

2020 No. 1453

EXITING THE EUROPEAN UNION

AGRICULTURE

**The Common Organisation of the Markets in Agricultural
Products (Miscellaneous Amendments) (EU Exit) (No. 2)
Regulations 2020**

Made - - - - 4th December 2020

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by sections 8 and 8C of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018^(a), makes the following Regulations.

In accordance with paragraphs 1(1) and 8F(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2020.

(2) These Regulations come into force—

- (a) as regards Part 2 and regulations 5 to 8, on IP completion day;
- (b) otherwise, immediately before IP completion day.

(3) Regulation 5 extends to Great Britain only.

(4) Regulations 6 and 8 extend to Northern Ireland only.

^(a) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1), section 8C was inserted by section 21 of that Act, and paragraph 21 of Schedule 7 was amended by paragraph 53 of Schedule 5 to that Act.

PART 2

Amendment to retained direct EU legislation

Commission Regulation (EC) No 1760/2000

2.—(1) Commission Regulation (EC) No 1760/2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products^(a) is amended as follows.

(2) At the end of Article 13 (General rules) insert—

“7. For the purposes of paragraphs 2 and 5, ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean England, Northern Ireland, Scotland or Wales individually.”.

(3) At the end of Article 14 (Derogations from the compulsory labelling system) insert—

“For the purposes of this Article, ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean England, Northern Ireland, Scotland or Wales individually.”.

Commission Regulation (EC) No 1850/2006

3. In Annex 6, point 2 of Commission Regulation (EC) No 1850/2006 laying down detailed rules for the certification of hops and hop products^(b) for “UK for the United Kingdom” substitute “GB for Great Britain”.

Regulation (EU) No 1308/2013 of the European Parliament and of the Council

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

(2) In Article 3 (Definitions), after paragraph 6 insert—

“7. For the purposes of this Regulation, any reference to “CN code” shall be read as a reference to the relevant Commodity Code in accordance with the customs tariff, as established by section 8(1) of the Taxation (Cross-border Trade) Act 2018^(d).”.

(3) In Article 80 (Oenological practices and methods of analyses)—

(a) after paragraph 2 insert—

“2A. The Secretary of State may only authorise oenological practices as referred to in point (g) of Article 75(3) with the agreement of the relevant authorities for Wales and Scotland.”;

(b) in paragraph 3, for “as referred to in point (g) of Article 75(3)” substitute “under paragraph 2A”.

(a) EUR 2000/1760, prospectively amended by S.I. 2019/588, 814, 822.

(b) EUR 2006/1850, prospectively amended by S.I. 2019/822.

(c) EUR 2013/1308, prospectively amended by S.I. 2019/821, 828, 831, 1402, 1422.

(d) 2018 c. 22.

(4) In Article 100(4) (Homonyms), for “Regulation (EC) No 110/2008 of the European Parliament and of the Council(a)” substitute “Regulation (EU) No 2019/787 of the European Parliament and of the Council(b)”.

(5) In Article 101(1) (Additional grounds for refusal of protection) in the first sub-paragraph, after “generic” insert “in the United Kingdom”.

(6) In Article 147 (Accompanying documents and register)—

(a) omit paragraph 1;

(b) in paragraph (3)—

(i) for “the transport of wine products and the verification thereof” substitute “the verification of wine products”;

(ii) omit sub-paragraph (a).

(7) In Article 189 (Imports of hemp)—

(a) in paragraph 1—

(i) for “Union” substitute “United Kingdom”;

(ii) in sub-paragraph (c), for “Member State” substitute “licence issuing authority in accordance with Commission Implementing Regulation (EU) No 2016/1239(c)”;

(b) in paragraph 2—

(i) for “Member States” substitute “the United Kingdom”;

(ii) omit “the TFEU and”.

(8) In Article 198(2) (Export refund fixation)—

(a) for “Council” substitute “Secretary of State”;

(b) for “Article 43(3) TFEU” substitute “Articles 13 and 14 of Council Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products(d)”.

PART 3

Amendment to domestic regulations

The Hops Certification Regulations 1979 in respect of Great Britain

5.—(1) The Hops Certification Regulations 1979(e) are amended as follows in respect of Great Britain.

(2) In regulation 2, for “the United Kingdom” substitute “Great Britain”.

(3) In regulation 3, after paragraph (1)(e), insert—

“(f) sell any harvested hops, hop cones, hop products or use for the manufacture of hop products any hops moved to Great Britain from Northern Ireland, unless—

(i) there has been issued in respect thereof either—

(aa) an attestation of equivalence, issued in accordance with Article 190 of Regulation (EU) No 1308/2013, as it has effect in EU law as amended

(a) EUR 1989/1576, prospectively amended by S.I. 2019/759, 778.

(b) EUR 2019/787, prospectively amended by S.I. 2020/****. [The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020].

(c) EUR 2016/1239, prospectively amended by S.I. 2019/1409.

(d) EUR 2013/1370, prospectively amended by S.I. 2019/821, 831, 1402, 1422.

(e) S.I. 1979/1095, amended by S.I. 1991/2198, 2018/942 and prospectively amended by S.I. 2019/824, there are other amending instruments but none is relevant. Further to amendments made by regulation 11(2)(c) of this instrument, those prospective amendments will not extend to Northern Ireland.

from time to time, and Commission Regulation (EC) No 1295/2008, as it has effect in EU law as amended from time to time; or

- (bb) an EU certificate, issued 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 Commission Regulation (EC) No 1850/2006, as it has effect in EU law as amended from time to time; or
- (ii) Article 1(3)(a) of Commission Regulation (EC) No 1850/2006, as it has effect in EU law as amended from time to time, or Article 10 of Commission Regulation (EC) 1295/2008, as it has effect in EU law as amended from time to time applies.”.

The Hops Certification Regulations 1979 in respect of Northern Ireland

6.—(1) The Hops Certification Regulations 1979 are amended as follows in respect of Northern Ireland.

(2) In regulation 1—

- (a) in the heading, for “commencement and interpretation” substitute “commencement, interpretation and extent”;
- (b) in paragraph (2)—
 - (i) omit the definition of “the appropriate Minister”;
 - (ii) in the definitions of “certification centre” and “certifying officer”, for “appropriate Minister” substitute “Department”;
 - (iii) after the definition of “the Commissioners”, insert—

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

(c) after paragraph (2) insert—

“(3) Any reference in these Regulations to the EU provisions are references to those provisions as they have effect by virtue of section 7A of the European Union (Withdrawal) Act 2018 and as amended from time to time.

(4) These Regulations extend to Northern Ireland.”.

(3) In regulation 2, for “the United Kingdom” substitute “Northern Ireland”.

(4) In regulation 3(2), omit “or, in Scotland, on conviction before a court of summary jurisdiction,”.

(5) In regulation 5(1)—

- (a) for “appropriate Minister” substitute “Department”;
- (b) for “him”, in both places it occurs, substitute “it”;
- (c) omit “his”;
- (d) for “he” substitute “it”.

(6) In regulation 6, omit “or, in Scotland, on conviction before a court of summary jurisdiction,”.

(7) In regulation 7—

- (a) for “appropriate Minister”, in both places it occurs, substitute “Department”;
- (b) for “that Minister”, in both places it occurs, substitute “the Department”;
- (c) in paragraph (3), omit “or, in Scotland, on conviction before a court of summary jurisdiction,”.

(8) In regulation 8—

- (a) for “appropriate Minister”, in both place it occurs, substitute “Department”;
- (b) in paragraph (2), for “his” substitute “their”;

- (c) in paragraph (3), omit “or, in Scotland, on conviction before a court of summary jurisdiction,”.

The Eggs and Chicks (England) Regulations 2009

7. In regulations 11(1) (derogations relating to the marking of eggs) of the Eggs and Chicks (England) Regulations 2009(a) for “exclusively in the United Kingdom” substitute “in Great Britain”.

The Olive Oil (Marketing Standards) Regulations 2014 in respect of Northern Ireland

8.—(1) The Olive Oil (Marketing Standards) Regulations 2014(b) are amended as follows in respect of Northern Ireland.

(2) In regulation 1—

- (a) in the heading, for “and commencement” substitute “, commencement and extent”;
- (b) number the existing paragraph as paragraph (1);
- (c) after the new paragraph (1) insert—
“(2) They extend to Northern Ireland.”.

(3) In regulation 2—

- (a) for regulation 2(1), substitute—
“2.—(1) In these Regulations, “the Department” means the Department of Agriculture, Environment and Rural Affairs.”;
- (b) in paragraph (2), in the words after sub-paragraph (c), for “amended from time to time” substitute “they have effect by virtue of section 7A of the European Union (Withdrawal) Act 2018 and as amended from time to time”.

(4) In regulation 4, for “appropriate authority” substitute “Department”.

(5) In regulation 6—

- (a) in paragraph (5)—
 - (i) for “justice of the peace” substitute “lay magistrate”;
 - (ii) for the words from “justice, on” to “writing)” substitute “lay magistrate, on a sworn complaint in writing”;
- (b) in paragraph (9), for sub-paragraph (a) substitute—
“(a) be accompanied by such other persons as the authorised officer considers necessary;”;

(c) omit paragraph (10).

(6) Omit regulations 8 and 9.

(7) In regulation 10—

- (a) in the heading omit “: Northern Ireland”;
- (b) omit paragraph (1).

(8) Omit regulation 13(4).

(9) In regulation 15(2)—

- (a) at the end of sub-paragraph (a) insert “and”;
- (b) omit sub-paragraphs (b) and (c).

(a) S.I. 2009/2163, amended by S.I. 2013/3235, there are other amending instruments but none is relevant.

(b) S.I. 2014/195, prospectively amended by S.I. 2019/824, 1422. Further to amendments made by regulations 11(2)(c) and 14(2)(c) of this instrument, those amendments will not extend to Northern Ireland.

(10) In regulation 16, for “appropriate authority”, in both places it occurs, substitute “Department”.

(11) For regulation 17, substitute—

“17.—(1) These Regulations are enforced by the Department.

(2) But any district council may also enforce these Regulations.”.

(12) Omit regulations 18 to 20.

The Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019

9.—(1) The Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019(a) are amended as follows.

(2) In regulation 17 (amendment to Article 33 of Regulation 1308/2013), omit sub-paragraph (c)(ii).

(3) For regulation 23 (amendment to Article 74 of Regulation 1308/2013) substitute—

“23. In Article 74, for “the Union” substitute “Great Britain”.”.

(4) For regulation 24 (amendment to Article 76 of Regulation 1308/2013) substitute—

“24. In Article 76(3), for “the Union” substitute “Great Britain”.”.

(5) For regulation 25 (amendment to Article 77 of Regulation 1308/2013) substitute—

“25. In Article 77(1), for “the Union” substitute “Great Britain”.”.

(6) For regulation 26 (amendment to Article 78 of Regulation 1308/2013) substitute—

“26. In Article 78(2), for “the Union” substitute “Great Britain”.”.

(7) In regulation 27 (amendment to Article 80 of Regulation 1308/2013)—

(a) for paragraph (a) substitute—

“(a) in paragraph 1, for “the Union”, in both places it occurs, substitute “Great Britain”;

”;

(b) for paragraph (b)(i)(aa) substitute—

“(aa) for “the Union”, in the first place it occurs, substitute “Great Britain”;

(c) for paragraph (b)(ii) substitute—

“(ii) in the second subparagraph, for “Member States” substitute “and provided the relevant authorities in Wales and Scotland agree, the Secretary of State”;

(8) In regulation 28 (amendment to Article 81 of Regulation 1308/2013)—

(a) for paragraph (a) substitute—

“(a) in paragraph 1, for “the Union” substitute “Great Britain”;

(b) in paragraph (c), in the inserted text—

(i) for “the United Kingdom”, in both places it occurs, substitute “Great Britain”;

(ii) for “Wales, Scotland and Northern Ireland” substitute “Wales and Scotland”.

(9) In regulation 29 (amendment to Article 83 of Regulation 1308/2013)—

(a) in paragraph (b)(i), in the substituted text, after “appropriate authority” insert “in relation to England, Wales or Scotland”;

(b) in paragraph (c), in the substituted text, for “each relevant authority agrees” substitute “the relevant authorities in Wales and Scotland agree”;

(c) for paragraph (d), substitute—

(a) S.I. 2019/821, prospectively amended by S.I. 2019/812, S.I. 2019/1402 and S.I. 2019/1405.

- “(d) in paragraph 3, for “Member States” substitute “The relevant authorities in England, Wales and Scotland”;
- (10) In regulation 30(c) (amendment to Article 87 of Regulation 1308/2013), in the substituted text, after “appropriate authority” insert “in England, Wales or Scotland”.
- (11) In regulation 32 (amendment to Article 90 of Regulation 1308/2013)—
- (a) for paragraph (b), substitute—
 - “(b) in paragraph 1, for “the Union” substitute “Great Britain”;
 - (b) in paragraph (d) in the inserted text—
 - (i) for “exit day” in each place it occurs substitute “IP completion day”;
 - (ii) in point (b)—
 - (aa) for “the United Kingdom” substitute “Great Britain”;
 - (bb) for “31 December 2020” substitute “IP completion day”.
- (12) For regulation 33(a)(ii) (amendment to Article 93 of Regulation 1308/2013) substitute—
- “(ii) for “the Union” substitute “Great Britain”;
- (13) For regulation 39(b)(i) (amendment to Article 102 of Regulation 1308/2013) substitute—
- “(i) for “the territory of the Union” substitute “Great Britain”;
- (14) For regulation 40 (amendment to Article 103 of Regulation 1308/2013) substitute—
- “**40.** “In Article 103(3), for “the Union” substitute “Great Britain”.”.
- (15) For regulation 41(c) (amendment to Article 104 of Regulation 1308/2013) substitute—
- “(c) for “the Union” in the first place it occurs, substitute “Great Britain”;
 - (d) for “the Union” in the second place it occurs, substitute “the United Kingdom”.
- (16) For regulation 44 (amendment to Article 113 of Regulation 1308/2013) substitute—
- “**44.** In Article 113(3), for “the Union” substitute “Great Britain”.
- (17) In regulation 45(a) (amendment to Article 118 of Regulation 1308/2013), in the inserted text, omit—
- (a) “the Food (Lot Marking) Regulations (Northern Ireland) 1996,”;
 - (b) “the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989,”;
 - (c) “the Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1989,”.
- (18) In regulation 46 (amendment to Article 119 of Regulation 1308/2013)—
- (a) for paragraph (a), substitute—
 - “(a) “in paragraph 1, for “the Union” substitute “Great Britain”;
 - (b) in paragraph (b), in the inserted text—
 - (i) for “exit day”, in each place it occurs, substitute “IP completion day”;
 - (ii) for “on or before 31 December 2020” substitute “before the end of the period of 21 months beginning on the day on which IP completion day falls”.
- (19) In regulation 48(b) (amendment to Article 121 of Regulation 1308/2013), in the inserted text—
- (a) for “the United Kingdom”, substitute “Great Britain”;
 - (b) for “prior to 31 December 2020”, substitute “before the end of the period of 21 months beginning on the day on which IP completion day falls”;
 - (c) for “exit day” substitute “IP completion day”.
- (20) Omit regulation 53 (amendment to Article 147 of Regulation 1308/2013).
- (21) In regulation 57 (amendment to Article 190 of Regulation 1308/2013), for sub-paragraph (b) substitute—

“(b) for “the Union” substitute “Great Britain”.”.

(22) Regulation 82 (amendment to Annex 7 to Regulation 1308/2013) is amended in accordance with paragraphs (23) to (28).

(23) In paragraph (3)—

(a) in sub-paragraph (a)(i)—

(i) for paragraph (aa), substitute—

“(aa) for “the Member States” substitute “Great Britain”;;

(ii) after paragraph (cc), insert—

“(dd) in points A and B, for “United Kingdom” substitute “Great Britain”;;

(b) in sub-paragraph (b)(ii), in the substituted text, for “the constituent nation” substitute “England, Wales or Scotland, as the case may be”;

(c) in sub-paragraph (c)—

(i) in paragraph (ii), in the inserted text, after “relevant authority” insert “in England, Wales or Scotland”;

(ii) in paragraph (iii), in the inserted text, for “relevant authority’s experts” substitute “experts of the relevant authority in England, Wales or Scotland”.

(24) In paragraph (4)(a)(iii)(bb), in the inserted text, for “Wales, Scotland and Northern Ireland” substitute “Wales and Scotland”.

(25) In paragraph (6)—

(a) in sub-paragraph (a), in the substituted text, after “appropriate authority” insert “in England, Wales or Scotland”;

(b) in sub-paragraph (b), in the substituted text, after “appropriate authority”, in both cases it occurs, insert “in England, Wales or Scotland”.

(26) In paragraph (7)—

(a) for sub-paragraph (a), substitute—

“(a) in point 1, for “the Union” substitute “Great Britain”;;

(b) in sub-paragraph (b), in the substituted text after “appropriate authority” in both cases it occurs insert “in England, Wales or Scotland”.

(27) In paragraph (8)—

(a) in sub-paragraph (a)—

(i) for paragraph (i), substitute—

“(aa) for “the Union”, in the first and second places it occurs, substitute “Great Britain”;

(bb) for “third” substitute “other”;

(cc) for “the Union” in the third place it occurs, substitute “Great Britain or movement to Northern Ireland”;;

(ii) in paragraph (ii)(aa), in the substituted text, after “appropriate authority” insert “in England, Wales or Scotland”;

(b) in sub-paragraph (b)—

(i) in paragraph (i), in the substituted text—

(aa) after “appropriate authority” insert “in England, Wales or Scotland”;

(bb) after “marketed” omit “exclusively”;

(cc) for “the United Kingdom” substitute “Great Britain”;

(ii) in paragraph (ii)(bb), in the substituted text, after “appropriate authority” insert “in England, Wales or Scotland”.

(28) For paragraph (10)(a)(i), substitute—

“(i) for “the Union” substitute “Great Britain”;

(29) Regulation 83 (amendment to Annex 8 to Regulation 1308/2013) is amended in accordance with paragraphs (30) and (31).

(30) In paragraph (2)—

(a) in the substituted text, for “Wales, Scotland and Northern Ireland”, in each place it occurs, substitute “Wales and Scotland”;

(b) for sub-paragraph (d)(ii), substitute—

“(ii) in paragraph 2, for the words from “the wine-growing” to the end substitute “Great Britain”;

(31) In paragraph (3)—

(a) in the substituted text, for “Wales, Scotland and Northern Ireland”, in each place it occurs, substitute “Wales and Scotland”;

(b) for sub-paragraph (a)(ii), substitute—

“(ii) “in paragraph 2, for “the territory of the Union” substitute “Great Britain”;

(c) after sub-paragraph (a)(iii)(bb), insert—

“(cc) for “the United Kingdom” substitute “Great Britain”;

(d) for sub-paragraph (a)(v)(bb), substitute—

“(bb) “for “the territory of the Union” substitute “Great Britain”;

(e) in sub-paragraph (b)—

(i) for paragraph (ii), substitute—

“(ii) “for “a Union” substitute “a Great Britain”;

(ii) after paragraph (iii), insert—

“(iv) for “the Union” substitute “Great Britain”;

(f) in sub-paragraph (c)(i)(bb), for “the Secretary of State” substitute “the relevant authorities for England, Wales and Scotland”.

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

10.—(1) The Market Measures (Marketing Standards) (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

(2) In regulation 2 (amendment to Regulation 1333/2011)—

(a) in paragraph (2) (amendment to Article 1 of Regulation 1333/2011), for “in the United Kingdom” substitute “in Great Britain”;

(b) in paragraph (4) (insertion of Article 2a of Regulation 1333/2011), in the inserted text, omit paragraphs 2(d) and 3(b);

(c) for paragraph (7)(a) (amendment to Article 5 of Regulation 1333/2011) substitute—

“(a) for “the Union”, in the first place it occurs, substitute “Great Britain”;

(d) for paragraph (8)(a) (amendment to Article 6(2) of Regulation 1333/2011) substitute—

“(a) for “the Union” substitute “Great Britain”;

(e) for paragraph (9) (amendment to Article 6(3) of Regulation 1333/2011), substitute—

“(9) In Article 6(3) for “the Union” substitute “Great Britain”.

(f) for paragraph (10) (amendment to Article 7 of Regulation 1333/2011)—

(i) for sub-paragraph (b) substitute—

“(b) for “the Union”, in the second place it occurs, substitute “Great Britain”;

(a) S.I. 2019/822, prospectively amended by S.I. 2019/812 and S.I. 2019/1405.

- (ii) for sub-paragraph (d) substitute—
 - “(d) for “the Union”, in the last place it occurs, substitute “Great Britain”.”;
- (g) for paragraph (13)(a)(ii) (amendment to Article 9(2) of Regulation 1333/2011), substitute—
 - “(ii) in the third sentence, for the words from “the Union market” to the end substitute “Great Britain’s market”.”;
- (h) for paragraph (17)(a)(ii) (amendment to Annex I point 3 of Regulation 1333/2011), substitute—
 - “(ii) for “the Union” substitute “Great Britain”.”;
- (i) for paragraph (19) (amendment to Annex 4 of Regulation 1333/2011), substitute—
 - “(19) In Annex 4, in the heading, for “the Union” substitute “Great Britain”.”.
- (3) In regulation 3 (amendment to Regulation 1760/2000)—
 - (a) for paragraph (5) (amendment to Article 13(1) of Regulation 1760/2000) substitute—
 - “(5) In Article 13(1) for “the Community” substitute “Great Britain”.”;
 - (b) for paragraph (10)(a) (amendment to Article 15 of Regulation 1760/2000) substitute—
 - “(a) for “the Union” substitute “Great Britain from a third country”.”;
 - (c) in paragraph (11) (insertion of Article 15za of Regulation 1760/2000), in the inserted text—
 - (i) for “exit day” substitute “IP completion day”;
 - (ii) for “31 December 2020” substitute “the end of the period of 21 months beginning on the day on which IP completion day falls”;
 - (d) in paragraph (13) (insertion of Article a22 of Regulation 1760/2000), in the inserted text—
 - (i) omit paragraph 1(d);
 - (ii) omit paragraph 2(d);
 - (iii) for paragraph 3 substitute—
 - “**3.** But the appropriate authority is the Secretary of State in relation to Scotland, if consent is given by the Scottish Ministers.”;
 - (e) for paragraph (16)(d) (amendment to Article 22(3) of Regulation 1760/2000) substitute—
 - “(d) in point (a)(i), for “the Union” substitute “Great Britain”.”.
- (4) In regulation 4 (amendment to Article 2 of Regulation 1825/2000)—
 - (a) for paragraph (5)(b)(i) (amendment to Article 2(2) of Regulation 1825/2000) substitute—
 - “(i) for “the Community” substitute “Great Britain from a third country”.”;
 - (b) in paragraph (6) (insertion of Article 2(3) and 2(4) of Regulation 1825/2000), in the inserted text—
 - (i) for “exit day”, in each place it occurs, substitute “IP completion day”;
 - (ii) for “31 December 2020” substitute “the end of the period of 21 months beginning on the day on which IP completion day falls”.
- (5) In regulation 5 (amendment to Regulation 566/2008)—
 - (a) in paragraph (3) (insertion of Article 2a of Regulation 566/2008), in the inserted text—
 - (i) omit paragraph 1(d);
 - (ii) for paragraph 2 substitute—
 - “**2.** But the appropriate authority is the Secretary of State in relation to Scotland, if consent is given by the Scottish Ministers.”;

- (b) in paragraph (11) (amendment to Article 6(3) of Regulation 566/2008), for “the relevant authority” substitute “relevant authority”.
- (6) Regulation 8 (amendment to Regulation 543/2011) is amended in accordance with paragraphs (7) to (16).
- (7) In paragraph (4) (insertion of Article 1(3) of Regulation 543/2011), in the inserted text—
- (a) in paragraph 4, for “, Scotland or Northern Ireland” substitute “or Scotland”;
 - (b) omit paragraphs 5(d) and 6(b).
- (8) In paragraph (9) (amendment to Article 4(1) of Regulation 543/2011)—
- (a) in sub-paragraph (a)(i), for “exit day” substitute “IP completion day”;
 - (b) in sub-paragraph (a)(ii), for “the United Kingdom” substitute “Great Britain”.
- (9) In paragraph (17) (insertion of Article 7(4) of Regulation 543/2011), in the inserted text—
- (a) omit point (a);
 - (b) for “31 December 2020” substitute “the end of the period of 21 months beginning on the day on which IP completion day falls”;
 - (c) for “exit day”, in each place it occurs, substitute “IP completion day”.
- (10) In paragraph (19) (amendment to Article 9(1) of Regulation 543/2011)—
- (a) in sub-paragraph (b)(ii), for “the United Kingdom” substitute “Great Britain”;
 - (b) in sub-paragraph (e), in the inserted text—
 - (i) omit “(a) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”;
 - (ii) for “exit day” substitute “IP completion day”.
- (11) In paragraph (23) (amendment to Article 10(2) of Regulation 543/2011)—
- (a) for sub-paragraph (a) substitute—

“(a) for “the Union” substitute “Great Britain”;;”;
 - (b) in sub-paragraph (b), in the substituted text, for “the United Kingdom” substitute “Great Britain”;
 - (c) in sub-paragraph (c), in the substituted text, for “the United Kingdom” substitute “Great Britain”.
- (12) For paragraph (28)(b) (amendment to Article 11(1) of Regulation 543/2011) substitute—
- “(a) in the third subparagraph, in point (e), for “the Union” substitute “Great Britain”.”.
- (13) In paragraph (34)(b) (amendment to Article 12(5) of Regulation 543/2011), in the substituted text, for “exit day” substitute “IP completion day”.
- (14) In paragraph (42)(a)(ii)(aa) (amendment to Annex 1 of Regulation 543/2011), in the substituted text, for “the United Kingdom” substitute “Great Britain”.
- (15) In paragraph (43)(c) (amendment to the specimen label in Annex 2 of Regulation 543/2011), for “United Kingdom or UK” substitute “Great Britain or GB”.
- (16) For paragraph (44) (amendment to Annex 3 of Regulation 543/2011) substitute—
- “(44) In Annex 3 for “the European Union”, in each place it occurs (including the heading), substitute “Great Britain”.”.
- (17) Regulation 9 (amendment to Regulation 1850/2006) is amended in accordance with paragraphs (18) to (24).
- (18) In paragraph (2) (amendment to Article 1(2) of Regulation 1850/2006)—
- (a) for sub-paragraph (a)(ii), substitute—

“(ii) for “the Community” substitute “Great Britain”;;”;
 - (b) for sub-paragraph (b)(ii), substitute—

“(ii) for “the Community” substitute “Great Britain”;;”.

- (19) In paragraph (4) (amendment to Article 2 of Regulation 1850/2006)—
- (a) in sub-paragraph (b)(iii), for the inserted text, substitute—
 - “(p) ‘constituent nation’ means England, Wales or Scotland, as the case may be;
 - (q) ‘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.”;
 - (b) in sub-paragraph (c), in the inserted text, omit paragraphs 2(d) and 3(b).
- (20) In paragraph (8) (amendment to Article 7(3) of Regulation 1850/2006), in the substituted text, for “the United Kingdom” substitute “Great Britain”.
- (21) For paragraph (9) (amendment to Article 8 of Regulation 1850/2006), substitute—
- “(9) In Article 8 for “the Community” substitute “Great Britain”.”.
- (22) In paragraph (10) (amendment to Article 14(2) of Regulation 1850/2006), in the substituted text, for “the United Kingdom” substitute “Great Britain”.
- (23) For paragraph (11) (amendment to Article 15 of Regulation 1850/2006) substitute—
- “(11) In Article 15 for “the Community” substitute “Great Britain”.”.
- (24) In paragraph (24)(c) (amendment to Annex 6 of Regulation 1850/2006), in the substituted text, for “UK” substitute “GB”.
- (25) Regulation 10 (amendment to Regulation 1295/2008) is amended in accordance with paragraphs (26) to (31).
- (26) In paragraph (2) (amendment to Article 2 of Regulation 1295/2008), in the substituted text—
- (a) for paragraph 1(b) substitute—

“‘constituent nation’ means England, Wales or Scotland, as the case may be;”;
 - (b) omit paragraphs 2(d) and 3(b).
- (27) For paragraph (6)(a) (amendment to Article 7 of Regulation 1295/2008) substitute—
- “(a) for “the Community” substitute “Great Britain”;”.
- (28) For paragraph (10)(b) (amendment to Article 9(2) of Regulation 1295/2008) substitute—
- “(b) for “the Member State in question” substitute “Great Britain”;”.
- (29) For paragraph (11)(b) (amendment to Article 9(3) of Regulation 1295/2008) substitute—
- “(b) for “the Community” substitute “Great Britain”.”.
- (30) In paragraph (16) (amendment to Annex 2 of Regulation 1295/2008)—
- (a) for sub-paragraph (a) substitute—

“(a) in the box immediately below box 2, for “THE EUROPEAN COMMUNITY” substitute “GREAT BRITAIN”;”;
 - (b) for sub-paragraph (c)(i) substitute—

“(i) in point A, for “the Community” substitute “Great Britain”;”;
 - (c) for sub-paragraph (d) substitute—

“(d) in box 11 for “the European Community” substitute “Great Britain”;”;
 - (d) for sub-paragraph (e) substitute—

“(e) in box 13 for “THE COMMUNITY” substitute “GREAT BRITAIN”.”.
- (31) In paragraph (17) (amendment to Annex 3 of Regulation 1295/2008)—
- (a) for sub-paragraph (a) substitute—

- “(a) in the box immediately below box 2, for “THE EUROPEAN COMMUNITY” substitute “GREAT BRITAIN”;;”;
- (b) for sub-paragraph (c)(i) substitute—
 - “(i) in point A, for “the Community” substitute “Great Britain”;;”;
- (c) for sub-paragraph (c)(ii)(aa) substitute—
 - “(aa) for “the Community” substitute “Great Britain”;;”;
- (d) for sub-paragraph (d) substitute—
 - “(d) in box 14, for the words from “THE MEMBER” to “CIRCULATION” substitute “GREAT BRITAIN”.”.

The Market Measures (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2019

11.—(1) The Market Measures (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

- (2) In regulation 1 (citation and commencement)—
 - (a) in the heading, for “and commencement” substitute “, commencement and extent”;
 - (b) number the existing paragraph as paragraph (1);
 - (c) after the new paragraph (1), insert—
 - “(2) Regulations 2 and 8 extend to Great Britain only.”.
- (3) In regulation 2(2) (amendment to regulation 1(2) of S.I. 1979/1095), in the substituted text—
 - (a) omit sub-paragraph (d);
 - (b) omit paragraph (ii).
- (4) In regulation 2(4)(b) (amendment to regulation 3 of S.I. 1979/1095), in the substituted text, for “29 March 2021”, in each place it occurs, substitute “1 July 2021”.
- (5) For regulation 2(5)(c) (amendment to regulation 5(1) of S.I. 1979/1095) substitute—
 - “(c) for “the European Union” substitute “Great Britain”;;”.
- (6) In regulation 5 (amendment to S.I. 2009/1361)—
 - (a) for paragraph (5)(b) substitute—
 - “(b) in paragraph (8), for “the European Union” substitute “Great Britain”.”;
 - (b) in paragraph (14) (amendment to Regulation 24 of S.I. 2009/1361), in the inserted text—
 - (i) for “on or before 31 December 2020”, in both places it occurs, substitute “before the end of the period of 21 months beginning on the day on which IP completion day falls”;
 - (ii) for “exit day”, in both places it occurs, substitute “IP completion day”.
- (7) In regulation 6(4) (amendment to Regulation 4(3) of S.I. 2010/983), in the inserted text—
 - (a) in sub-paragraph (a), for “on or before 31 December 2020” substitute “before the end of the period of 21 months beginning on the day on which IP completion day falls”;
 - (b) in sub-paragraph (b), for “exit day” substitute “IP completion day”.

The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019

12.—(1) The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019(b) are amended as follows.

(2) In regulation 17 (amendment to Article 75 of Regulation 1308/2013), in the substituted text, after “appropriate authority”, in both places it occurs, insert “in England, Wales or Scotland”.

(a) S.I. 2019/824, prospectively amended by S.I. 2019/812 and 2019/1405.
 (b) S.I. 2019/831.

(3) In regulation 18 (amendment to Article 76 of Regulation 1308/2013), in the substituted text, after “appropriate authority” insert “in England, Wales or Scotland”.

(4) In regulation 19 (amendment to Article 78 of Regulation 1308/2013), in the substituted text, after “appropriate authority”, in each place it occurs, insert “in England, Wales or Scotland”.

(5) In regulation 20 (amendment to Article 79 of Regulation 1308/2013), in the substituted text, after “appropriate authority”, in both places it occurs, insert “in England, Wales or Scotland”.

(6) In regulation 21 (amendment to Article 80 of Regulation 1308/2013)—

(a) in paragraph (a)(i), in the substituted text, after “Secretary of State may” insert “, with the consent of the relevant authorities in Wales and Scotland,”;

(b) for paragraph (b)(ii), substitute—

“(ii) after “unless” insert “the relevant authorities in Wales and Scotland agree that”;

(7) In regulation 22 (amendment to Article 83(4) of Regulation 1308/2013), in the substituted text, after “appropriate authority” insert “in England, Wales or Scotland”.

(8) In regulation 23 (amendment to Article 86 of Regulation 1308/2013), in the substituted text, after “appropriate authority” insert “in England, Wales or Scotland”.

(9) In regulation 24 (amendment to Article 87(2) of Regulation 1308/2013), in the substituted text, after “appropriate authority” insert “in England, Wales or Scotland”.

(10) In regulation 25 (amendment to Article 88 of Regulation 1308/2013), in the substituted text, after “appropriate authority” insert “in England, Wales or Scotland”.

(11) In regulation 26(a) (amendment to Article 91 of Regulation 1308/2013), in the substituted text, after “appropriate authority” insert “in England, Wales or Scotland”.

(12) In regulation 64 (amendment to Article 89 of Regulation 1306/2013)—

(a) in paragraph (a)(ii), in the substituted text, for “the United Kingdom” substitute “Great Britain”;

(b) in paragraph (c), in the inserted text—

(i) for “consent of each of the relevant authorities for Wales, Scotland and Northern Ireland” substitute “consent of the relevant authorities for Wales and Scotland”;

(ii) for “relevant authority for Wales, Scotland or Northern Ireland” substitute “relevant authority for Wales or Scotland”.

(13) In regulation 88 (insertion of Article 38a and Article 38b of Regulation 834/2007), in the inserted text—

(a) in Article 38a, omit paragraphs 2(d) and 3(c);

(b) in Article 38b, omit paragraphs 3 and 7.

The Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019

13.—(1) The Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019(a) are amended as follows.

(2) In regulation 5 (amendment to S.I. 2019/821), omit paragraphs (3) and (5).

(3) In regulation 6 (amendment to S.I. 2019/822)—

(a) omit paragraph (2);

(b) in paragraph (3)—

(i) omit sub-paragraph (a);

(a) S.I. 2019/1405.

- (ii) in sub-paragraph (b), for “exit day” substitute “IP completion day”.
- (4) Omit regulation 7 (amendment to S.I. 2019/824).

The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019

14.—(1) The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019(a) are amended as follows.

- (2) In regulation 1 (citation and commencement)—
 - (a) in the heading, for “and commencement” substitute “, commencement and extent”;
 - (b) number the existing paragraph as paragraph (1);
 - (c) after the new paragraph (1) insert—

“(2) Regulation 18 extends to Great Britain only.”.
- (3) In regulation 2 (amendment to Regulation 1308/2013)—
 - (a) in paragraph (5) (amendment to Article 122 of Regulation 1308/2013) in the inserted text, after “appropriate authority”, in each place it occurs, insert “in England, Wales or Scotland”;
 - (b) in paragraph (6)(a) (amendment to Article 123 of Regulation 1308/2013), in the inserted text, after “appropriate authority” insert “in England, Wales or Scotland”.
- (4) After regulation 2 insert—

“**2A.**—(1) Omit Part A point IV of Annex 14 (import of eggs) of Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products**(b)**.”.
- (5) Regulation 4 (amendment to Regulation 589/2008) is amended in accordance with paragraphs (6) to (11).
- (6) In paragraph (2) (amendment to Article 1 of Regulation 589/2008)—
 - (a) in paragraph (a)(ii), in the substituted text omit point (p)(ii);
 - (b) in paragraph (a)(iv), in the inserted text—
 - (i) omit point (u)(ii);
 - (ii) omit point (w);
 - (iii) in point (z), for “, Scotland or Northern Ireland” substitute “or Scotland”.
- (7) In paragraph (12)(b)(ii) (amendment to Article 12 of EUR 2008/589), in the substituted text omit point (ii).
- (8) For paragraph (15) (amendment to Article 29 of Regulation 589/2008), substitute—

“(15) In Article 29—

 - (a) in the heading, at the end insert “and for movement into Northern Ireland”;
 - (b) in the first subparagraph—
 - (i) after “export”, insert “, or movement into Northern Ireland,”;
 - (ii) for “Annex XIV to Regulation (EC) No 1234/2007” substitute “Annex 7 to Regulation (EU) No 1308/2013.”.
- (9) Before paragraph (16) (amendment to Article 30(3) of Regulation 589/2008) insert—

“(15A) After Article 30(2), insert—

(a) S.I. 2019/1422.

(b) EUR 2007/1234, repealed by EUR 2013/1308. Point IV of Part A of Annex XIV remains in force by virtue of Article 230(1)(c) of EUR 2013/1308.

“(2A) Eggs and packs of eggs moving from Northern Ireland to Great Britain must be marked in accordance with the requirements in this Regulation and in Annex 7 to Regulation (EU) No 1308/2013.”.

(10) In paragraph (16)(c) (amendment to Article 30(3) of Regulation 589/2008), in the inserted text, for “exit day” substitute “IP completion day”.

(11) In paragraph (21) (amendment to Annex 2 of Regulation 589/2008)—

- (a) in paragraph (a)(i), in the substituted text omit point (ii);
- (b) in paragraph (a)(ii)(bb), in the substituted text omit point (ii);
- (c) in paragraph (b), in the substituted text omit point (b);
- (d) in paragraph (c)(ii), in the substituted text omit point (ii).

(12) Regulation 5 (amendment to Regulation 617/2008) is amended in accordance with paragraphs (13) to (15).

(13) In paragraph (2)(b) (amendment to Article 1 of Regulation 617/2008), in the inserted text, omit subparagraph (b).

(14) In paragraph (4)(f) (amendment to Article 3 of Regulation 617/2008), in the inserted text—

- (a) omit paragraph 9;
- (b) in paragraph 10, for “, Scotland or Northern Ireland” substitute “or Scotland”.

(15) Omit paragraph (5) (amendment to Article 4 of Regulation 617/2008).

(16) In regulation 6 (amendment to Regulation 2568/91)—

(a) in paragraph (2)(b) (amendment to Article 1(7) of Regulation 2568/91), in the inserted text—

- (i) omit subparagraph (a)(ii)(bb);
- (ii) in subparagraph (b), for “, Scotland or Northern Ireland” substitute “or Scotland”;
- (iii) omit subparagraph (c)(ii);

(b) in paragraph (3)(a)(i)(bb) (amendment to Article 2(2) of Regulation 2568/91), in the substituted text, for “, Scotland and Northern Ireland” substitute “and Scotland”;

(c) in paragraph (4) (amendment to Article 2a of Regulation 2568/91)—

(i) for sub-paragraph (a), substitute—

“(a) in paragraph 1, for the words from “of a relevant” to the end substitute “that is consumed in or exported from Great Britain, or moved from Great Britain into Northern Ireland”;

(ii) for sub-paragraph (c), substitute—

“(c) in paragraph 3(e), for “the Union”, in both places it occurs, substitute “Great Britain”;

(iii) in sub-paragraph (d)(ii), in the substituted text, for “the United Kingdom” substitute “Great Britain”;

(d) in paragraph (6) (amendment to Article 4 of Regulation 2568/91), in the substituted text—

(i) for “relevant authorities for Wales, Scotland and Northern Ireland”, in each place it occurs, substitute “relevant authorities for Wales and Scotland”;

(ii) for “the United Kingdom”, in both places it occurs, substitute “Great Britain”.

(17) In regulation 7 (amendment to Regulation 29/2012)—

(a) in paragraph (2)(b) (amendment to Article 1(2) of Regulation 29/2012), in the inserted text—

- (i) omit subparagraph (a)(i)(bb);
- (ii) omit subparagraph (a)(ii)(bb);
- (iii) in subparagraph (b), for “, Scotland or Northern Ireland” substitute “or Scotland”;

- (b) in paragraph (3)(c) (amendment to Article 2 of Regulation 29/2012), in the inserted text—
 - (i) omit subparagraph (a);
 - (ii) for “exit day”, in both places it occurs, substitute “IP completion day”.
- (18) In regulation 8 (amendment to Regulation 543/2008)—
 - (a) in paragraph (3)(b) (amendment to Article 2 of Regulation 543/2008), in the inserted text, omit paragraph (h)(ii);
 - (b) for paragraph (6)(a) (amendment to Article 5(1) of Regulation 543/2008) substitute—
 - “(a) in paragraph 1, for “the Community” substitute “Great Britain”;;”;
 - (c) in paragraph (8)(c) (amendment to Article 9 of Regulation 543/2008), in the inserted paragraph 16—
 - (i) for subparagraph (b)(i)(bb) substitute—
 - “(bb) for “the Community” there were substituted “Great Britain”;;”;
 - (ii) for subparagraph (b)(ii)(bb) substitute—
 - “(bb) for “the Community” there were substituted “Great Britain”;;”;
 - (d) in paragraph (13)(b) (amendment to Article 14 of Regulation 543/2008), in the inserted text, for “exit day” substitute “IP completion day”;
 - (e) for paragraph (14)(a)(ii) (amendment to Article 15(1) of Regulation 543/2008), substitute—
 - “(ii) for “the Community” substitute “Great Britain”;;”;
 - (f) in paragraph (15)(d) (amendment to Article 16(6) of Regulation 543/2008)—
 - (i) in paragraph (i)(aa), in the substituted text, for “the United Kingdom” substitute “Great Britain”;
 - (ii) in paragraph (ii), in the substituted text, for “the United Kingdom” substitute “Great Britain”;
 - (g) for paragraph (18)(a) (amendment to Article 20(1) of Regulation 543/2008), substitute—
 - “(a) in paragraph 1, for “the Community” substitute “Great Britain”;;”.
- (19) In regulation 17(3) (amendment to S.I. 2011/452), in the substituted text, for “office”, in both places it occurs substitute “officer”.

4th December 2020

Victoria Prentis
 Parliamentary Under Secretary of State
 Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by sections 8(1) and 8C of, and paragraph 21 of Schedule 7 to, 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 under section 8(2)(a),(b) and (g)) arising from the withdrawal of the UK from the European Union, to reflect the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement and the transition period, and to make transitional provision.

These regulations make amendments in the area of agricultural market measures. Part 2 amends retained direct EU legislation. Part 3 amends subordinate legislation: regulations 5 to 8 amend subordinate legislation in the area of agricultural market measures, and regulations 9 to 14 amend subordinate legislation which primarily amended retained direct EU legislation.

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

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