Regulation 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products for protection of a wine name as a designation of origin or geographical indication;”.

61. In rule 22(6), after sub-paragraph (i), insert—

- “(j) in an appeal against a PDO or PGI wine decision, within 28 days of the date on which the decision was published;”.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: The Common Organisation of the Markets in Agricultural Products and
Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 No. 828

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 section 8(1) of, and paragraph 21 of Schedule 7 to, 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), (b), (d) and (g)) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (Regulation (EU) 1308/2013), in particular in relation to provisions concerning recognition of producer organisations, protected designations of origin and geographical indications and contracts in relation to agricultural products, and to Regulation (EU) No 510/2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products.

They also make amendments to Regulation (EU) No. 566/2008 concerning the marketing of beef, Regulation (EU) No. 543/2011 concerning marketing of fruit and vegetables and Regulation (EU) No. 1295/2008 concerning the import of hops.

They also make amendments to Regulation (EU) No. 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy, conferring legislative functions in relation to customs procedures and checks relating to protected designations of origin, geographical indications and protected traditional terms.

Part 4 makes amendments to The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (S.I. 2009/1976) in consequence of amendments made to Regulation (EU) 1308/2013.

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