

*This Statutory Instrument has been made to correct errors in S.I. 2019/764, S.I. 2019/765, S.I. 2019/812, S.I. 2019/821, S.I. 2019/822 and S.I. 2019/824 and is being issued free of charge to all known recipients of those Statutory Instruments.*

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STATUTORY INSTRUMENTS

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**2019 No. 1405**

**EXITING THE EUROPEAN UNION  
AGRICULTURE  
FOOD**

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

*Made - - - - 28th October 2019  
Coming into force in accordance with regulation 1(2)  
and (3)*

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>(1)</sup>.

There has been consultation, as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(2)</sup>, during the preparation of these Regulations so far as they relate to food.

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 Parliament and approved by a resolution of each House of Parliament.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019.

(2) Regulations 2, 3 and 5 to 7 come into force immediately before exit day.

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(1) 2018 c. 16.

(2) OJ No L 31, 1.2.2002, p.1, as last amended by Commission Regulation (EU) 2017/228 (OJ No L 35, 10.2.2017, p. 10).

(3) Regulations 1 and 4 come into force immediately before the commencement of the Common Agricultural Policy and Market Measures (Miscellaneous Amendments) (EU Exit) Regulations 2019<sup>(3)</sup>.

#### **Amendment of the Rural Development (Amendment) (EU Exit) Regulations 2019**

2.—(1) The Rural Development (Amendment) (EU Exit) Regulations 2019<sup>(4)</sup> are amended as follows.

- (2) Omit regulation 4(6).
- (3) In regulation 8—
  - (a) after paragraph (7) insert—

“(7A) In Article 76—

    - (a) in paragraph 2, for “Member States” substitute “The relevant authority”;
    - (b) in paragraph 3, for the words from “Member States” to “Commission” substitute “relevant authority”.”;
  - (b) in paragraph (8), for “76” substitute “77”;
  - (c) for paragraph (11) substitute—

“(11) Omit Article 85.”.

#### **Amendment of the Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (EU Exit) Regulations 2019**

3.—(1) The Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (EU Exit) Regulations 2019<sup>(5)</sup> are amended as follows.

- (2) In regulation 2—
  - (a) for paragraph (4)(a) substitute—

“(a) omit paragraph 3.”;
  - (b) after paragraph (6) insert—

“(6A) In Annex 4, for “Article 7 of the Regulation (EU) No 1308/2013” substitute “Article 1a of Regulation (EU) No 1370/2013”.”;
  - (c) after paragraph (8)(a)(i)(aa) insert—

“(aaa) for “Article 7 of Regulation (EU) No 1308/2013” substitute “Article 1a of Regulation (EU) No 1370/2013”.”;
  - (d) for paragraph (8)(a)(iii) substitute—

“(iii) in the third subparagraph—

    - (aa) for “the EAGF”, in both places it occurs, substitute “direct payments and CMO support”;
    - (bb) for “Article 7 of Regulation (EU) No 1308/2013” substitute “Article 1a of Regulation (EU) No 1370/2013”.”;
  - (e) for paragraph (9)(b) substitute—

“(b) in paragraph 2—

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<sup>(3)</sup> S.I. 2019/812.  
<sup>(4)</sup> S.I. 2019/764.  
<sup>(5)</sup> S.I. 2019/765.

- (i) in point (a), for “Article 7 of Regulation (EU) No 1308/2013” substitute “Article 1a of Regulation (EU) No 1370/2013”;
  - (ii) in points (b) and (d), omit “of the Commission”.
- (3) For regulation 4(10) substitute—  
“(10) Omit Article 16(1)(b).”.
- (4) In regulation 5—
- (a) omit paragraph (21)(a) and (c);
  - (b) after paragraph (42)(b) insert—
    - “(c) in paragraph 6, for “Article 38(1)(b)” substitute “Article 38(1)”.
  - (c) for paragraph (45) substitute—
    - “(45) In Article 51—
    - (a) in paragraph 1, for “an EAFRD” substitute “rural development”;
    - (b) in paragraph 5, for “Article 38(1)(b)” substitute “Article 38(1)”.
- (5) In regulation 6(5)(b)(iv)(dd), in the omitted text, omit “apply”.

#### **Amendment of the Common Agricultural Policy and Market Measures (Miscellaneous Amendments) (EU Exit) Regulations 2019**

4. In regulation 5(4) of the Common Agricultural Policy and Market Measures (Miscellaneous Amendments) (EU Exit) Regulations 2019, for “16 and 17,” substitute “19 and 20,”.

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

5.—(1) The Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019(6) are amended as follows.

(2) In regulation 4(b), in the inserted text, in point (c)(ii)(aa), for “Annex X” substitute “Annexes 4 and 10”.

(3) In regulations 32(d) and 46(b), in the inserted text, for “on or before 31 December 2020” substitute “before the end of the period of 21 months beginning on the day on which exit day falls”.

(4) In regulation 46, in the words before point (a), for “Article 119(1)” substitute “Article 119”.

(5) In regulation 48(b), in the inserted text, for “prior to 31 December 2020” substitute “before the end of the period of 21 months beginning on the day on which exit day falls”.

(6) In regulation 80—

(a) in sub-paragraphs (b)(ii), (b)(iii)(bb) and (c)(ii), in the substituted text, for “relevant” substitute “appropriate”;

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

“(ii) in part 4 (Presentation), in the second paragraph—

(aa) for “Member States are authorised to” substitute “The appropriate authority may”;

(bb) for “refeence” substitute “reference”.

**Amendment of the Market Measures (Marketing Standards) (Amendment) (EU Exit) Regulations 2019**

6.—(1) The Market Measures (Marketing Standards) (Amendment) (EU Exit) Regulations 2019(7) are amended as follows.

(2) In regulations 3(11) and 4(6), in the inserted text, for “31 December 2020”, in each place it occurs, substitute “the end of the period of 21 months beginning on the day on which exit day falls”.

(3) In regulation 8—

(a) in paragraph (17), in the inserted text, for “31 December 2020” substitute “the end of the period of 21 months beginning on the day on which exit day falls”;

(b) in paragraph (42)—

(i) in sub-paragraphs (a)(i) and (b), in the substituted text, for “31 December 2020” substitute “the end of the period of 21 months beginning on the day on which exit day falls”;

(ii) in sub-paragraph (c), for “provision” substitute “provisions”.

**Amendment of the Market Measures (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2019**

7.—(1) The Market Measures (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2019(8) are amended as follows.

(2) In regulation 2(4)(b), in the substituted text, for “29 March 2021”, in each place it occurs, substitute “the end of the period of two years beginning on the day after that on which exit day falls”.

(3) In regulations 5(14) and 6(4), in the inserted text, for “on or before 31 December 2020”, in each place it occurs, substitute “before the end of the period of 21 months beginning on the day on which exit day falls”.

*George Eustice*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

28th October 2019

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(7) [S.I. 2019/822](#), amended by [S.I. 2019/812](#).

(8) [S.I. 2019/824](#), amended by [S.I. 2019/812](#).

## **EXPLANATORY NOTE**

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

These Regulations are made in exercise of the powers conferred by section 8(1) 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), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations amend transitional provisions contained in the Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019 (S.I. 2019/821), the Market Measures (Marketing Standards) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/822) and the Market Measures (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/824) to take account of subsequent amendments to the definition of “exit day” in the European Union (Withdrawal) Act 2018 (c. 16).

These Regulations also make minor amendments to correct errors in the Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), the Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/765), the Common Agricultural Policy and Market Measures (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/812) and the Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019.

The statutory instruments amended by these Regulations amend retained EU law in relation to the Common Agricultural Policy and agricultural market measures.

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.