
DRAFT STATUTORY INSTRUMENTS

2020 No.

**The Agricultural Products, Food and Drink
(Amendment etc.) (EU Exit) Regulations 2020**

PART 5

Amendment of retained direct EU legislation

Commission Delegated Regulation (EU) 2018/273

24.—(1) Commission Delegated Regulation (EU) 2018/273 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties⁽¹⁾ is amended as follows.

(2) In Article 1—

- (a) omit points (a) and (e);
- (b) in point (f) omit “and the analytical databank of isotopic data”;
- (c) in point (g) omit “and mutual assistance between them”;
- (d) for point (i) substitute—
 - “(i) the publication of information.”.

(3) In Article 2—

- (a) in paragraph 1—
 - (i) in point (a)—
 - (aa) for the words from “the Union” to “the European Union,” substitute “Great Britain”;
 - (bb) omit the words from “or for” to the end;
 - (ii) omit points (c) and (d);
 - (iii) in point (g) omit “to be defined by each Member State,”;
 - (iv) after point (k) insert—
 - “(l) ‘the 2010 Regulations’ means the Excise Goods (Holding, Movement and Duty Point) Regulations 2010⁽²⁾;
 - (m) ‘ARC’ means the unique administrative reference code;

(1) EUR 2018/273; prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. They are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 24 of, and Schedule 7 to, this instrument.

(2) [S.I. 2010/593](#); relevant amending instruments are [S.I. 2011/2225](#) and prospectively, from IP completion day, 2019/13.

- (n) ‘the competent authority’, in relation to a function to be exercised in Great Britain, or any part of it, means the person designated to carry out that function by regulation 4 of the Wine Regulations 2011 as it extends to Great Britain;
- (o) ‘computerised system’ has the meaning given by regulation 3(1) of the 2010 Regulations;
- (p) ‘export’ means export from Great Britain to a third country;
- (q) ‘HMRC Notice 197’ means the notice numbered 197(3) published by HMRC under regulation 56(2) of the 2010 Regulations as that notice stands on IP completion day;
- (r) ‘import’ means import into Great Britain from a third country;
- (s) ‘retained EU law’ has the meaning given in section 6(7) of the European Union (Withdrawal) Act 2018 but does not include any legislation so far as it extends to Northern Ireland;
- (t) ‘third country’ means any country, other than the United Kingdom, and includes:
 - (i) the Bailiwick of Guernsey;
 - (ii) the Bailiwick of Jersey;
 - (iii) the Isle of Man;
- (u) ‘unique administrative reference code’ has the meaning given in regulation 3(1) of the 2010 Regulations.”;
- (b) in paragraph 2, for “IV to VIII” substitute “4, 5, 7 and 8”;
- (c) omit paragraph 3.
- (4) Omit Chapters 2 and 3.
- (5) Omit Articles 8 to 10.
- (6) In Article 11—
 - (a) in paragraph 1—
 - (i) for the words from “point” to “10(1)” substitute “paragraph 4”;
 - (ii) after “PGI” insert “if they comply with the conditions laid down in paragraphs 5 and 6 and Annex 5”;
 - (b) omit paragraph 3;
 - (c) insert as paragraphs 4 to 8—

“4. The documents referred to in paragraph 1 are:

 - (a) a printed copy of an electronic administrative document that complies with the requirements for that document specified in HMRC Notice 197 and on which the unique administrative reference code assigned to the document is given;
 - (b) a paper document of the type specified in regulation 60(2)(b) of the 2010 Regulations that complies with the requirements set out in regulation 60(2A) of the 2010 Regulations;

(3) A copy of the notice is available electronically from <https://www.gov.uk/government/publications/excise-notice-197-receipt-into-and-removal-from-an-excise-warehouse-of-excise-goods/excise-notice-197-receipt-into-and-removal-from-an-excise-warehouse-of-excise-goods>. A hard copy is available for inspection free of charge at the offices of HMRC at 100 Parliament Street, London SW1A 2BQ.

- (c) any other commercial document on which the unique administrative reference code is clearly stated;
- (d) in the case of the movement within Great Britain under duty suspension arrangements of wine and made-wine to which regulation 62(2) of the 2010 Regulations applies, a paper document of the type specified in regulation 62(3) (a) or (b) of the 2010 Regulations.

5. Where used for the purpose specified in paragraph 1, a document referred to in paragraph 4 must include the information indicated in Section A of Annex 5 or allow the competent authorities to have access to that information.

6. Where that document bears a unique administrative reference code number assigned by the computerised system, the information referred to in Section A of Annex 5 to this Regulation must be held in the system used.

7. In the case of a wine product produced in Northern Ireland, a document recognised as an accompanying document for that type of product when transported in Northern Ireland or the European Union under Article 10 of EU Regulation 2018/273(4) certifies, as relevant, the following characteristics of the wine product to which it relates:

- (a) the origin or provenance;
- (b) the quality and characteristics of the wine product;
- (c) the vintage year;
- (d) the grape variety or varieties from which it is produced;
- (e) the PDO or PGI.

8. In this Article:

- (a) ‘EU Regulation 2018/273’ means Commission Delegated Regulation (EU) 2018/273 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties as it has effect in Northern Ireland by virtue of section 7A of the European Union (Withdrawal) Act 2018;
- (b) ‘the electronic administrative document’ has the meaning given in regulation 3(1) of the 2010 Regulations.”.

(7) In Article 12—

- (a) in paragraph 1(a), for the words from “any” to “of this Regulation” substitute “the document referred to in Article 11(4)(b) or (c)”;
- (b) in paragraph 2 omit “or MVV code”;
- (c) in paragraph 3 omit “and (3)”.

(8) Omit Articles 13 to 19.

(9) In Article 20(2)—

- (a) in point (a)—
 - (i) for “Union law” substitute “retained EU law”;
 - (ii) for “Union” substitute “United Kingdom”;

(4) OJ No, L 58, 28.2.2018, p. 1, amended by Commission Delegated Regulation (EU) 2019/840 (OJ No. L 138, 24.5.2019, p. 74).

- (b) in point (c)—
 - (i) for “Union legislation” substitute “retained EU law”;
 - (ii) for “Union” substitute “United Kingdom”.
- (10) In Article 21—
 - (a) in point (a)—
 - (i) in point (ii), for the words from “the Union” to the end substitute “Great Britain”;
 - (ii) in point (iv), for the words from “within” to “1186/2009” substitute “entering Great Britain from a third country”;
 - (iii) in point (ix)—
 - (aa) for “Union”, in the first place it occurs, substitute “United Kingdom”;
 - (bb) for “the customs territory of the Union” substitute “Great Britain”;
 - (b) in point (b), in the words before point (i), for “by the Union” substitute “in relation to Great Britain”.
- (11) In Article 22(1), in the fourth subparagraph, for “Union customs office” substitute “customs office in Great Britain”.
- (12) In Article 23, in the first paragraph, in the words before point (a), for the words from “shall” to “those formalities” substitute “relating to a consignment must be handed over to the competent authority on the completion of the customs formalities required for putting the consignment into free circulation in Great Britain”.
- (13) In Article 24, in the first paragraph, in the words before point (a), for “the Union”, in both places it occurs, substitute “Great Britain”.
- (14) In Article 25(2)—
 - (a) for “Union legislation” substitute “retained EU law”;
 - (b) for “Union” substitute “United Kingdom”.
- (15) In Article 26(1), for “the Union” substitute “Great Britain”.
- (16) In Article 27—
 - (a) in paragraph 1—
 - (i) in the first subparagraph, for “the Union”, in the first place it occurs, substitute “Great Britain”;
 - (ii) for the words from “have” in the first subparagraph to “be” in the third subparagraph substitute “are”;
 - (b) in paragraph 2, for “the customs territory of the Union” substitute “Great Britain”;
 - (c) in paragraph 3—
 - (i) for “of the Member State” substitute “in a case”;
 - (ii) after “free circulation” insert “in Great Britain”;
 - (d) omit paragraph 4.
- (17) In Article 28—
 - (a) omit paragraph 2;
 - (b) in paragraph 3, in the first sentence—
 - (i) for “Member States shall” substitute “The Food Standards Agency must”;
 - (ii) at the end insert “in England and Wales and Food Standards Scotland must draw up and keep up-to-date a list of operators obliged to keep the register in Scotland”.

- (18) Omit Article 30.
- (19) Omit Chapter 6.
- (20) In Article 36—
 - (a) omit paragraph 1;
 - (b) in paragraph 2 omit the second subparagraph;
 - (c) in paragraph 3, for “Paragraphs 1 and 2” substitute “Paragraph 2”.
- (21) In Article 37—
 - (a) omit paragraph 1;
 - (b) in paragraph 2—
 - (i) omit the first and second subparagraphs;
 - (ii) in the third subparagraph, at the beginning insert—

“Administrative and on-the-spot checks must be carried out.”;
 - (c) omit paragraph 3;
 - (d) in paragraph 4—
 - (i) for the words from the beginning to “countries” substitute “In the case of wines and other wine products from third countries that are imported into Great Britain on the basis of a VI-1 document, checks”;
 - (ii) for the words from “the Member” to “Union” substitute “Great Britain”.
- (22) Omit Article 39.
- (23) For Article 40 substitute—

“Article 40

Liaison body

1. The Secretary of State is the liaison body responsible for official contact with:
 - (a) third countries relating to matters covered by this Regulation for wine and other wine products imported into Great Britain from a third country, or exported from Great Britain to a third country;
 - (b) Northern Ireland relating to matters covered by this Regulation for wine and other wine products moved into Great Britain from Northern Ireland, or moved from Great Britain to Northern Ireland.
2. But the Secretary of State must not act as the liaison body responsible for official contact with third countries and Northern Ireland pursuant to paragraph 1, without the consent of:
 - (a) the Scottish Ministers, in relation to wine and other wine products:
 - (i) imported into Great Britain from a third countries during any period those products are in Scotland;
 - (ii) originating in Scotland and exported from Great Britain to third countries;
 - (iii) originating elsewhere than in Scotland and exported from Scotland to third countries;
 - (iv) moved into Great Britain from Northern Ireland during any period those products are in Scotland;
 - (v) originating in Scotland and moved from Great Britain to Northern Ireland;

- (vi) originating elsewhere than in Scotland and moved from Scotland to Northern Ireland;
- (b) the Welsh Ministers, in relation to wine and other wine products:
 - (i) imported into Great Britain from third countries during any period those products are in Wales;
 - (ii) originating in Wales and exported from Great Britain to third countries;
 - (iii) originating elsewhere than in Wales and exported from Wales to a third country;
 - (iv) moved into Great Britain from Northern Ireland during any period those products are in Wales;
 - (v) originating in Wales and moved from Great Britain to Northern Ireland;
 - (vi) originating elsewhere than in Wales and moved from Wales to Northern Ireland.”.
- (24) Omit Articles 41 to 44.
- (25) In Article 45—
 - (a) omit the first paragraph;
 - (b) in the second paragraph—
 - (i) omit “of a Member State”;
 - (ii) for the words from “of that” to the end substitute “designated by Article 40 must, without delay, inform, as relevant, the authorities of Northern Ireland and any third country concerned”.
- (26) Omit Article 46.
- (27) In Article 47—
 - (a) in the heading, for “**Union rules**” substitute “**rules in retained EU law**”;
 - (b) in paragraph 1—
 - (i) omit “10,”;
 - (ii) omit “referred to in Article 8(1)”;
 - (iii) omit “of a Member State”;
 - (c) after paragraph 2 insert—

“3. In this Article, ‘operators’ means winegrowers, harvesters, producers, processors, bottlers and merchants..”.
- (28) Omit Articles 48 to 50.
- (29) In Article 51—
 - (a) in the heading, for “the information notified” substitute “information”;
 - (b) in paragraph 1—
 - (i) in the words before point (a), for “the Commission” substitute “and, in relation to point (d), the competent authority of Northern Ireland, the Secretary of State”;
 - (ii) in each of points (a), (b) and (c), at the beginning insert “in relation to each third country, the”;
 - (iii) in point (d)—
 - (aa) after “in” insert “Northern Ireland and”;
 - (bb) for “the Commission and the Member States” substitute “Great Britain”;

(c) for paragraph 2 substitute—

“2. The Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time:

- (a) the names and addresses of the competent authorities in Great Britain responsible for carrying out official analyses, the administrative certification procedure and checks relating to registers and accompanying documents, and
- (b) the lists referred to in paragraph 1.

3. But the Secretary of State must not publish the information and the lists specified in paragraph 2(a) without the consent of:

- (a) insofar as the information and lists will apply in relation to Scotland, the Scottish Ministers;
- (b) insofar as the information and lists will apply in relation to Wales, the Welsh Ministers.”.

(30) In Chapter 9, in the heading omit “**AMENDMENTS, REPEALS, TRANSITIONAL AND**”;

(31) Omit Articles 52 to 55.

(32) After Article 56 omit the words from “This Regulation” to “States.”.

(33) Omit Annexes 1 to 4.

(34) Annex 5 is amended in accordance with paragraphs (35) to (37).

(35) In Section A—

(a) in the first paragraph, for “10(2)” substitute “11(5)”;

(b) in the second paragraph—

- (i) for the words from “points” to “10(1)” substitute “Article 11(4)”;
- (ii) for “Annex I to Regulation (EC) No 684/2009” substitute “HMRC Notice 197”;

(c) omit the third paragraph;

(d) in the fourth paragraph—

- (i) for “the Member States” substitute “the Secretary of State, by administrative decision,”;
- (ii) at the end insert—

“The Secretary of State must publish that information in such manner as appears appropriate to the Secretary of State from time to time.”;

(e) after the fourth paragraph insert—

“The Secretary of State may not make a decision concerning the order and specific details concerning the layout of the entries on the documents referred to in Article 11(4) in relation to the use of such documents in Scotland or Wales without the consent of:

- (a) in relation to Scotland, the Scottish Ministers;
- (b) in relation to Wales, the Welsh Ministers.”;

(f) in the table—

- (i) omit column 3;
- (ii) in the first row (reference number), in column 1 omit “; the MVV code”;
- (iii) in the sixth row (competent authorities at place of dispatch), in column 1—
 - (aa) for “another Member State” substitute “Northern Ireland”;

- (bb) for “the Union” substitute “Great Britain”;
 - (iv) in the eleventh row (description of packages of goods), in column 1 omit the second and third sentences;
 - (v) omit the seventeenth row (wine-growing zone code);
 - (vi) in the twentieth row (date of dispatch etc.), in column 1, omit the words from “and” to the end”;
 - (vii) omit the last row (visa from the competent body of the place of dispatch).
- (36) In Section B—
- (a) in point 1.1—
 - (i) for the words from “point (a)(i)” to “10(1)” substitute Article 11(4)”;
 - (ii) omit the words from “referred to in Article” to “10(1)”;
 - (b) omit point 1.2;
 - (c) in point 1.3, for “10(1)” substitute “11(4)”;
 - (d) in point 1.5 omit “referred to in Article 17(1) or”
 - (e) in point 1.6—
 - (i) in the first subparagraph omit the words from “, in” to “State,”;
 - (ii) omit the second subparagraph;
 - (f) in point 2.1—
 - (i) in point (a), for “Union rules” substitute “rules in retained EU law”;
 - (ii) in point (c)—
 - (aa) in the first subparagraph, in point (ii), for “recognised by the Union” substitute “set down in Section 2 of Annex A to Volume 1 of the 2019 Edition of the Compendium of International Methods of Wines and Musts Analysis published in Paris in January 2019 by the International Organisation of Vine and Wine(5) (‘the OIV Compendium’) as that Compendium stands on IP completion day”;
 - (bb) for the second subparagraph substitute—

“The information required by points (ii), (iii) and (iv) of the first subparagraph must be expressed in a way that takes into account any relevant provisions in the tables that apply to the measuring method for the evaluation by refractometry of the sugar concentration in grape musts, concentrated grape musts and rectified concentrated grape musts in Section 2 of Annex A to the OIV Compendium(6) as that Compendium stands on IP completion day.”;
 - (iii) in point (d), in the words before point (i), for “Union provisions” substitute “provisions in retained EU law”;
 - (iv) in point (e)—

(5) Volume 1 of the 2019 Edition of the Compendium of International Methods of Wines and Musts Analysis is available electronically from <http://www.oiv.int/public/medias/6619/compendium-2019-en-vol1.pdf>. A hard copy is available for inspection free of charge at the offices of the Department for Environment, Food and Rural Affairs, Second Floor, Seacole Block, 2 Marsham Street, London SW1P 4DF. The measuring method for the refractive index of grape must is set out under reference OIV-MA-AS2-02 in Section 2 of Annex A.

(6) The tables that apply to the measuring method for the evaluation by refractometry of the sugar concentration in grape musts, concentrated grape musts and rectified concentrated grape musts are set out under reference OIV-MA-AS2-02 in Section 2 of Annex A to the OIV Compendium.

- (aa) omit point (i);
 - (bb) in point (ii), in the wording relating to the use of the figure “12” (other operations) omit the words from “Examples” to “C III(b)(2)”;
 - (cc) in the last sentence omit “the wine-growing area and”.
- (37) Omit Sections C and D.
- (38) Annex 6 is amended in accordance with paragraphs (39) to (41).
- (39) In the heading, for “**THE UNION**” substitute “**GREAT BRITAIN**”.
- (40) In Part 1—
 - (a) in the heading, for “**Article 21(6) of Directive 2008/118/EC(7)**” substitute “**regulation 57(7)(b) of the 2010 Regulations**”;
 - (b) in the specimen wording relating to the information to be mentioned—
 - (i) in the words before point (1), for “[*Member State or European Union*]” substitute “*Great Britain*”;
 - (ii) in point (1)(a), for the words from “*the ‘E-Bacchus’*” to the end substitute “*Great Britain’s PDOs and PGIs Register for wine established and maintained by the Secretary of State pursuant to Article 104 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council (as incorporated into the law of Great Britain by the European Union (Withdrawal) Act 2018), as amended*”;
 - (iii) in point (2), for “*Union law*” substitute “*the law in Great Britain*”;
 - (iv) in point (4), for “*the Union*” substitute “*Great Britain*”;
 - (v) in the box relating to the administrative reference assigned by the competent authority omit “or ‘*MVV code*’”.
- (41) In Part 2—
 - (a) in Section A, for the template for the wine export certificate substitute the template for that certificate in Part 1 of Schedule 7;
 - (b) in Section B, in the table—
 - (i) in the first row (consignor etc.) in column 1 omit the words from “or reference” to the end;
 - (ii) in the ninth row (logo of the Member State of dispatch etc.), in column 1 omit “Logo of the Member State of dispatch and”;
 - (iii) in the twelfth row (certification)—
 - (aa) in the first subparagraph, for “*Union law*” substitute “*the law in Great Britain*”;
 - (bb) in the third subparagraph, in the second indent, for “the EU according to EU and national legislation” substitute “*Great Britain in accordance with the law in Great Britain*”;
 - (iv) in the last row (reference number), in column 1 omit “or the MVV code”.
- (42) In Annex 7—
 - (a) for Parts 1 and 2 substitute the new Parts 1 and 2 in Part 2 of Schedule 7;
 - (b) in Part 3—

(7) OJ No. L 9, 14.1.2009, p. 12, to which there are amendments not relevant to these Regulations. Council Directive 2008/118/EC concerning the general arrangements for excise duty is prospectively repealed by Council Directive (EU) 2020/262 laying down the general arrangements for excise duty (recast) (OJ No. L 58, 27.2.2020, p. 4) after IP completion day.

- (i) in Section A , in point 2, omit the second sentence;
- (ii) in Section C—
 - (aa) in the instruction relating to Box 2, for “the EU” substitute “Great Britain”;
 - (bb) in the instruction relating to Box 4, in the first indent, for “the EU” substitute “Great Britain”;
- (c) in Part 4, in the list lettered B (list of third countries referred to in Article 26) omit “—Canada”.