
STATUTORY INSTRUMENTS

2019 No. 1402

**The Agriculture (Miscellaneous
Amendments) (EU Exit) Regulations 2019**

PART 2

Amendments to legislation relating to the Common Market Organisation

Amendment of Regulation 1308/2013

5.—(1) Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products⁽¹⁾ is amended as follows.

(2) After Article 3(5) insert—

“**6.** For the purposes of this Regulation, a matter is outside devolved competence if it would be outside the legislative competence of:

- (a) in relation to Wales, the National Assembly for Wales if it were included in an Act of the Assembly (see section 108A of the Government of Wales Act 2006⁽²⁾);
- (b) in relation to Scotland, the Scottish Parliament if it were included in an Act of the Parliament (see section 29 of the Scotland Act 1998⁽³⁾);
- (c) in relation to Northern Ireland, the Northern Ireland Assembly if it were included in an Act of the Assembly (see section 6 of the Northern Ireland Act 1998⁽⁴⁾).”

(3) In Article 4, for the words from “Commission” to “Article 227” substitute “Secretary of State may make regulations”.

(4) In Article 5—

- (a) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
- (b) for “adopting all” substitute “setting out”;
- (c) omit the last sentence.

(5) In Article 89—

- (a) in the words before point (a) —
 - (i) for “Union”, substitute “United Kingdom”;
 - (ii) for the words from “Commission” to “Article 227” substitute “Secretary of State may make regulations”;

(1) Other amendments to Regulation (EU) No 1308/2013 are made by [S.I. 2019/821, 828](#) and [831](#). Articles 227 and 228, as substituted by [S.I. 2019/831](#), make provision about regulations made by the Secretary of State.

(2) [2006 c.32](#); section 108A was inserted by section 3(1) of the Wales Act [2017 \(c.4\)](#). It is prospectively amended by section 12(3) of the European Union (Withdrawal) Act [2018 \(c.16\)](#) from a date to be appointed.

(3) [1998 c.46](#); section 29 was amended by [S.I. 2011/1043](#).

(4) [1998 c.47](#); section 6 was amended by [S.I. 2011/1043](#). It is prospectively amended by section 12(3) of the European Union (Withdrawal) Act 2018 from a date to be appointed.

- (b) in point (a)—
 - (i) omit “Union”;
 - (ii) after “standards” insert “applicable in the United Kingdom”;
- (c) in point (b), for “Union” substitute “United Kingdom”.
- (6) In Article 125—
 - (a) in paragraph 4—
 - (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 (a), at the end insert—
 - “so far as the terms apply in relation to a matter outside devolved competence”;
 - (b) for paragraph 5 substitute—
 - “**5.** The Secretary of State may make regulations setting out the measures necessary for the application of this Article, including in respect of procedures, notifications and administrative assistance in the case of international agreements within the sugar trade.”.
- (7) For Article 148(6) substitute—
 - “**6.** The Secretary of State may make regulations setting out measures necessary for the uniform application of points (a) and (b) of paragraph 2, and paragraph 3, of this Article.”.
- (8) In Article 151, for the fourth subparagraph substitute—
 - “The Secretary of State may make regulations setting out rules on the content, format and timing of declarations under this Article.”.
- (9) In Article 168—
 - (a) in paragraph 2, for “internal market” substitute “market in the United Kingdom”;
 - (b) for paragraph 8 substitute—
 - “**8.** The Secretary of State may make regulations setting out the measures necessary for the uniform application of points (a) and (b) of paragraph 4, and paragraph 5, of this Article.”.
- (10) In Article 173—
 - (a) in paragraph 1—
 - (i) for the words from “Commission” to “Article 227” substitute “Secretary of State may make regulations”;
 - (ii) in point (j)—
 - (aa) for “Commission scrutiny” substitute “scrutiny by the Secretary of State”;
 - (bb) for “Commission”, in the second place it occurs, substitute “Secretary of State”;
 - (b) in paragraph 2, for the words from “Commission” to “laying down” substitute “Secretary of State may make regulations setting out”.
- (11) In Article 174—
 - (a) in paragraph 1—
 - (i) for “Commission may adopt implementing acts laying down” substitute “Secretary of State may make regulations setting out”;
 - (ii) in point (c), for the words from “procedures” to “in relation to” substitute “provision about”;

- (iii) omit point (g);
 - (iv) omit the last sentence;
 - (b) in paragraph 2—
 - (i) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (ii) omit point (c);
 - (iii) omit the last sentence.
- (12) In Article 190—
- (a) in paragraph 3, for the words from “Commission” to “Article 227” substitute “Secretary of State may make regulations”;
 - (b) in paragraph 4—
 - (i) for the words “Commission shall adopt implementing acts laying down” substitute “Secretary of State may make regulations setting out”;
 - (ii) omit the last sentence.
- (13) In Article 202—
- (a) in paragraph 1, for the words from “Commission” to “laying down” substitute “Secretary of State may make regulations”;
 - (b) in paragraph 2, for the words from “Commission” to “Article 227” substitute “Secretary of State may make regulations”;
 - (c) in paragraph 3—
 - (i) for the words from “Commission” to “Article 227” substitute “Secretary of State may make regulations setting out”;
 - (ii) in point (c), for “customs territory of the Union” substitute “United Kingdom”;
 - (iii) in point (d)—
 - (aa) for “Union”, in the first place it occurs, substitute “United Kingdom”;
 - (bb) for “customs territory of the Union” substitute “United Kingdom”.
 - (d) in paragraph 4, for the words from “Commission” to “Article 227” substitute “Secretary of State may make regulations”;
 - (e) in paragraph 5—
 - (i) for “customs territory of the Union”, in both places it occurs, substitute “United Kingdom”;
 - (ii) for “that territory” substitute “the United Kingdom”;
 - (iii) for the words from “Commission” to “Article 227” substitute “Secretary of State may make regulations”;
 - (f) in paragraph 6—
 - (i) for the words from “Commission” to “Article 227” substitute “Secretary of State may make regulations”;
 - (ii) for “customs territory of the Union” substitute “United Kingdom”;
 - (g) in paragraph 7, for the words from “Commission” to “Article 227” substitute “Secretary of State may make regulations”.
- (14) In Article 203—

- (a) in the words before point (a), for “Commission shall adopt implementing acts laying down” substitute “Secretary of State may make regulations setting out”;
 - (b) omit the last sentence.
- (15) In Article 204—
- (a) in the words before point (a), for the words “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (b) in point (a), for “laying down” substitute “setting out”;
 - (c) in point (b), for “laying down” substitute “setting out”;
 - (d) omit the last sentence.
- (16) In Annex 2, in Section A of Part 2, in point 6(a), for “Member State concerned”, in both places it occurs, substitute “Secretary of State”.
- (17) In Annex 10, in Point 7, in point (c), for “Member State concerned” substitute “Secretary of State”.