

DRAFT STATUTORY INSTRUMENTS

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**2019 No. 000**

**EXITING THE EUROPEAN UNION**

**AGRICULTURE**

**FOOD**

**The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019**

*Made* - - - -

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*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<sup>(a)</sup>.

There has been consultation, 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<sup>(b)</sup>, 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.

**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 etc.) (EU Exit) (No. 2)

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<sup>(a)</sup> 2018 c. 16.

<sup>(b)</sup> 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).

Regulations 2019 and come into force on the later of exit day or the day after the day on which they are made.

## PART 2

### Amendment of retained direct EU legislation

#### CHAPTER 1

##### Common Market Organisation Framework Amendments

#### **Amendment of Regulation (EU) No 1308/2013 of the European Parliament and of the Council**

**2.**—(1) 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 as follows.

(2) In Article 3(5)(c)(a)—

(a) in point (i), at the beginning, insert “subject to point (ii),”;

(b) in point (ii)(b)—

(i) before point (aa) insert—

“(zaa) in relation to regulations made under Articles 122, 123, 166(b), 174(1) or 223, where the subject matter is outside devolved competence;”;

(ii) in point (aa), after “22,” insert “23,”.

(3) In Article 23—

(a) in paragraph 1, in the second subparagraph—

(i) for the words from “Council shall” to “lay down” substitute “appropriate authority(c) may make regulations(d) setting”;

(ii) omit “Union”.

(b) in paragraph 5, for the third subparagraph substitute—

“The appropriate authority may make regulations fixing the level of aid for the milk component of the distributed product.”.

(4) Omit Article 34(3)(f).

(5) In Article 122—

(a) in paragraph 1—

(i) in the words before point (a), for the words from “Commission” to “Article 227” substitute “appropriate authority may make regulations”;

(ii) omit point (b)(iii);

(iii) omit point (c)(ii);

(iv) omit point (d)(iii);

(b) in paragraph 2, for the words from “Commission” to “Article 227” substitute “appropriate authority may make regulations”;

(c) omit paragraph 3;

(d) in paragraph 4—

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(a) Point (c) is inserted by S.I. 2019/821.

(b) Point (ii)(aa) is amended by S.I. 2019/831.

(c) A definition of “appropriate authority” is inserted into Regulation (EU) No 1308/2013 by S.I. 2019/821, and is amended by S.I. 2019/831.

(d) The procedures for making regulations under powers in Regulation (EU) No 1308/2013 are set out in Articles 227 to 229A of that Regulation, which are inserted by S.I. 2019/831.

- (i) for “Union” substitute “United Kingdom”;
  - (ii) for the words from “Commission” to “Article 227” substitute “appropriate authority may make regulations”.
- (6) In Article 123—
  - (a) in the first sentence, for “Commission may adopt implementing acts” substitute “appropriate authority may make regulations”;
  - (b) omit the second sentence.
- (7) In Article 125(4)(a), at the end, insert the following subparagraph—
 

“In order to take into account the specific characteristics of the sugar sector and the development of the sector in the period following the ending of production quotas, the appropriate authority may make regulations to update the terms referred to in Section A of Part 2 of Annex 2 so far as the terms apply in relation to a matter that is not outside devolved competence.”.
- (8) In Article 166, for the words from “Commission” to “Article 227” substitute “appropriate authority may make regulations”.
- (9) In Article 174(1)(b), at the end, insert the following subparagraph—
 

“The appropriate authority may make regulations laying down procedures and technical conditions as regards the implementation of the measures referred to in Article 166.”.
- (10) In Article 177—
  - (a) in paragraph 1—
    - (i) for “Union”, in the first place it occurs, substitute “United Kingdom”;
    - (ii) omit “Union”, in the second place it occurs;
    - (iii) for the words from “Commission” to “Article 227” substitute “Secretary of State may make regulations”;
  - (b) in paragraph 2—
    - (i) in the words before point (a), for the words from “Commission” to “Article 227” substitute “Secretary of State may make regulations”;
    - (ii) in point (d), omit the words from “and the principle” to the end.
- (11) In Article 178—
  - (a) in the first paragraph—
    - (i) in the words before point (a), for “Commission shall adopt implementing acts” substitute “Secretary of State may make regulations”;
    - (ii) omit point (h);
  - (b) omit the second paragraph.
- (12) In Article 179—
  - (a) in the first paragraph, for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
  - (b) omit the second paragraph.
- (13) After Article 179, insert—

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(a) Article 125(4) is also amended by the Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

(b) Article 174(1) is also amended by the Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

*“Article 179A*

**Regulations**

1. The Secretary of State may not make regulations under Articles 177, 178 or 179 without the consent of:

- (a) where the subject matter is within devolved competence in relation to Wales, the Welsh Ministers;
- (b) where the subject matter is within devolved competence in relation to Scotland, the Scottish Ministers;
- (c) where the subject matter is within devolved competence in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

2. Where any of the parties mentioned in paragraph 1(a) to (c) requests that the Secretary of State make regulation under Articles 177, 178 or 179, the Secretary of State must have regard to that request where the subject matter of the requested regulations is within devolved competence in relation to the relevant constituent nation.”.

(14) In Article 223—

- (a) in paragraph 1, in the first subparagraph—
  - (i) for “CAP”, in both places it occurs, substitute “agricultural support”;
  - (ii) omit “concluded in accordance with the TFEU”;
  - (iii) for the words from “Commission” to “adopt” substitute “appropriate authority may make regulations adopting”;
  - (iv) omit “, Member States”;
- (b) in paragraph 2, in the words before point (a), for the words from “Commission” to “Article 227” substitute “appropriate authority may make regulations”;
- (c) in paragraph 3—
  - (i) in the first subparagraph—
    - (aa) in the words before point (a), for “The Commission shall adopt implementing acts” substitute “Any regulations made by the appropriate authority under this Article must include provisions”;
    - (bb) in point (d), omit “the Member States,”;
  - (ii) omit the second subparagraph.

(15) In Article 230(1), in the second subparagraph, in points (c) and (ca), for “pursuant to the delegated acts provided for in” substitute “under”.

(16) In Annex 2, in Part 2, in Section A, in point 4, for “the Commission by means of delegated acts pursuant to point (a) of” substitute “regulations made under”.

**Amendment of Council Regulation (EU) No 1370/2013**

**3.—**(1) Council Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products is amended as follows.

(2) In Article 1, in the second subparagraph(a), for point (c)(ii)(b) substitute—

“(ii) the Secretary of State:

- (aa) in relation to Wales, other than in relation to Article 5, if consent is given by the Welsh Ministers;
- (bb) in relation to Scotland, if consent is given by the Scottish Ministers;

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(a) The second subparagraph is inserted by S.I. 2019/821.

(b) Point (c) is inserted by S.I. 2019/831.

- (cc) in relation to Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs.”.
- (3) In Article 1a(1)(d) and (f), omit “Union”.
- (4) In Article 5(2)—
  - (a) for the second subparagraph substitute—
 

“The appropriate authority may make regulations(a) fixing the maximum level of aid per category of such costs as a percentage of the aid granted by the relevant authority under Article 23 of Regulation (EU) No 1308/2013 or as a percentage of the costs of the products concerned.”.
  - (b) omit the third subparagraph.

## CHAPTER 2

### Marketing Standards Amendments

#### SECTION 1

##### *Eggs*

#### **Amendment of Commission Regulation (EC) No 589/2008**

**4.**—(1) Commission Regulation (EC) No 589/2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs is amended as follows.

- (2) In Article 1—
  - (a) in the second subparagraph—
    - (i) in point (g), for “Article 1(2) of Directive 2000/13/EC” substitute “Article 2(2)(d) of Regulation (EU) No 1169/2011”;
    - (ii) for point (p) substitute—
 

“(p) ‘production site’ means an establishment keeping laying hens, registered in accordance with:

      - (i) in England, the Registration of Establishments (Laying Hens) (England) Regulations 2003(b),
      - (ii) in Northern Ireland, the Registration of Establishments (Laying Hens) Regulations (Northern Ireland) 2003(c),
      - (iii) in Scotland, the Registration of Establishments Keeping Laying Hens (Scotland) Regulations 2003(d),
      - (iv) in Wales, the Registration of Establishments (Laying Hens) (Wales) Regulations 2004(e);”;
    - (iii) for point (s) substitute—
 

“(s) ‘producer code’ means the distinguishing number allocated to the production site in accordance with the legislation applying in the relevant constituent nation.”;
    - (iv) After point (t)(f), insert—
 

“(u) ‘relevant authority’ means:

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

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(a) The procedures for making regulations under powers in Regulation (EU) No 1370/2013 are set out in Article 15 of that Regulation, which is inserted by S.I. 2019/831.

(b) S.I. 2003/3100, as amended by S.I. 2012/2897, 2013/235, 2018/1033.

(c) S.R. 2003 No 538, as amended by S.I. 2019/158.

(d) S.S.I. 2003/576, as amended by S.S.I. 2004/27, 2015/100.

(e) S.I. 2004/1432 (W 145), as amended by S.I. 2013/235, 2019/684 (W 131).

(f) Point (t) is inserted by S.I. 2019/XXX.

- (ii) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
  - (iii) in relation to Scotland, the Scottish Ministers;
  - (iv) in relation to Wales, the Welsh Ministers;
  - (v) ‘the English welfare regulations’ means the Welfare of Farmed Animals (England) Regulations 2007<sup>(a)</sup>;
  - (w) ‘the Northern Ireland welfare regulations’ means the Welfare of Farmed Animals Regulations (Northern Ireland) 2012<sup>(b)</sup>;
  - (x) ‘the Scottish welfare regulations’ means the Welfare of Farmed Animals (Scotland) Regulations 2010<sup>(c)</sup>;
  - (y) ‘the Welsh welfare regulations’ means the Welfare of Farmed Animals (Wales) Regulations 2007<sup>(d)</sup>;
  - (z) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be.”.
- (3) In Article 2(2), omit “, except as provided for in Article 3”.
- (4) Omit Article 3.
- (5) In Article 4(2), for “Directive 2000/13/EC” substitute “Regulation (EU) No 1169/2011”.
- (6) In Article 5(2)—
- (a) for the second subparagraph substitute—
 

“The competent authority shall allot the packing centre a packing centre code. The packing centre code must include the code ‘UK’.”.
- (7) In Article 6(3), for “Article 9(2) of Directive 2000/13/EC” substitute “Annex 10 to Regulation (EU) No 1169/2011”.
- (8) Omit Article 8.
- (9) In Article 9—
- (a) in paragraph 1, for the words from “shall consist” to “It shall” substitute “must”;
  - (b) in paragraph 2, for the words from “point 1” to “1234/2007” substitute “point 3(1) of part 6 of Annex 7 to Regulation (EU) No 1308/2013”.
- (10) In Article 10, for the words from “point 1” to “1234/2007” substitute “point 3(1) of part 6 of Annex 7 to Regulation (EU) No 1308/2013”.
- (11) In Article 11—
- (a) for paragraph 1 substitute—
 

“Save as otherwise provided for by the sanitary legislation, nothing in this Regulation prevents the relevant authority from using any power that authority has to exempt operators from the marketing obligations provided for in point 3(1) of part 6 of Annex 7 to Regulation (EU) No 1308/2013 where eggs are delivered directly from the production site to the food industry.”;
  - (b) in paragraph 2—
    - (i) omit point (a);
    - (ii) in point (b), for “authorities of” to the end substitute “authority”.
- (12) In Article 12—
- (a) in paragraph 1—

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(a) S.I. 2007/2078, as amended by S.I. 2010/3033; there are other amending instruments but none is relevant.

(b) S.R. 2012 No. 156, to which there are amendments not relevant to these Regulations.

(c) S.S.I. 2010/388, to which there are amendments not relevant to these Regulations.

(d) S.I. 2007/3070 (W 264), as amended by S.I. 2010/2713 (W 229); there are other amending instruments but none is relevant.

- (i) omit point (e);
- (ii) in point (f), for “Article 3(1)(6) of Directive 2000/13/EC” substitute “Article 9(1)(g) of Regulation (EU) No 1169/2011”;
- (b) in paragraph 2—
  - (i) in the second subparagraph—
    - (aa) in point (a), for “set out in Part A of Annex I” substitute “‘Free range eggs’, ‘Barn eggs’ or ‘Eggs from caged hens’”;
    - (bb) in point (b), for “Article 2 of Council Regulation (EEC) No 2092/91” substitute “Article 23(1) of Council Regulation No 834/2007”;
  - (ii) for the fourth subparagraph substitute—

“The identification of the farming method may be complemented by the indication ‘Enriched cages’ where laying hens are kept in systems of production in accordance with the requirements laid down in—

- (i) Schedule 4 to the English welfare regulations,
- (ii) Schedule 3 to the Northern Ireland welfare regulations,
- (iii) Schedule 3 to the Scottish welfare regulations,
- (iv) Schedule 4 to the Welsh welfare regulations.

The terms referred to in this paragraph must appear in English, but may also appear in any other language.”;

- (c) in paragraph 3, for the words from “which may” to the end substitute “provided that they are compatible with retained direct EU legislation”;
- (d) for paragraph 5 substitute—

“5. The relevant authority may require that the labels be affixed to packs of eggs in such a way so as to be broken when opening the packs.”.

(13) In Article 13, for “Article 3(1)(5) of Directive 2000/13/EC” substitute “Annex 10 to Regulation (EU) No 1169/2011”.

(14) In Article 24(1), for “Member States” substitute “relevant authority”.

(15) In Article 29, for “Annex XIV to Regulation (EC) No 1234/2007” substitute “Annex 7 to Regulation (EU) No 1308/2013”.

(16) In Article 30(3)—

- (a) for the words from “point 3” to “1234/2007” substitute “paragraph 1 above”;
- (b) in point (b), for “non-EC” substitute “non-UK”;
- (c) at the end insert—

“Eggs may continue to be marked as ‘non-EC standard’ for a period of 21 months beginning on the day on which exit day falls.”.

(17) Omit Article 32.

(18) Omit Articles 34 to 37.

(19) After Article 39, omit the words from “This Regulation” to “Member States.”.

(20) Omit Annex 1.

(21) In Annex 2—

- (a) in paragraph 1—
  - (i) for the first subparagraph substitute—

“‘Free-range eggs’ must be produced in systems of production which satisfy at least the conditions specified in:

- (i) in England, Schedule 2 to the English welfare regulations;

- (ii) in Northern Ireland, Schedule 2 to the Northern Ireland welfare regulations;
  - (iii) in Scotland, Part 5 of Schedule 3 to the Scottish welfare regulations;
  - (iv) in Wales, Schedule 2 to the Welsh welfare regulations.”;
  - (ii) in the second subparagraph—
    - (aa) in point (a), for “Union law” substitute “retained direct EU legislation”;
    - (bb) in point (d), for the words from “in Article 4(1)(3)(b)(ii)” to the end substitute—
 

“in:

      - (i) paragraph 7(b)(ii) of Schedule 2 to the English welfare regulations;
      - (ii) paragraph 7(b)(ii) of Schedule 2 to the Northern Ireland welfare regulations;
      - (iii) paragraph 19(b)(ii) of Schedule 3 to the Scottish welfare regulations;
      - (iv) paragraph 7(b)(ii) of Schedule 2 to the Welsh welfare regulations

are evenly distributed throughout the whole open-air run with at least four shelters per hectare.”;
  - (b) in paragraph 2, for “in Article 4 of Directive 1999/74/EC.” substitute—
 

“in:

    - (a) in England, Schedule 2 to the English welfare regulations;
    - (b) in Northern Ireland, Schedule 2 to the Northern Ireland welfare regulations;
    - (c) in Scotland, Part 5 of Schedule 3 to the Scottish welfare regulations;
    - (d) in Wales, Schedule 2 to the Welsh welfare regulations.”;
  - (c) in paragraph 3—
    - (i) omit point (a);
    - (ii) for point (b) substitute—
 

“(b) the conditions specified in—

      - (i) in England, Schedule 4 to the English welfare regulations;
      - (ii) in Northern Ireland, Schedule 3 to the Northern Ireland welfare regulations;
      - (iii) in Scotland, Schedule 3 to the Scottish welfare regulations;
      - (iv) in Wales, Schedule 4 to the Welsh welfare regulations.”;
  - (d) omit paragraph 4.
- (22) Omit Annex 3.

### **Amendment of Commission Regulation (EC) No 617/2008**

**5.—**(1) Commission Regulation (EC) No 617/2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks is amended as follows.

(2) In Article 1—

- (a) in paragraphs 1 and 2, for “Community” substitute “United Kingdom”;
- (b) after paragraph 4, insert—
 

“5. ‘relevant authority’ means:

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



6. ‘third country’ means any country or territory other than—

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

(3) In Article 2—

- (a) in paragraph 1, in the first subparagraph—
  - (i) for “agency” substitute “authority”;
  - (ii) for “Member State” substitute “relevant authority”;
- (b) in paragraph 2—
  - (i) omit the words from “of the Member” to “located”;
  - (ii) for “This” substitute “The competent”
  - (iii) for “one of the codes listed in Annex I” substitute “the country code ‘UK’”.

(4) In Article 3—

- (a) in paragraph 3—
  - (i) for the first sentence substitute—

“In accordance with the legislation applying in the constituent nation, eggs for hatching may be marked in a different manner from that presented in paragraph 2, provided that it is in black ink, indelible, clearly visible and at least 10mm<sup>2</sup> in area.”;
  - (ii) omit the third sentence;
- (b) in paragraph 4, for “one of the markings listed in Annex II” substitute “the marking ‘eggs for hatching’”;
- (c) in paragraph 5, for “Article 121(d) of Regulation (EC) No 1234/2007” substitute “Articles 75(3), 78(1) and 89 of Regulation (EU) No 1308/2013”;
- (d) omit paragraph 7;
- (e) in paragraph 8, in the first sentence for the words from “words ‘à couvrir’” to the end substitute “word ‘hatching’, either in English or in the language of the country of origin”;
- (f) after paragraph 8, insert—

“9. Eggs from the European Union may continue to be marked in accordance with paragraphs 1 to 6 for a period of 12 months beginning on the day on which exit day falls. After this date, eggs from the European Union must be marked in accordance with paragraph 8.

10. In paragraph 3, ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be.”.

(5) After Article 4(3), insert—

“4. Chicks from the European Union may continue to be marked in accordance with paragraphs 1 and 2 for a period of 12 months beginning on the day on which exit day falls. After this date, packs containing chicks from the European Union must be marked in accordance with paragraph 3.”.

(6) In Article 8—

- (a) in paragraph 1, for “agency of the Member State” substitute “authority”;
- (b) for paragraph 2 substitute—

“2. The relevant authority may request statistical data on flocks of grandparent stock and parent stock birds from establishments other than those referred to in paragraph 1, as required.”;

- (c) omit paragraphs 3 and 4;
- (d) in paragraph 5, for “Member States” substitute “The competent authority”;
- (e) in paragraph 6—
  - (i) for “Member States” substitute “The relevant authority”;
  - (ii) omit the words from “or at the” to the end;
- (f) omit paragraph 7.
- (7) In Article 9, for “Member State” substitute “relevant authority”.
- (8) Omit Articles 10 to 11a.
- (9) After Article 13, omit the words from “This Regulation” to “Member States.”.
- (10) Omit Annexes 1 and 2.
- (11) In Annex 3, in part 2, omit the first table.
- (12) In Annex 4—
  - (a) in the heading omit “(4)”;
  - (b) omit table note (4).

## SECTION 2

### *Olive Oil*

#### **Amendment of Commission Regulation (EEC) No 2568/91**

**6.**—(1) Commission Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis is amended as follows.

- (2) In Article 1—
  - (a) in paragraphs 1 to 7, for “the Annex to Regulation No 136/66/EEC” substitute “Part 8 of Annex 7 to Regulation (EU) No 1308/2013”;
  - (b) after paragraph 7, insert—
 

“8. In this Regulation:

    - (a) ‘appropriate authority’ means:
      - (i) the relevant authority, or
      - (ii) the Secretary of State:
        - (aa) in relation to Scotland, if consent is given by the Scottish Ministers;
        - (bb) in relation to Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs;
    - (b) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be;
    - (c) ‘relevant authority’ means:
      - (i) in relation to England, the Secretary of State;
      - (ii) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
      - (iii) in relation to Scotland, the Scottish Ministers;
      - (iv) in relation to Wales, the Welsh Ministers.”.
- (3) In Article 2—
  - (a) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) omit “by national authorities or their representatives”;

- (bb) for “Member States” substitute “Secretary of State, with the agreement of the relevant authorities for Wales, Scotland and Northern Ireland”;
- (ii) in the second subparagraph, for “by the Member State” substitute “in accordance with the first subparagraph”;
- (iii) in the third subparagraph, for the first sentence substitute—  
 “If the panel does not confirm the category declared as regards the organoleptic characteristics then, at the interested party’s request, the appropriate authority must ensure that two counter-assessments are carried out without delay by other panels approved in accordance with the first subparagraph.”;
- (b) in paragraph 3, in the first subparagraph—
  - (i) in the first sentence, for “national authorities or their representatives verify” substitute “appropriate authority verifies”;
  - (ii) in the third sentence, for “competent authority of the Member State” substitute “appropriate authority”.
- (4) In Article 2a—
  - (a) in paragraph 1, for the words from “of a relevant” to the end substitute “that is consumed in or exported from the United Kingdom”;
  - (b) in paragraph 2, for “Member States” substitute “The appropriate authority”;
  - (c) in paragraph 3(e), for “Union”, in both places it occurs, substitute “United Kingdom”;
  - (d) in paragraph 4—
    - (i) in the first subparagraph, for “Member States shall lay down in advance” substitute “The appropriate authority must ensure there are established”;
    - (ii) for the second subparagraph substitute—  
 “The relevant authorities must jointly ensure that at least one conformity check per thousand tonnes of olive oil marketed in the United Kingdom is carried out per year.”;
  - (e) in paragraph 5, for “Member States” substitute “The appropriate authority”.
- (5) In Article 3—
  - (a) in the first subparagraph, for “Member State concerned shall,” substitute “appropriate authority must, in accordance with the legislation applying in the constituent nation concerned and”;
  - (b) in the second subparagraph, for “Member States” substitute “the appropriate authority”.
- (6) For Article 4 substitute—

*“Article 4*

1. The Secretary of State may, with the agreement of the relevant authorities for Wales, Scotland and Northern Ireland, approve assessment panels for the purposes of assessing and verifying organoleptic characteristics.

The terms of approval must be set by the Secretary of State, with the agreement of the relevant authorities for Wales, Scotland and Northern Ireland, and ensure that:

- (a) the requirements of Annex XII.4 are met,
- (b) the panel head is given training recognised for this purpose by the Secretary of State, with the agreement of the relevant authorities for Wales, Scotland and Northern Ireland,
- (c) continued approval depends on performance in annual checks arranged by the relevant authorities jointly.

2. If there is no approved tasting panel in the United Kingdom, the Secretary of State, with the agreement of the relevant authorities for Wales, Scotland and Northern Ireland, may call on a tasting panel approved by the International Olive Council.

3. The relevant authorities must jointly ensure that there is an up-to-date list of any tasting panels set up in the United Kingdom by professional or inter-branch organisations in accordance with the conditions laid down in paragraph 1, and that those conditions are complied with by the panels.”.

(7) In Article 7, for “The Community provisions” substitute “Retained direct EU legislation”.

(8) In Article 7a, omit the second sub-paragraph.

(9) Omit Articles 8 and 10.

(10) After Article 10, omit the words from “This Regulation” to “Member States.”.

(11) In Annex 1a—

(a) in paragraph 1.1, for the sentence after Table 1 substitute—

“The number of packs referred to in Table 1 constitute a primary sample. Nothing in this Regulation prevents the appropriate authority from increasing the number of packs according to their own needs (for example organoleptic assessment by a different laboratory from that which performed the chemical analyses, counter-analysis, etc).”;

(b) in paragraph 1.2, in the third subparagraph after Table 2, for the words from “The number” to “State” substitute “Nothing in this Regulation prevents the appropriate authority from increasing the number of primary samples”.

#### **Amendment of Commission Implementing Regulation (EU) No 29/2012**

7.—(1) Commission Implementing Regulation (EU) No 29/2012 on marketing standards for olive oil is amended as follows.

(2) In Article 1—

(a) in paragraph 1—

(i) for “Directive 2000/13/EC and Regulation (EC) No 510/2006” substitute “Regulation (EU) No 1169/2011 and Regulation (EU) No 1151/2012”;

(ii) for “Annex XVI to Regulation (EC) No 1234/2007” substitute “Part 8 of Annex 7 to Regulation (EU) No 1308/2013”;

(b) after paragraph 2, insert—

“3. In this Regulation:

(a) ‘appropriate authority’ means:

(i) in relation to:

(aa) England, the Secretary of State;

(bb) Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(cc) Scotland, the Scottish Ministers;

(dd) Wales, the Welsh Ministers, or

(ii) the Secretary of State:

(aa) in relation to Scotland, if consent is given by the Scottish Ministers;

(bb) in relation to Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs;

(b) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be;

(c) a reference to a ‘country’ is to be read as including the British Overseas Territories.”.

(3) In Article 2—

(a) in the first subparagraph, after “opened and” insert “, subject to the third subparagraph”;

- (b) in the second subparagraph, for “the Member States may set” substitute “nothing in this Regulation prevents the appropriate authority from setting”;
- (c) after the second subparagraph insert—
 

“Oils as referred to in Article 1(1) which are labelled in accordance with this Regulation as it had effect immediately before exit day may:

  - (a) if placed on the market before exit day, remain on the market until stocks are exhausted; and
  - (b) be placed on the market until the end of the period of 21 months beginning on the day on which exit day falls, and remain on the market until stocks are exhausted.”.
- (4) In Article 3, in the first subparagraph—
  - (a) for “Article 118 of Regulation (EC) No 1234/2007” substitute “Article 78(1) of Regulation (EU) 1308/2013”;
  - (b) for “Article 3(1)(1) of Directive 2000/13/EC” substitute “Article 9 of Regulation (EU) 1169/2011”.
- (5) In Article 4—
  - (a) in paragraph 1, for “Annex XVI to Regulation (EC) No 1234/2007”, in both places it occurs, substitute “Part 8 of Annex 7 to Regulation (EU) No 1308/2013”;
  - (b) in paragraph 2—
    - (i) in point (a), for the words from “from” to the end substitute “from one country, a reference to that country; or”;
    - (ii) for point (b) substitute—
 

“(b) in the case of blends of olive oils originating, in accordance with the provisions of paragraphs 4 and 5, from more than one country:

      - (i) a reference to the countries concerned, or
      - (ii) the words ‘blend of olive oils from more than one country’ or similar; or”;
    - (iii) in point (c), for “Regulation (EC) No 510/2006 substitute “Regulation (EU) No 1151/2012”;
  - (c) for paragraphs 4 and 5 substitute—
 

“4. In the case of import from another country, the designation of origin for the purposes of paragraph 1 is the country in which the mill where the oil was extracted from the olives is situated.

5. The designation of origin may also contain wording indicating the country in which the olives were harvested.

6. By way of derogation from paragraphs 2, 4 and 5, in relation to any country or countries each of which is a member of a block of countries to which a regional trade agreement applies, references to that country or countries in the designation of origin may be replaced by references to the name under which the block of countries is known pursuant to that regional trade agreement.

7. In this Article, ‘regional trade agreement’ means an agreement of the type to which Article 24(5) of the General Agreement on Tariffs and Trade 1994(a) applies.”.
- (6) In Article 5(e), for “Annex XVI to Regulation (EC) No 1234/2007” substitute “Part 8 of Annex 7 to Regulation (EU) No 1308/2013”.
- (7) Omit Article 5a.
- (8) In Article 6(1), omit the third subparagraph.

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(a) Available from: [https://www.wto.org/english/tratop\\_e/region\\_e/region\\_art24\\_e.htm](https://www.wto.org/english/tratop_e/region_e/region_art24_e.htm). A hard copy is available for inspection free of charge at the offices of DEFRA at Seacole Building, 2 Marsham Street, London SW1P 4DF.

- (9) Omit Article 7.
- (10) In Article 8—
  - (a) omit paragraph 1;
  - (b) for paragraph 2 substitute—
 

“(2) The appropriate authority may take samples to verify the truth of the indications on the labelling concerned.”;
  - (c) omit paragraphs 3 and 4.
- (11) In Article 8a—
  - (a) in the first sentence, for “Each Member State” substitute “The appropriate authority”;
  - (b) omit the second sentence.
- (12) In Article 9—
  - (a) for paragraph 1 substitute—
 

“1. Without prejudice to the penalties laid down in Regulation (EU) No 1308/2013 and in Article 3 of Regulation (EEC) No 2568/91, the appropriate authority must apply, in accordance with the legislation applying in the constituent nation concerned, effective, proportionate and dissuasive penalties if this Regulation is breached.”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) for “Member States concerned” substitute “appropriate authority”;
      - (bb) for “their territory” substitute “the constituent nation concerned”;
    - (ii) in the second subparagraph—
      - (aa) omit point (b);
      - (bb) in point (c), for “Member State concerned” substitute “appropriate authority”.
- (13) Omit Articles 10, 10a and 12.
- (14) After Article 12, omit the words from “This Regulation” to “Member States.”.

### SECTION 3

#### *Poultrymeat*

#### **Amendment of Commission Regulation (EC) No 543/2008**

**8.**—(1) Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat is amended as follows.

- (2) In Article 1—
  - (a) in the words before paragraph 1, for “Article 121(e)(ii) of Regulation (EC) No 1234/2007” substitute “Article 75(1)(g) of Regulation (EC) No 1308/2013”;
  - (b) in paragraph 1(a), in the fourth indent, for “Member States may apply Article 12” substitute “Article 12 may be applied”;
  - (c) in paragraph 2, in the last subparagraph, for the words from “Article 1(3)(a)” to the end substitute “Article 2(2)(j) of Regulation (EU) No 1169/2011”.
- (3) In Article 2—
  - (a) in point (c), for “Article 1(3)(b) of Directive 2000/13/EC” substitute “Article 2(2)(e) of Regulation (EU) No 1169/2011”;
  - (b) after point (f) insert—
 

“(g) ‘third country’ means any country or territory other than—

    - (i) the United Kingdom,

- (ii) the Bailiwick of Guernsey,
    - (iii) the Bailiwick of Jersey, or
    - (iv) the Isle of Man;
  - (h) ‘relevant authority’ means:
    - (i) in relation to England, the Secretary of State,
    - (ii) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs,
    - (ii) in relation to Scotland, the Scottish Ministers,
    - (iii) in relation to Wales, the Welsh Ministers;
  - (i) ‘national reference laboratory’ means a laboratory designated in accordance with Article 100 of Regulation (EU) 2017/625.”.
- (4) In Article 3(5)—
- (a) in the words before point (a)—
    - (i) for “adopted in accordance with Directive 2000/13/EC” substitute “made in accordance with Regulation (EU) No 1169/2011”;
    - (ii) for “within the meaning of Article 13(1)(b) of that Directive” substitute “referred to in Article 8(7) of that Regulation”;
  - (b) omit point (a);
  - (c) in point (b), for the words from “point III(2)” to “1234/2007” substitute “points 2(2) to (4) of Part 5 of Annex 7 to Regulation (EU) No 1308/2013”.
- (5) In Article 4(1)—
- (a) the existing text becomes the first subparagraph;
  - (b) in that subparagraph, in the words before the first indent—
    - (i) for “Article 3(1)(1) of Directive 2000/13/EC” substitute “Article 9(1)(a) of Regulation (EU) No 1169/2011”;
    - (ii) omit the words from “and the” to “to this Regulation”;
  - (c) after that subparagraph insert—
 

“The terms referred to in the first subparagraph must appear in English, but may also appear in any other language.”.
- (6) In Article 5—
- (a) in paragraph 1, for “Community” substitute “United Kingdom”;
  - (b) in paragraph 2, for “Directive 2000/13/EC” substitute “Regulation (EU) No 1169/2011”;
  - (c) in paragraph 3, for “Article 10 of Directive 2000/13/EC” substitute “Article 24 of Regulation (EU) No 1169/2011”;
  - (d) in paragraph 4—
    - (i) omit point (a);
    - (ii) in point (c), for the words from “point III(2)” to “1234/2007” substitute “point 3 of Part 5 of Annex 7 to Regulation (EU) No 1308/2013”;
  - (e) in paragraph 5, for “Article 14 of Directive 2000/13/EC” substitute “Article 44 of Regulation (EU) No 1169/2011”.
- (7) In Article 6, for the words from “point II(3)” to “1234/2007” substitute “point 2(3) of Part 5 of Annex 7 of Regulation 1308/2013”.
- (8) In Article 9—
- (a) in paragraph 1, omit the words from “may be” to “The pre-packages”;
  - (b) omit paragraph 13;
  - (c) at the end insert—

“14. For the purposes of this Article, Directive 76/211/EEC(a) is to be read in accordance with paragraphs 15 to 17.

15. “Third country” has the meaning set out in Article 2(g).

16. Annex 1 is to be read as if:

(a) in paragraph 4:

(i) in the fifth subparagraph, for the words from “departments in” to “departments” there were substituted “authority and if he holds at the disposal of the competent authority”;

(ii) in the sixth subparagraph, for “non-EEC” there were substituted “third”;

(b) in paragraph 5:

(i) in the heading:

(aa) for “departments” there were substituted “authority”;

(bb) for “Community” there were substituted “United Kingdom”;

(ii) in the first subparagraph:

(aa) for “departments of the Member States” there were substituted “authority”;

(bb) for “Community” there were substituted “United Kingdom”;

(iii) in the third and fourth subparagraphs “used by a Member State” were omitted;

(c) in paragraph 6:

(i) in the heading, for “departments” there were substituted “authority”;

(ii) in the first subparagraph, for “departments of the Member States” there were substituted “authority”.

17. Annex 2 is to be read as if, in paragraph 1, the third subparagraph were omitted.”.

(9) In Article 10—

(a) the existing text becomes the first paragraph;

(b) in that paragraph—

(i) omit the words from “and the” to “Annex III”;

(ii) for “Article 1(3)(a) of Directive 2000/13/EC” substitute “Article 2(2)(j) of Regulation (EU) No 1169/2011”;

(c) after that paragraph insert—

“The terms referred to in the first paragraph must appear in English, but may also appear in any other language.”.

(10) In Article 11—

(a) in paragraph 1—

(i) omit the words from “and the” to “Annex IV”;

(ii) for “Article 1(3)(a) of Directive 2000/13/EC” substitute “Article 2(2)(j) of Regulation (EU) No 1169/2011”;

(iii) at the end insert the following subparagraph—

“The terms referred to in the first subparagraph must appear in English, but may also appear in any other language.”.

(b) in paragraph 3—

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(a) OJ No L 46, 21.2.1976, p 1, as last amended by Directive 2007/45/EC of the European Parliament and of the Council (OJ No L 247, 21.9.2007, p 17).



- (i) omit “national”;
    - (ii) omit the words from “which are applicable” to the end;
  - (c) omit paragraphs 4 and 5.
- (11) In Article 12—
- (a) in paragraph 1(a), omit “of the Member State”;
  - (b) in paragraph 6, for the words from “Each” to “Commission” substitute “The relevant authority must make available”.
- (12) In Article 13—
- (a) for “Article 121(e)(v) of Regulation (EC) 1234/2007” substitute “Article 75(3)(g) of Regulation (EU) No 1308/2013”;
  - (b) for “Member States” substitute “relevant authority”;
  - (c) for “authorities of the Member State concerned” substitute “authority”.
- (13) In Article 14—
- (a) in the second paragraph, for “Commission” substitute “relevant authority”.
  - (b) after the second paragraph insert—
 

“The requirement in the first paragraph applies to products entering the United Kingdom from the European Union only on or after the period of 12 months beginning on the day on which exit day falls.”.
- (14) In Article 15—
- (a) in paragraph 1—
    - (i) omit “and Article 17(3)”;
    - (ii) for “Community” substitute “United Kingdom”;
  - (b) in paragraph 2, for “authorities designated by each Member State” substitute “authority”.
- (15) In Article 16—
- (a) in paragraph 2, omit “of the Member State”;
  - (b) in paragraph 3—
    - (i) in the first subparagraph, for “authorities”, in both places it occurs, substitute “authority”;
    - (ii) in the second subparagraph, for “They” substitute “The competent authority”;
  - (c) in paragraph 5—
    - (i) after “in the” insert “national”;
    - (ii) omit “of the Member State” in both places that it appears;
  - (d) in paragraph 6—
    - (i) in the first subparagraph—
      - (aa) for “within the Community” substitute “in the United Kingdom”;
      - (bb) for the words from “at least” to the end substitute “the words ‘water content exceeds UK limit’”;
    - (ii) in the second subparagraph, for “within the Community” substitute “in the United Kingdom”.
- (16) Omit Article 17.
- (17) In Article 18—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for the words from “authorities” to “respective” substitute “authority must inform the”;

- (bb) for “15, 16 and 17” substitute “15 and 16”;
- (ii) in the second subparagraph—
  - (aa) for “laboratories shall notify the Commission” substitute “laboratory must notify the relevant authority”;
  - (bb) omit the second sentence;
- (b) in paragraph 2—
  - (i) in the first sentence—
    - (aa) for “Member States” substitute “relevant authority”;
    - (bb) for “15, 16 and 17” substitute “15 and 16”;
  - (ii) omit the second and third sentences.
- (18) In Article 20—
  - (a) in paragraph 1, for “Community” substitute “United Kingdom”;
  - (b) in paragraph 2, for “authorities designated by each Member State” substitute “authority”.
- (19) Omit Article 20a.
- (20) After Article 22, omit the words from “This Regulation” to “Member States.”.
- (21) Omit Annexes 1, 3 and 4.
- (22) In Annex 5, in point (e), in the second subparagraph, for “Community law” substitute “retained direct EU legislation”.
- (23) In Annexes 7 and 8, in paragraph 3, for “Council” substitute “relevant authority”.
- (24) Omit Annexes 10 and 11.

## CHAPTER 3

### Payment Schemes Amendments

#### SECTION 1

#### *Apiculture*

### **Amendment of Commission Delegated Regulation (EU) 2015/1366**

**9.—**(1) Commission Delegated Regulation (EU) 2015/1366 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to aid in the apiculture sector is amended as follows.

- (2) After Article 1 insert—

#### *“Article 1A*

#### **Appropriate authority**

For the purposes of this Regulation, ‘appropriate authority’ means:

- (a) in relation to:
    - (i) England, the Secretary of State;
    - (ii) Wales, the Welsh Ministers;
    - (iii) Scotland, the Scottish Ministers;
    - (iv) Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

or
  - (b) 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.”.
- (3) Omit Articles 2 to 4.

- (4) In Article 5 for “Member States” substitute “The appropriate authority”.
- (5) Omit Article 8.
- (6) After Article 9, omit the words from “This Regulation” to “Member States.”.

#### **Amendment of Commission Implementing Regulation (EU) 2015/1368**

**10.**—(1) Commission Implementing Regulation (EU) 2015/1368 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to aid in the apiculture sector is amended as follows.

- (2) In Article 1—
  - (a) omit “Union”;
  - (b) omit “national”.
- (3) After Article 1 insert—

##### *“Article 1A*

##### **Appropriate authority and constituent nation**

For the purposes of this Regulation:

- (a) ‘appropriate authority’ means:
    - (i) in relation to:
      - (aa) England, the Secretary of State;
      - (bb) Wales, the Welsh Ministers;
      - (cc) Scotland, the Scottish Ministers;
      - (dd) Northern Ireland, the Department of Agriculture, Environment and Rural Affairs; or
    - (ii) the Secretary of State:
      - (aa) in relation to Scotland, if consent is given by the Scottish Ministers;
      - (bb) in relation to Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs;
  - (b) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be.”.
- (4) Omit Article 3.
  - (5) For Article 5 substitute—

##### *“Article 5*

##### **Publication of Apiculture Programmes**

The appropriate authority must:

- (a) make apiculture programmes available to the public on its website at the latest on 15 June which precedes the start of the first apiculture year of the apiculture programme in question, and
  - (b) update the website within 21 days of any amendments made to apiculture programmes in accordance with Article 6.”.
- (6) In Article 6—
    - (a) in paragraph 1—
      - (i) in the first subparagraph, for “Without prejudice to paragraph 2, Member States” substitute “The appropriate authorities”;
      - (ii) in the second subparagraph, omit the words from “and that the Union” to the end;
    - (b) omit paragraphs 2 and 3.
  - (7) For the heading to Chapter 3, substitute “PAYMENTS”.

- (8) In Article 7—
  - (a) for the heading, substitute “Payments”;
  - (b) omit the first paragraph;
  - (c) in the second paragraph, for “Member States” substitute “appropriate authority”.
- (9) In Article 8—
  - (a) in paragraph 1—
    - (i) for “Member States” substitute “The appropriate authority”;
    - (ii) omit “Union”;
  - (b) in paragraph 2, for “Member States” substitute “the appropriate authority”;
  - (c) in paragraph 3—
    - (i) in the first subparagraph for “Member States” substitute “The appropriate authority”;
    - (ii) in the second subparagraph, in point (b)(iv), for “Member States” substitute “appropriate authority”.
- (10) In the heading to Chapter 5, omit “notifications and”.
- (11) In Article 10(1), for “2018, the participating Member States shall notify to the Commission” substitute “exit day, the participating appropriate authorities must prepare”.
- (12) Omit Articles 11 and 12.
- (13) For Article 13 substitute—

*“Article 13*

**Publication of annual implementation reports**

The appropriate authority must make publicly available on its website its annual implementation reports prepared in accordance with Article 10.”.

- (14) After Article 14, omit the words from “This Regulation” to “Member States.”.
- (15) In the Annex—
  - (a) omit point (2);
  - (b) in point (3)—
    - (i) in the words before point (i)—
      - (aa) for “Member State” substitute “appropriate authority”;
      - (bb) for “notification of the apiculture programme for approval” substitute “publication of the apiculture programme”;
    - (ii) for point (v) substitute—
 

“(v) the annual production of honey in the constituent nation concerned in kg in the last two calendar years preceding the publication of the apiculture programme;”;
    - (iii) in point (x), for the words from “notification of” to the end substitute “publication of the apiculture programme”;
  - (c) in point (4), omit the words “in the Member State”;
  - (d) in point (7), for “Member States” substitute “appropriate authority”;
  - (e) in point (8), for “Member States” substitute “The appropriate authority”;
  - (f) in point (9)—
    - (i) in point (i), for “Member State” substitute “appropriate authority”;
    - (ii) in point (iv) omit “in the Member State”;
    - (iii) in point (vi) omit “of the Member State concerned”.

SECTION 2  
*Educational establishments*

**Amendment of Commission Implementing Regulation (EU) 2017/39**

**11.**—(1) Commission Implementing Regulation (EU) 2017/39 on rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply of fruit and vegetables, bananas and milk in educational establishments is amended as follows.

(2) In Article 1—

- (a) in paragraph 1, omit “Union”;
- (b) after paragraph 2, insert—

“3. In this Regulation—

- (a) ‘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;
- (b) ‘school scheme aid’ means aid granted under Article 23(1) of Regulation 1308/2013.”.

(3) In Article 2—

- (a) in the heading, for “Member States” substitute “School scheme”;
- (b) in paragraph 1—
  - (i) in the words before point (a), for “Member State’s” substitute “relevant authority’s”;
  - (ii) in point (g), for “(4), (5) and, if applicable, (7)” substitute “(4) and (5)”;
  - (iii) in point (h), for “Union” substitute “school scheme”;
  - (iv) in point (m), for “Union aid under the school scheme” substitute “school scheme aid”;
- (c) omit paragraphs 2 and 3.

(4) Omit Article 3.

(5) In Article 4—

- (a) in paragraph 1, for “Member States” substitute “The relevant authority”;
- (b) in paragraph 2(a), for “4, 5 and, if applicable, 7” substitute “4 and 5”;
- (c) in paragraph 6, for “Member States” substitute “The relevant authority”.

(6) In Article 5—

- (a) in paragraph 1(b), for “Member State” substitute “relevant authority”;
- (b) in paragraph 2—
  - (i) for “competent” substitute “relevant”;
  - (ii) for “Member State” substitute “relevant authority”;
- (c) in paragraph 3, for “competent” substitute “relevant”;
- (d) omit paragraph 4.

(7) Omit Articles 6 and 7.

(8) In Article 8—

- (a) in paragraph 1, for the second subparagraph substitute—

“The relevant authority must publish online the results of the monitoring exercise by 31 January following the end of the school year concerned.”;

(b) in paragraph 2—

(i) in the first subparagraph, for “Member States shall submit to the Commission” substitute “the relevant authority must publish online”;

(ii) in the second subparagraph, for “submitted” substitute “published”;

(c) omit paragraph 3.

(9) In Article 9, for “Member States”, in each place it occurs, substitute “The relevant authority”.

(10) In Article 10—

(a) in paragraph 3—

(i) in the first subparagraph, for the words from “The total” to “national level” substitute “The relevant authorities must jointly ensure that on-the-spot checks in the United Kingdom cover at least 5% of the aid claimed in the United Kingdom”;

(ii) in the second and third subparagraphs—

(aa) for “a Member State” substitute “the United Kingdom”;

(bb) for “on-the-spot checks shall be” substitute “the relevant authorities must jointly ensure that on-the-spot checks are”;

(iii) in the second subparagraph, after “five” insert “of these”;

(iv) in the fifth subparagraph, for “Member States” substitute “the relevant authority”;

(b) in paragraph 4—

(i) for “competent”, in both places it occurs, substitute “relevant”;

(ii) in the second subparagraph, omit point (a);

(c) in paragraph 6, for “competent control” substitute “relevant”;

(d) omit paragraph 7.

(11) In Article 12—

(a) in paragraph 1—

(i) for “Member States decide” substitute “the relevant authority decides”;

(ii) for “Union’s” substitute “relevant authority’s”;

(b) in paragraph 2—

(i) omit “exhibit the European flag and”;

(ii) for “Union” substitute “relevant authority”;

(c) in paragraph 3—

(i) for “Union” substitute “relevant authority”;

(ii) omit “Member State’s”;

(d) omit paragraph 4.

(12) Omit Article 13.

(13) After Article 14, omit the words from “This Regulation” to “Member States.”.

#### **Amendment of Commission Delegated Regulation (EU) 2017/40**

**12.—**(1) Commission Delegated Regulation (EU) 2017/40 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply of fruit and vegetables, bananas and milk in educational establishments and amending Commission Delegated Regulation (EU) No 907/2014 is amended as follows.

(2) In Article 1—

- (a) in paragraph 1, omit “Union”;
  - (b) after paragraph 2, insert—
    - “3. In this Regulation—
    - (a) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be;
    - (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) ‘school scheme aid’ means aid granted under Article 23(1) of Regulation 1308/2013.”.
- (3) In Article 2—
- (a) in the heading, for “Member States” substitute “School scheme”;
  - (b) omit paragraph 1;
  - (c) in paragraph 2—
    - (i) for “a Member State” substitute “the relevant authority”;
    - (ii) after “its strategy” insert “(as referred to in Article 23(8) of Regulation (EU) No 1308/2013)”;
    - (iii) for “Union aid under the school scheme” substitute “school scheme aid”;
  - (d) for paragraph 3 substitute—
    - “3. The relevant authority must publish its strategy online by 30 April preceding the first school year covered by the strategy, or as soon as reasonably practicable thereafter.”;
  - (e) omit paragraph 4.
- (4) In Article 4—
- (a) in paragraph 1—
    - (i) in the words before point (a), for “Union” substitute “school scheme”;
    - (ii) in point (a), omit “of the Member State”;
    - (iii) in point (e)—
      - (aa) for “Member States” substitute “the relevant authority”;
      - (bb) for “their” substitute “its”;
  - (b) omit paragraph 2;
  - (c) in paragraph 3, for “Union” substitute “school scheme”;
  - (d) omit paragraph 4.
- (5) In Article 5—
- (a) in paragraph 1—
    - (i) for “Aid granted to a Member State under the school scheme” substitute “School scheme aid”;
    - (ii) omit “for aid”;
    - (iii) for “competent authority of the Member State” substitute “relevant authority”;
  - (b) in paragraph 2, for “Member States” substitute “The relevant authority”.
- (6) In Article 6—
- (a) in paragraph 1—
    - (i) in the first subparagraph—

- (aa) in the words before point (a), for “competent authority of the Member State” substitute “relevant authority”;
  - (bb) in point (a), for “the Union under the school scheme” substitute “school scheme aid”;
  - (cc) in point (c), for “Union” substitute “school scheme”;
  - (dd) in points (e) and (f), for “competent” substitute “relevant”;
  - (ii) in the second subparagraph, for “Member States” substitute “the relevant authority”;
  - (b) in paragraph 3, for “Competent authorities” substitute “The relevant authority”;
  - (c) omit paragraph 5.
- (7) In Article 7(1) and (3), for “competent” substitute “relevant”;
- (8) In Article 9—
- (a) in paragraphs 1 and 2, for “Member States” substitute “The relevant authority”;
  - (b) in paragraphs 3 and 4, for “Member States” substitute “the relevant authority”;
  - (c) omit paragraph 5.
- (9) In Article 10(1) and (2), for “Member States” substitute “the relevant authority”.
- (10) In Article 11—
- (a) in the first subparagraph—
    - (i) for “Member States consider” substitute “the relevant authority considers”;
    - (ii) for “they” substitute “it”;
    - (iii) for “Union aid under the school scheme” substitute “school scheme aid”;
  - (b) in the second subparagraph, for “Member States” substitute “the relevant authority”.
- (11) In Article 12, for “Member States” substitute “the relevant authority”;
- (12) In Article 14, omit the second sentence.
- (13) After Article 15, omit the words from “This Regulation” to “Member States.”.
- (14) In the Annex—
- (a) for “European Union ‘School Scheme’”, in both places it occurs, substitute “England/ Scotland/ Wales/ Northern Ireland [delete as appropriate] ‘School Scheme’”;
  - (b) for “European Union”, in the third place it occurs, substitute “Department for the Environment, Food and Rural Affairs/ Scottish Government/ Welsh Government/ Department of Agriculture, Environment and Rural Affairs [delete as appropriate]”;
  - (c) omit “The poster shall bear the emblem of the Union”.

## CHAPTER 4

### Rural Development Amendments

#### **Amendment of Commission Regulation (EC) No 1974/2006**

**13.** To the extent that Commission Regulation (EC) No 1974/2006 laying down detailed rules for the application of Council Regulation (EC) 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(a) continues to operate by virtue of the savings provision in Article 19 of Regulation (EU) No 807/2014, Commission Regulation (EC) No 1974/2006 is to be read as if for “Union legislation” there were substituted “law as it applies in the constituent nation”.

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(a) Regulation (EC) No 1974/2006 was repealed by Article 19 of Regulation (EU) No 807/2014, but under Article 19 of Regulation (EU) No 807/2014 continues to apply to operations implemented pursuant to programmes approved by the Commission under Regulation (EC) No 1698/2005 before 1 January 2014.



## **Amendment of Regulation (EU) No 1303/2013 of the European Parliament and of the Council**

**14.**—(1) Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund is amended as follows.

(2) In Article 12, omit the second paragraph(a).

(3) In Article 38(4)(b)(iii), in the second indent, omit “of a Member State at national or regional level”.

(4) Omit Article 41(4).

(5) For Article 46(3) substitute—

“3. The appropriate authority may make regulations in relation to rural development setting out the models to be used when reporting on financial instruments to the monitoring committee.”.

## **Amendment of Regulation (EU) No 1305/2013 of the European Parliament and of the Council**

**15.** In Article 31(2) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), omit “, as applicable in the Member States concerned.”.

## **PART 3**

### **Amendment of subordinate legislation**

#### **Amendment of the Eggs and Chicks (England) Regulations 2009**

**16.**—(1) The Eggs and Chicks (England) Regulations 2009(b) are amended as follows.

(2) In regulation 3(1)—

(a) omit the definition of “Council Directive 1999/74/EC”;

(b) after the definition of “enforcement authority” insert—

““the English welfare regulations” means the Welfare of Farmed Animals (England) Regulations 2007;”;

(c) for the definition of “region” substitute—

““region” means a region listed in Schedule 5;”;

(d) after the definition of ‘Single CMO Regulation’ insert—

““third country” means any country or territory other than—

(a) the United Kingdom,

(b) the Bailiwick of Guernsey,

(c) the Bailiwick of Jersey, or

(d) the Isle of Man.”.

(3) For regulation 13(3) substitute—

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(a) The first paragraph is omitted by S.I. 2019/785.

(b) S.I. 2009/2163, as amended by S.I. 2011/1043, 2012/2897, 2013/3235, 2014/1855, 2018/575, 2019/740.

“(3) The conditions are the conditions in the following provisions of Schedule 2 to the English Welfare regulations—

- (a) paragraph 2(d),
- (b) paragraph 2(e),
- (c) paragraph 5,
- (d) paragraph 6(a), and
- (e) paragraph 6(b).”.

(4) For regulation 14(3) substitute—

“(3) The conditions are the conditions in the following provisions of Schedule 2 to the English welfare regulations—

- (a) paragraph 2(d),
- (b) paragraph 2(e),
- (c) paragraph 5,
- (d) paragraph 6(a), and
- (e) paragraph 6(b).”.

(5) In regulation 19—

(a) for paragraph (2) substitute—

“(2) The authorised officer may take with them such other persons as they consider necessary.”.

(b) omit paragraph (14).

(6) In Schedule 1, in Part 2 in the Table, omit the 6<sup>th</sup> row (Article 3(7)).

(7) In Schedule 2, in Part 2, in the Table—

- (a) in the 2<sup>nd</sup> row (Article 2(2)), omit the text in the second column;
- (b) omit the 18<sup>th</sup> to 20<sup>th</sup> rows (relating to Article 8 of Commission Regulation (EC) No 589/2008);
- (c) in the 21<sup>st</sup> row (Article 9(1)), for the text in the second column substitute “regulation 3 of the Registration of Establishments (Laying Hens) (England) Regulations 2003”;
- (d) in the 26<sup>th</sup> row (Article 12(2), fourth sub-paragraph), in the second column, for “Chapter III of Council Directive 1999/74/EC” substitute “Schedule 4 to the English welfare regulations”.

(8) After Schedule 4 insert—

## “SCHEDULE 5

Regulation 3(1)

### REGIONS

**Table 1**

<i>Name of Region</i>	<i>Area Included</i>
East Midlands	County of Derby County of Derbyshire County of Leicester County of Leicestershire County of Lincolnshire County of Northamptonshire County of Nottingham County of Nottinghamshire County of Rutland

Eastern	County of Bedford County of Central Bedfordshire County of Cambridgeshire County of Essex County of Hertfordshire County of Luton County of Norfolk County of Peterborough County of Southend-on-Sea County of Suffolk County of Thurrock Greater London
London	
North East	County of Darlington County of Durham County of Hartlepool County of Middlesbrough County of Northumberland County of Redcar and Cleveland County of Stockton-on-Tees County of Tyne and Wear
North West	County of Blackburn with Darwen County of Blackpool County of Cheshire East County of Cheshire West and Chester County of Cumbria County of Greater Manchester County of Halton County of Lancashire County of Merseyside County of Warrington
South East	County of Berkshire County of Brighton and Hove County of Buckinghamshire County of East Sussex County of Hampshire County of Isle of Wight County of Kent County of the Medway Towns County of Milton Keynes County of Oxfordshire County of Portsmouth County of Southampton County of Surrey County of West Sussex
South West	County of Bath and North East Somerset County of Bournemouth County of the City of Bristol County of Cornwall County of Devon County of Dorset County of Gloucestershire County of North Somerset County of Plymouth

	County of Poole
	County of Somerset
	County of South Gloucestershire
	County of Swindon
	County of Torbay
	County of Wiltshire
	Isles of Scilly
West Midlands	County of Herefordshire
	County of Shropshire
	County of Staffordshire
	County of Stoke-on-Trent
	County of Telford and Wrekin
	County of Warwickshire
	County of West Midlands
	County of Worcestershire
Yorkshire and the Humber	County of the City of Kingston upon Hull
	County of the East Riding of Yorkshire
	County of North East Lincolnshire
	County of North Lincolnshire
	County of North Yorkshire
	County of South Yorkshire
	County of West Yorkshire
	County of York”.

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#### **Amendment of the Poultrymeat (England) Regulations 2011**

**17.**—(1) The Poultrymeat (England) Regulations 2011<sup>(a)</sup> are amended as follows.

(2) In regulation 2(1), after the definition of “Single CMO Regulation” insert—

““third country” means any country or territory other than—

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

(3) For regulation 11(2) substitute—

“(2) The authorised office may be accompanied by such other person as the authorised office considers necessary.”.

(4) In regulation 12—

- (a) in paragraph (9)(a) for “European Union” substitute “British Islands”;
- (b) omit paragraph (12).

#### **Amendment of the Olive Oil (Marketing Standards) Regulations 2014**

**18.**—(1) The Olive Oil (Marketing Standards) Regulations 2014<sup>(b)</sup> are amended as follows.

(2) In regulation 2(3) for “Expressions” substitute “Except to the extent that paragraphs (1) and (2) provide otherwise, expressions”.

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<sup>(a)</sup> S.I. 2011/452, as amended by S.I. 2012/2897, 2013/3235, 2018/575.

<sup>(b)</sup> S.I. 2014/195, to which there are pending amendments not relevant to these Regulations.

(3) In regulation 6(1)(a) for “complying with a verification request made under” substitute “taking samples pursuant to”.

(4) In regulation 11(1)(e)—

(a) in paragraph (i), omit the final “and”;

(b) omit paragraph (ii).

## PART 4

### Revocations

#### **Revocation of Commission Delegated Regulation (EU) No 611/2014**

**19.** Commission Delegated Regulation (EU) No 611/2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector is revoked.

#### **Revocation of Commission Implementing Regulation (EU) No 615/2014**

**20.** Commission Implementing Regulation (EU) No 615/2014 laying down detailed rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and Regulation (EU) No 1308/2013 of the European Parliament and of the Council in respect of work programmes to support the olive oil and table olives sectors is revoked.

	<i>Name</i>
	Minister of State
Date	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 in the area of agricultural market measures. Chapter 1 of Part 2 amends Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products, in particular in relation to provisions concerning aid for the supply of fruit and vegetables, bananas and milk in educational establishments; producer organisations; wine; import and export licences; and provision of information. Chapter 1 also amends Council Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of markets in agricultural products.

Chapter 2 of Part 2 amends retained direct EU legislation in relation to marketing standards for eggs, olive oil and poultrymeat. Chapter 3 amends retained direct EU legislation in relation to aid in the apiculture sector and aid for the supply of fruit and vegetables, bananas and milk in educational establishments. Chapter 4 amends retained direct EU legislation in the area of support for rural development.

Part 3 amends domestic secondary legislation in relation to marketing standards for eggs, olive oil and poultrymeat.

Part 4 revokes retained direct EU legislation relating to support for the olive oil and table olives sectors.

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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