

STATUTORY INSTRUMENTS

**2019 No. 1409**

**EXITING THE EUROPEAN UNION  
AGRICULTURE**

**The Import and Export Licences (Amendment  
etc.) (EU Exit) Regulations 2019**

*Made - - - - 28th October 2019*

*Coming into force in accordance with regulation 1(2)*

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>M1</sup>.

In accordance with paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

**Marginal Citations**

**M1** [2018 c.16](#)

**Citation and commencement**

**1.—(1)** These Regulations may be cited as the Import and Export Licences (Amendment etc.) (EU Exit) Regulations 2019.

**(2)** These Regulations come into force on exit day.

**Commencement Information**

**II** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Amendment of Commission Delegated Regulation (EU) 2016/1237**

**2.** Commission Delegated Regulation (EU) 2016/1237 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the

European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences is amended as set out in Schedule 1.

**Commencement Information**

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Amendment of Commission Implementing Regulation (EU) 2016/1239**

**3.** Commission Implementing Regulation (EU) 2016/1239 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the system of import and export licences is amended as set out in Schedule 2.

**Commencement Information**

- I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Revocation of Commission Regulation (EC) No 1187/2009**

**4.** Commission Regulation (EC) No 1187/2009 laying down special detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards export licences and export refunds for milk and milk products is revoked.

**Commencement Information**

- I4** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Department for Environment, Food and Rural  
Affairs

*George Eustice*  
Minister of State

## SCHEDULE 1

Regulation 2

### Amendments to Commission Delegated Regulation (EU) 2016/1237

1. In Article 1(b), for “in the *Official Journal of the European Union*, C-series” substitute “ on the website of the licence issuing authority ”.

#### Commencement Information

**I5** Sch. 1 para. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

2.—(1) Article 2 is amended as follows.

(2) In paragraph 1—

- (a) in point (c), omit the words from “referred to” to the end;
- (b) in point (e), omit “or B”;
- (c) omit points (b), (d) and (f).

(3) In paragraph 2—

- (a) in point (b)—
  - (i) for “Union products” substitute “ United Kingdom products ”;
  - (ii) for “the Union” substitute “ the United Kingdom ”;
- (b) in point (c)—
  - (i) in the words before point (i), for “Union products” substitute “ United Kingdom products ”;
  - (ii) in point (iii), for the words from “Section 3” to “the Council” substitute “ Part 7 of the Customs (Import Duty) (EU Exit) Regulations 2018 <sup>M2</sup> ”.

#### Commencement Information

**I6** Sch. 1 para. 2 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M2** S.I. 2018/1248.

3.—(1) Article 3(1) is amended as follows.

(2) In the first subparagraph—

- (a) in point (b), for the words from “, export duties” to the end substitute “ or export duties is to be granted ”;
- (b) in point (d), omit the words from “in accordance” to the end;
- (c) in point (e), for the words from “Section 3” to the end substitute “ Part 7 of the Customs (Import Duty) (EU Exit) Regulations 2018 ”.

(3) In the second subparagraph, for “the release for free circulation or” substitute “ an ”.

**Changes to legislation:** There are currently no known outstanding effects for the The Import and Export Licences (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

**Commencement Information**

**I7** Sch. 1 para. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

- 4.—(1) Article 4 is amended as follows.
- (2) In paragraph 2, for “13.00 hours Brussels time” substitute “ midday ”.
- (3) In paragraph 4(b), for “Member State's” substitute “United Kingdom authority's”.

**Commencement Information**

**I8** Sch. 1 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

- 5.—(1) Article 5 is amended as follows.
- (2) In paragraph 2(c)—
  - (a) for “representative” substitute “ agent ”;
  - (b) for “Article 18 of Regulation (EU) No 952/2013” substitute “ section 21 of the Taxation (Cross-border Trade) Act 2018 <sup>M3</sup> ”.
- (3) In paragraph 3, for “Union” substitute “ United Kingdom ”.
- <sup>F1</sup>(4) .....

**Textual Amendments**

**F1** Sch. 1 para. 5(4) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Common Organisation of the Markets in Agricultural Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1452\)](#), regs. 1(2)(b), **9(2)**

**Commencement Information**

**I9** Sch. 1 para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

**Marginal Citations**

**M3** 2018 c. 22.

- 6.—(1) Article 6 is amended as follows.
- (2) In paragraph 2, omit the following—
  - (a) “or its extract”;
  - (b) “or extract”.
- (3) In paragraph 4, omit “or its extract”.

**Commencement Information**

**I10** Sch. 1 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

7. Omit Article 8.

**Commencement Information**

**I11** Sch. 1 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

8.—(1) Article 9 is amended as follows.

(2) In paragraph 1, in the second subparagraph—

- (a) for the words from “Member State” in the first place it occurs, to “circulation” substitute “licence issuing authority”;
- (b) omit “by the Member State concerned”.

(3) In paragraph 2, omit the second subparagraph.

(4) In paragraph 3, for “Member States concerned” substitute “licence issuing authority”.

(5) In paragraph 4—

- (a) in the first subparagraph, in the words before point (a)—
  - (i) for “in the Member State” substitute “in the United Kingdom”;
  - (ii) for “set by the Member State” substitute “laid down by the licence issuing authority”;
- (b) in the second subparagraph, for “Member State” substitute “licence issuing authority”;
- (c) in the third subparagraph, in point (a), omit “, Member State”;
- (d) in the fourth subparagraph—
  - (i) for “each Member State concerned” substitute “the licence issuing authority”;
  - (ii) omit “carried out on their territory”.

**Commencement Information**

**I12** Sch. 1 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

9. Omit Article 10.

**Commencement Information**

**I13** Sch. 1 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

10. In the heading of Chapter 3, omit “Amendments, Repeal, Transitional And”.

**Commencement Information**

**I14** Sch. 1 para. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

11. Omit Articles 11 to 13.

**Commencement Information**

**I15** Sch. 1 para. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**12.** In Article 14, omit the third subparagraph.

**Commencement Information**

**I16** Sch. 1 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

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

**Commencement Information**

**I17** Sch. 1 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**14.** In the Annex—

- (a) in Part 1, omit Sections B, E and F;
- (b) in Part 2, omit Section B.

**Commencement Information**

**I18** Sch. 1 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

## SCHEDULE 2

Regulation 3

## Amendments to Commission Implementing Regulation (EU) 2016/1239

- 1.—(1)** Article 2 is amended as follows.
- (2)** For paragraph 2 substitute—
- “2.** For the purpose of receiving the application and issuing the licence, the name and address of the licence issuing authority shall be published on its website.”.
- (3)** In paragraph 3, for the words from “in one of” to the end substitute “ as specified by the licence issuing authority ”.
- (4)** In paragraph 4—
- (a) for the words “competent authorities of the Member States” substitute “ licence issuing authority ”;
  - (b) for the words from “the official language” to the end substitute “ English or in relation to an application for a licence relating to Wales, English and Welsh ”.
- (5)** In paragraph 6—
- (a) in the first sentence, omit “Union”;

- (b) in the third sentence, for “authorities shall validate their” substitute “ authority shall validate its ”.

**Commencement Information**

**I19** Sch. 2 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

2. In Article 3, for “13.00 hours Brussels time”, in each place it occurs, substitute “ midday ”.

**Commencement Information**

**I20** Sch. 2 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

- 3.—(1) Article 4 is amended as follows.

(2) In paragraph 1, in the second subparagraph, for “licence issuing authorities” substitute “ the licence issuing authority ”.

- (3) In paragraph 2—

- (a) for “representative” substitute “ agent ”;
- (b) for “Article 18 of Regulation (EU) No 952/2013” substitute “ section 21 of the Taxation (Cross-border Trade) Act 2018 ”.

**Commencement Information**

**I21** Sch. 2 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

4. For Article 5(2) substitute—

[<sup>F2</sup>“2”]. The amount of security shall be rounded to the first lower amount in pounds sterling.”.

**Textual Amendments**

**F2** Word in Sch. 2 para. 4 substituted (31.12.2020 immediately before IP completion day) by [The Common Organisation of the Markets in Agricultural Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1452\)](#), [regs. 1\(2\)\(b\), 9\(3\)](#)

**Commencement Information**

**I22** Sch. 2 para. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

5. Omit Article 6.

**Commencement Information**

**I23** Sch. 2 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Import and Export Licences (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- 6.—(1) Article 9 is amended as follows.
- (2) In paragraph 1—
- (a) omit “or extract”;
  - (b) for the words from “, as set out” to “2015/2447” substitute “ as published from time to time on the website of the customs authority ”.
- (3) In paragraph 2—
- (a) in the first subparagraph—
    - (i) for “office”, in both places it occurs, substitute “ authority ”;
    - (ii) omit “or extract”, in both places it occurs;
  - (b) in the second subparagraph—
    - (i) for “office” substitute “ authority ”;
    - (ii) omit “or extracts”.
- (4) In paragraph 3—
- (a) omit “or extract”;
  - (b) for “office” substitute “ authority ”.

**Commencement Information**

**I24** Sch. 2 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

- 7.—(1) Article 10 is amended as follows.
- (2) In paragraph 2, for “office” substitute “ authority ”.
- (3) In paragraph 4, omit “or extracts”.
- (4) Omit paragraph 6.

**Commencement Information**

**I25** Sch. 2 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

- 8.—(1) Article 12 is amended as follows.
- (2) In paragraph 1, for the words from the beginning to “stay” substitute “ The licence may be kept available on deposit at the premises of the licence issuing authority or the customs authority or may be made ”.
- (3) Omit paragraph 3.
- (4) In paragraph 4, for “Member States” substitute “ the customs authority ”.

**Commencement Information**

**I26** Sch. 2 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

- 9.—(1) Article 13 is amended as follows.



- (2) In the heading omit “, mutual assistance”.
- (3) In paragraph 1, omit “or extracts”.
- (4) In paragraph 2 —
  - (a) in the first subparagraph—
    - (i) omit “or extract”, in each place it occurs;
    - (ii) for “a competent” substitute “ the ”;
    - (iii) for “a licence” substitute “ the licence ”;
    - (iv) for “the competent” substitute “ the ”;
  - (b) in the second subparagraph, for “or competent customs” substitute “ or the customs ”.
- (5) In paragraph 3, omit “or extract”, in both places it occurs.
- (6) In paragraph 4—
  - (a) omit “or extracts”, in both places it occurs;
  - (b) omit “or ‘extract corrected on...’”.
- (7) In paragraph 5, omit the following—
  - (a) “and extracts”;
  - (b) “or extract”.
- (8) Omit paragraphs 6 and 7.

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**Commencement Information**

**I27** Sch. 2 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

- 10.**—(1) Article 14 is amended as follows.
- (2) In paragraph 2(b), for “customs territory of the Union” substitute “ United Kingdom ”.
  - (3) In paragraph 3, omit “or extract”.
  - (4) For paragraph 4 substitute—

**“4. Proof of the fulfilment of the obligation to export shall be the titular holder's or transferee's copy of the licence duly endorsed by customs or its electronic equivalent.”.**
  - (5) Omit paragraph 5.
  - (6) In paragraph 6, in the second subparagraph, for “customs territory of the Union” substitute “ United Kingdom ”.
  - (7) In paragraph 7—
    - (a) for “authorities” substitute “ authority ”;
    - (b) for “they are” substitute “ it is ”.

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**Commencement Information**

**I28** Sch. 2 para. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

- 11.**—(1) Article 15 is amended as follows.

**Changes to legislation:** There are currently no known outstanding effects for the The Import and Export Licences (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (2) In the heading, omit “or extracts”.
- (3) In paragraph 1, in the first subparagraph, omit “or extract”, in each place it occurs.
- (4) In paragraph 2—
  - (a) in the first subparagraph, omit “or extract” in both places it occurs;
  - (b) in the second subparagraph, omit the following—
    - (i) “or extract”;
    - (ii) “or extracts”;
    - (iii) “import or”.
- (5) In paragraph 4—
  - (a) omit “or extract”, in each place it occurs;
  - (b) in point (c), for “3 EUR” substitute “£3”.
- (6) Omit paragraph 5.
- (7) In paragraph 6, omit “or extract”, in each place it occurs.

**Commencement Information**

**I29** Sch. 2 para. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

**12.**—(1) Article 16 is amended as follows.

(2) In paragraph 1, in the first subparagraph, in the words before point (a), for the words from “competent authority” to “extract” substitute “licence issuing authority”.

(3) Omit paragraphs 2 and 3.

**Commencement Information**

**I30** Sch. 2 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

**13.** Omit Articles 17 to 21.

**Commencement Information**

**I31** Sch. 2 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

**14.** After Article 22, omit the words from “This Regulation” to “Member States”.

**Commencement Information**

**I32** Sch. 2 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

**15.**—(1) Annex 1 is amended as follows.

(2) In paragraph 2, for “a Union measure” substitute “an enactment”.

- (3) Omit paragraph 3.
- (4) For paragraph 4 substitute—
  - “4. In Section 2, the licence issuing authority may include the country code (UK) and add numbers identifying the document.”.
- (5) In paragraph 5, omit “and extracts”.
- (6) In paragraph 6, for “, licences and extracts” substitute “ and licences ”.
- (7) In the import licence form AGRIM appended to Annex 1—
  - (a) in the heading to each Part of the licence, for “European Union” substitute “ United Kingdom ”;
  - (b) in Section 4 of each Part of the licence, for “, full address and Member State” substitute “ and full address ”;
  - (c) omit Section 5 of the Part of the licence labelled “Holder's Copy” and Section 5 of the Part of the licence labelled “Licence Issuing Authority's Copy”;
  - (d) in Section 15 of each Part of the licence, for “Combined Nomenclature (CN)” substitute “ Goods Classification Table ”;
  - (e) in Section 16 of each Part of the licence, for “CN code(s)” substitute “ Commodity code(s) ”;
  - (f) in Section 31 of the Part of the licence labelled “Holder's Copy”, omit “or extract No”;
  - (g) in Section 32 of the Part of the licence labelled “Holder's Copy”—
    - (i) omit “Member State,”;
    - (ii) for “attributing” substitute “ licence issuing ”.
- (8) In the export licence form AGREX appended to Annex 1—
  - (a) in the heading to each Part of the licence, for “European Union” substitute “ United Kingdom ”;
  - (b) in Section 4 of each Part of the licence, for “, full address and Member State” substitute “ and full address ”;
  - (c) omit Section 5 of the Part of the licence labelled “Holder's Copy” and Section 5 of the Part of the licence labelled “Licence Issuing Authority's Copy”;
  - (d) in Section 15 of each Part of the licence, for “Combined Nomenclature (CN)” substitute “ Goods Classification Table ”;
  - (e) in Section 16 of each part of the licence, for “CN code(s)” substitute “ Commodity code(s) ”;
  - (f) in Section 31 of the Part of the licence labelled “Holder's Copy”, omit “or extract No”;
  - (g) in Section 32 of the Part of the licence labelled “Holder's Copy”—
    - (i) omit “Member State,”;
    - (ii) for “attributing” substitute “ licence issuing ”.

**Commencement Information**

**I33** Sch. 2 para. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**16.—(1)** Annex 2 is amended as follows.

**Changes to legislation:** There are currently no known outstanding effects for the The Import and Export Licences (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (2) In Part 1—
- (a) in Section A—
    - (i) for “30 EUR” in both places it occurs substitute “ £26 ”;
    - (ii) for “1 EUR” substitute “ £1 ”;
  - (b) omit Section B;
  - (c) in Sections C and D, omit “, save as otherwise provided by the Member States”;
  - (d) omit Sections E and F;
  - (e) in Section G, omit “, save as otherwise provided by the Member States”;
  - (f) in Section H, for “EUR 1”, in each place it occurs, substitute “ £1 ”.
- (3) In Part 2—
- (a) in Section A, for “3 EUR”, in both places it occurs, substitute “ £3 ”;
  - (b) omit Section B.

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**Commencement Information**

**I34** Sch. 2 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular deficiencies referred to in section 8(2)(a), (b), (c), (d), (e) and (g)) arising from the withdrawal of the United Kingdom from the European Union. These Regulations make amendments to retained direct EU legislation in the field of licensing of imports and exports of agricultural produce.

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

**Changes to legislation:**

There are currently no known outstanding effects for the The Import and Export Licences (Amendment etc.) (EU Exit) Regulations 2019.