
STATUTORY INSTRUMENTS

2019 No. 753

The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019

PART 5

TRANSFER OF LEGISLATIVE FUNCTIONS

CHAPTER 6

AMENDMENT OF THE COMMON ORGANISATION OF THE MARKETS REGULATIONS

Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products

34.—(1) Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products is amended as follows.

(2) In Article 2 for paragraph 3 substitute—

“**3.** A fisheries administration may make regulations specifying detailed rules for the application of this Article.

4. Subject to paragraph 5, the Secretary of State may make regulations specifying detailed rules for the application of this Article.

5. Where the exercise of the power to make regulations under paragraph 3 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 4 the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.

6. Article 43 of Regulation (EU) No 1379/2013 applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.”.

(3) In Article 8 for paragraph 4 substitute—

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“4. A fisheries administration may make regulations specifying detailed rules for the application of this Article, in particular as regards the method of weighing and the determination of a variation in the net weight, above or below that marked or presumed, permitted for each lot.

5. Subject to paragraph 6, the Secretary of State may make regulations specifying detailed rules for the application of this Article, in particular as regards the method of weighing and the determination of a variation in the net weight, above or below that marked or presumed, permitted for each lot.

6. Where the exercise of the power to make regulations under paragraph 4 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 5 the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.

7. Article 43 of Regulation (EU) No 1379/2013 applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.”.

(4) For Article 9 substitute—

“Article 9

1. Pelagic species may be graded in the different categories of freshness and size on the basis of a system of sampling. This system must ensure that the freshness and size of the products contained in the lot are as uniform as possible.

2. A fisheries administration may make regulations specifying detailed rules for the application of this Article, in particular for determining the number of samples to be taken, the weight or volume of fish in each sample, and the methods for assessing the grading and verifying the weight of lots offered for sale.

3. Subject to paragraph 4, the Secretary of State may make regulations specifying detailed rules for the application of this Article, for determining the number of samples to be taken, the weight or volume of fish in each sample, and the methods for assessing the grading and verifying the weight of lots offered for sale.

4. Where the exercise of the power to make regulations under paragraph 2 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013,

before making such regulations under the power in paragraph 3 the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.

5. Article 43 of Regulation (EU) No 1379/2013 applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.”.

(5) In Article 10—

- (a) in the first paragraph for “Community” substitute “ United Kingdom ”; and
- (b) for the second paragraph substitute—

“A fisheries administration may, by regulations, determine the zones in question and the corresponding marketing sizes. Article 43 of Regulation (EU) No 1379/2013 applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.”.

Commencement Information

- II** Reg. 34 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg. 15\(3\)-\(10\) omitted by S.I. 2024/439 reg. 9\(2\)](#)