
STATUTORY INSTRUMENTS

2019 No. 822

The Market Measures (Marketing Standards)
(Amendment) (EU Exit) Regulations 2019

PART 6

Hops

Amendment of Regulation 1850/2006

9.—(1) Commission Regulation (EC) No 1850/2006 laying down detailed rules for the certification of hops and hop products is amended as follows.

(2) In Article 1(2)—

(a) in point (a)—

(i) for “Article 1 of Regulation (EC) No 1952/2005” substitute “Part VI of Annex I to Regulation (EU) No 1308/2013”;

(ii) for “Community” substitute “United Kingdom”.

(b) in point (b)—

(i) for “Article 1 of that Regulation” substitute “Part VI of Annex I to that Regulation”;

(ii) for “Community” substitute “United Kingdom”;

(iii) for “Article 9 of that Regulation” substitute “Article 190 of that Regulation”.

(3) In Article 1(4) for “Article 9 of Regulation (EC) No 1952/2005” substitute “Article 190 of Regulation (EU) No 1308/2013”.

(4) In Article 2—

(a) the existing text becomes paragraph 1;

(b) in that paragraph—

(i) in point (h) for “Member States concerned” substitute “appropriate authorities in accordance with Article 23 of this Regulation”;

(ii) in point (j) for “Member State” substitute “appropriate authority”;

(iii) after point (o), insert—

“(p) ‘third country’ means any country or territory other than:

(i) the United Kingdom;

(ii) the Bailiwick of Jersey;

(iii) the Bailiwick of Guernsey;

(iv) the Isle of Man.”.

(c) after that paragraph insert—

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

- (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - (c) in relation to Scotland, the Scottish Ministers;
 - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.
3. But the appropriate authority is the Secretary of State:
- (a) in relation to Scotland, if consent is given by the Scottish Ministers;
 - (b) in relation to Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs.”.
- (5) In Article 3(1)(e) for “Article 17 of Council Regulation (EC) No 1782/2003” substitute “Article 67 of Regulation (EU) No 1306/2013”.
- (6) In Article 4(1) for “Article 2(a) of Regulation (EC) No 1952/2005” substitute “point 1 of Part III of Annex II to Regulation (EU) No 1308/2013”.
- (7) In Article 6(2) for “Member States” substitute “The appropriate authority”.
- (8) In Article 7(3) for “of Community origin” substitute “originating from the United Kingdom”.
- (9) In Article 8 for “Community” substitute “United Kingdom”.
- (10) In Article 14(2) for “of Community origin” substitute “originating from the United Kingdom”.
- (11) In Article 15 for “Community” substitute “United Kingdom”.
- (12) In Article 16(2)—
- (a) in point (d) for “Article 4(3)(a) of Regulation (EC) No 1952/2005” substitute “Article 77(3)(a) of Regulation (EU) No 1308/2013”;
 - (b) for point (h) substitute—
 - “(h) the words ‘Certified product – Regulation (EC) No 1850/2006’, applied by the competent certification authority”.
- (13) In Article 16(4) for “Member State” substitute “country in which certification takes place”.
- (14) In Article 17 for “one of the Community languages” substitute “English (and may also bear the same entries in any other language)”.
- (15) In Article 21(1) for “Member States” substitute “The appropriate authority”.
- (16) In Article 21(3)—
- (a) after “Regulation” insert “in the territory or territories for which it is appointed”;
 - (b) for “Member State” substitute “appropriate authority”.
- (17) In Article 22(1) omit “, under national legislation,”.
- (18) In Article 23 for the heading substitute “Lists”.
- (19) In Article 23(1)—
- (a) for the words from “Producing” to “latest, of” substitute “The appropriate authority for each producing constituent nation shall maintain”;
 - (b) in point (c), before “the names” insert “a list of”.
- (20) Omit Article 23(2).
- (21) In Article 24—
- (a) for “Commission”, in the first place it occurs, substitute “appropriate authority for each producing constituent nation”;

- (b) after “are updated” insert “at least”;
 - (c) for “Commission”, in the second place it occurs, substitute “appropriate authority for each producing constituent nation”.
- (22) After Article 26 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- (23) Omit Annex 5.
- (24) In Annex 6—
- (a) in point 1 for “Member States” substitute “appropriate authority”;
 - (b) in point 2—
 - (i) for “MEMBER STATES CARRYING OUT” substitute “COUNTRY OF”;
 - (ii) omit the words from “BE for Belgium” to “SE for Sweden”;
 - (c) in point 4 for “BE” substitute “UK”.

Amendment of Regulation 1295/2008

10.—(1) [Commission Regulation \(EC\) No 1295/2008](#) on the importation of hops from third countries is amended as follows.

- (2) For Article 2 substitute—

“Article 2

1. For the purposes of this Regulation, the following definitions shall apply:
 - (a) ‘consignment’ means a quantity of a product having the same characteristics and sent by the same consignor at the same time to the same consignee;
 - (b) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be;
 - (c) ‘third country’ means any country or territory other than:
 - (i) the United Kingdom;
 - (ii) the Bailiwick of Jersey;
 - (iii) the Bailiwick of Guernsey;
 - (iv) the Isle of Man.
 2. For the purposes of this Regulation, ‘appropriate authority’ means:
 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - (c) in relation to Scotland, the Scottish Ministers;
 - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.
 3. But the appropriate authority is the Secretary of State:
 - (a) in relation to Scotland, if consent is given by the Scottish Ministers;
 - (b) in relation to Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs.”.
- (3) After Article 4 insert—

“Article 4a

1. The EU certificate⁽¹⁾ shall be made out for each consignment and shall consist of an original and two copies drawn up in accordance with Regulation (EC) No 1850/2006⁽²⁾, as it has effect in EU law as amended from time to time.

2. An EU certificate shall be valid only if it is duly completed in accordance with Article 77 of Regulation (EU) No 1308/2013, as it has effect in EU law as amended from time to time and Regulation (EC) No 1850/2006, as it has effect in EU law as amended from time to time.”.

(4) In Article 5(1) for the words from “one of” to “Community” substitute “English (and may also bear the same particulars in any other language)”.

(5) After Article 5(2) insert—

“(3) Each unit of packaging covered by an EU certificate shall be marked in accordance with Regulation (EC) No 1850/2006, as it has effect in EU law as amended from time to time.”.

(6) In Article 7—

- (a) for “Community” substitute “United Kingdom”;
- (b) after “attestation of equivalence” insert “, the EU certificate”;
- (c) for “Member State” substitute “constituent nation”.

(7) In Article 8 for “If” substitute “In the case of consignments accompanied by an attestation of equivalence or an attestation extract, if”.

(8) After Article 8 insert—

“Article 8a

In the case of consignments accompanied by an EU certificate or an EU certificate extract, if the consignment is resold or split up after it has been released for free circulation, the product must be accompanied by an invoice or other commercial document drawn up by the vendor, giving the reference number of the EU certificate or of the extract.

The following information from the EU certificate or, as the case may be, the extract shall also be included on the invoice or commercial document:

- (a) for hop cones:
 - (i) the description of the product;
 - (ii) the gross weight;
 - (iii) the place of production;
 - (iv) the year of harvest;
 - (v) the variety;
- (b) for products manufactured from hops, in addition to the particulars listed under point (a): the place and date of processing.”.

(9) In Article 9(1)—

- (a) for “Member States” substitute “appropriate authorities”;
- (b) for “Article 158 of Regulation (EC) No 1234/2007” substitute “Article 190(1) of Regulation (EU) No 1308/2013”.

(1) A definition of “EU certificate” is inserted into Regulation (EC) 1295/2008 by The Common Organisation of Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

(2) OJ No L 355, 15.12.2006, p.72, as last amended by Commission Regulation (EU) No 519/2013 (OJ No L 158, 10.6.2013, p.74).

- (10) In Article 9(2)—
 - (a) omit the first sentence;
 - (b) for “Member State in question” substitute “United Kingdom”;
 - (c) at the end, insert “For the purposes of this paragraph, the EU may be treated as a single country.”.
- (11) In Article 9(3)—
 - (a) omit “of the Member States”;
 - (b) for “Community” substitute “United Kingdom”.
- (12) In Article 9(4)—
 - (a) for “a Member State” substitute “an appropriate authority”;
 - (b) for “Commission” substitute “Secretary of State”;
 - (c) for the words from “In accordance” to “withdraw” substitute “Upon receipt of a notification under this paragraph, the Secretary of State may make regulations withdrawing”.
- (13) Omit Article 9(5).
- (14) In Article 10 after “attestation” insert “or EU certificate”.
- (15) After Article 12 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- (16) In the form in Annex 2—
 - (a) in the box immediately below box 2, for “EUROPEAN COMMUNITY” substitute “UNITED KINGDOM”;
 - (b) in the box immediately above box 4, omit the words from “Виж” to “baksidan”;
 - (c) in the box entitled “IMPORTANT NOTES”—
 - (i) in point A, for “Community” substitute “United Kingdom”;
 - (ii) in point B, omit “in the Member State concerned”;
 - (iii) in point C, omit “in the Member State concerned”;
 - (d) in box 11 for “European Community” substitute “United Kingdom”;
 - (e) in box 13 for “COMMUNITY” substitute “UNITED KINGDOM”.
- (17) In the form in Annex 3—
 - (a) in the box immediately below box 2, for “EUROPEAN COMMUNITY” substitute “UNITED KINGDOM”;
 - (b) in the box immediately above box 4, omit the words from “Виж” to “baksidan”;
 - (c) in the box entitled “IMPORTANT NOTES”—
 - (i) in point A, for “Community” substitute “United Kingdom”;
 - (ii) in point B—
 - (aa) for “Community” substitute “United Kingdom”;
 - (bb) omit “in the Member State concerned”;
 - (d) in box 14, for the words from “MEMBER STATE WHERE THE PRODUCTS ARE RELEASED FOR FREE CIRCULATION” substitute “UNITED KINGDOM”.
- (18) In point 3 of Annex 4—
 - (a) in point A—

- (i) for “one of the official languages of the Community” substitute “English”;
- (ii) after “it can also be printed in” insert “any other language, including”;
- (b) in point B, for the words from “one” to the end substitute “English; it can also be printed in any other language”.