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STATUTORY INSTRUMENTS

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**2020 No. 1452**

**EXITING THE EUROPEAN UNION  
AGRICULTURE**

**The Common Organisation of the Markets  
in Agricultural Products (Miscellaneous  
Amendments) (EU Exit) 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, 8B and 8C of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(1), makes the following Regulations.

In accordance with paragraph 1(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 and commencement**

**1.—(1)** These Regulations may be cited as the Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020.

**(2)** These Regulations come into force—

- (a)** as regards Part 2, on IP completion day;
- (b)** otherwise, immediately before IP completion day.

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(1) [2018 c. 16](#). Section 8B was inserted by section 18 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 1235/2008**

2.—(1) [Commission Regulation \(EC\) No 1235/2008](#) laying down detailed rules for implementation of [Council Regulation \(EC\) No 834/2007](#) as regards the arrangements for imports of organic products from third countries(2) is amended as follows.

- (2) In Article 8—
  - (a) in paragraph 3—
    - (i) for “Commission”, in each place it occurs, substitute “Secretary of State”;
    - (ii) in the first subparagraph, in the second sentence, for “it designates” substitute “designated by the Secretary of State”;
  - (b) in paragraph 4, in the first subparagraph—
    - (i) for “Commission”, in both places it occurs, substitute “Secretary of State”;
    - (ii) for “it” substitute “the Secretary of State”.
- (3) In Article 11(1), omit the second sentence.
- (4) In Article 13(2), omit the second subparagraph.
- (5) In Annex 3—
  - (a) in the entry for Chile—
    - (i) in paragraph 2, for “Union” substitute “United Kingdom”;
    - (ii) in paragraph 7, for “31 December 2020” substitute “31 December 2023”;
  - (b) in the entry for Israel, in paragraph 2, for “Union” substitute “United Kingdom”;
  - (c) in the entry for Japan, in paragraph 2, for “Union” substitute “United Kingdom”;
  - (d) in the entry for Switzerland, in paragraph 2, for “Union” substitute “United Kingdom”;
  - (e) in the entry for New Zealand, in paragraph 2, for “Union” substitute “United Kingdom”;
  - (f) in the entry for the Republic of Korea, in paragraph 2, for “Union” substitute “United Kingdom”.
- (6) In Annex 4, for “30 June 2021”, in each place it occurs, substitute “1 January 2023”.

#### **Commission Regulation (EC) No 1295/2008**

3. In Article 1(1) of [Commission Regulation \(EC\) No 1295/2008](#) on the importation of hops from third countries(3), after “products” insert “imported”.

#### **Commission Delegated Regulation (EU) No 2016/1237**

4.—(1) [Commission Delegated Regulation \(EU\) No 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(4) is amended as follows.

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(2) EUR 2008/1235, prospectively amended by [S.I. 2019/692](#).  
(3) EUR 2008/1295, prospectively amended by [S.I. 2019/822](#), 828.  
(4) EUR 2016/1237, prospectively amended by [S.I. 2019/1409](#).

- (2) In Article 7 (Release and forfeit of securities)—
  - (a) in paragraph 3, for “EUR 500” substitute “£500”;
  - (b) in paragraph 4, for “EUR 100” substitute “£100”.

## PART 3

### Amendment to domestic regulations

#### **The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019**

5.—(1) The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019(5) is amended as follows.

- (2) In regulation 2 (amendment to Regulation 834/2007)—
  - (a) for paragraph (2)(a) substitute—
    - “(a) in paragraph 1—
      - (i) omit “Community”;
      - (ii) after “market” insert “in Great Britain”;
  - (b) for paragraph (3)(a)(i) substitute—
    - “(i) omit “Community”;
- (3) In regulation 3 (amendment to Regulation 889/2008)—
  - (a) in paragraph (2)—
    - (i) for sub-paragraph (a) substitute—
      - “(a) in the first subparagraph, for “the Community” substitute “Great Britain”;
    - (ii) in point (b), for “the United Kingdom” substitute “Great Britain”;
  - (b) for paragraph (3), substitute—
    - “(3) In Article 83, in the second paragraph, for “the Community” substitute “Great Britain”;
  - (c) in paragraph (4)—
    - (i) for sub-paragraph (a), substitute—
      - “(a) in the first paragraph, for “the Community” substitute “Great Britain”;
    - (ii) in sub-paragraph (b), for “the United Kingdom” substitute “Great Britain”.
- (4) In regulation 4 (amendment to Regulation 1235/2008)—
  - (a) in paragraph (2)—
    - (i) for sub-paragraph (a)(ii) substitute—
      - “(ii) for “the Union” substitute “Great Britain”;
    - (ii) in sub-paragraph (d) for “the United Kingdom” substitute “Great Britain”;
    - (iii) in sub-paragraph (e), in the inserted text, omit paragraph 13(d);
  - (b) in paragraph (4)(c)—
    - (i) for sub-paragraph (i)(bb) substitute—

- “(bb) for “the Community” substitute “Great Britain”.”;
  - (ii) for sub-paragraph (ii) substitute—
    - “(ii) in point (a), for “the Community” substitute “Great Britain”.”;
- (c) in paragraph (7)(b)—
  - (i) in sub-paragraph (i), for “the United Kingdom” substitute “Great Britain”;
  - (ii) for sub-paragraph (ii) substitute—
    - “(ii) in point (f), for “the Union” substitute “Great Britain”.”;
- (d) for paragraph (8)(b)(iii) substitute—
  - “(iii) for “the Community”, in each place it occurs, substitute “Great Britain”.”;
- (e) for paragraph (11)(c) substitute—
  - “(c) in paragraph 3, for “the Community”, in each place it occurs, substitute “Great Britain”.”;
- (f) in paragraph (13)—
  - (i) for sub-paragraph (a)(i) substitute—
    - “(i) in the first subparagraph, for “the Union” substitute “Great Britain”.”;
  - (ii) for sub-paragraph (c)(i)(bb) substitute—
    - “(bb) for the words from “the electronic Trade” to the end substitute “Great Britain’s import control system”.”;
  - (iii) for sub-paragraph (c)(ii) substitute—
    - “(ii) omit the second subparagraph.”;
  - (iv) for sub-paragraph (d)(i) substitute—
    - “(i) in the second subparagraph, for “the Union” substitute “Great Britain”.”;
  - (v) in sub-paragraph (f), in the inserted text—
    - (aa) for “exit day”, in each place it occurs, substitute “IP completion day”;
    - (bb) for “the United Kingdom”, in each place it occurs, substitute “Great Britain”;
    - (cc) for “31st December 2020” substitute “31st December 2022”;
- (g) in paragraph (14), in sub-paragraphs (a)(i), (b)(i) and (c), for “the United Kingdom’s” substitute “Great Britain’s”;
- (h) in paragraph (16), in sub-paragraph (a)(ii) and sub-paragraph (b) for “the United Kingdom’s”, in both places it occurs, substitute “Great Britain’s”;
- (i) in paragraph (17), for “The United Kingdom’s” substitute “Great Britain’s”;
- (j) in paragraph (18)—
  - (i) in sub-paragraph (a)(iii), for “the United Kingdom” substitute “Great Britain”;
  - (ii) in sub-paragraph (a)(iv), in the inserted text, for “the United Kingdom” substitute “Great Britain”;
  - (iii) in sub-paragraph (b)(iv)(aa), for “the United Kingdom’s” substitute “Great Britain’s”;
  - (iv) in sub-paragraph (b)(iv)(cc), for “the United Kingdom” substitute “Great Britain”;
- (k) for paragraph (19)(a)(i)(aa) substitute—
  - “(aa) for “the Union” substitute “Great Britain”.”;

- (l) in paragraph (26)—
  - (i) for sub-paragraph (a) substitute—
    - “(a) in the heading, for “THE EUROPEAN UNION” substitute “GREAT BRITAIN”;;”;
  - (ii) in sub-paragraph (b), for “the United Kingdom” substitute “Great Britain”;
  - (iii) in sub-paragraph (c)(i), for “the United Kingdom” substitute “Great Britain”;
  - (iv) for sub-paragraph (c)(ii) substitute—
    - “(ii) in the entry relating to box 3, for “the electronic Trade Control and Expert System (TRACES)” substitute “Great Britain’s import control system”;;”;
  - (v) in sub-paragraph (c)(iii), for “the United Kingdom”, in both places it appears, substitute “Great Britain”;
  - (vi) in sub-paragraph (c)(iv) for “the United Kingdom” substitute “Great Britain”;
  - (vii) for sub-paragraph (c)(v) substitute—
    - “(v) in the entry relating to box 9, for the words from “the country in” to the end substitute “Great Britain”;;”;
  - (viii) in sub-paragraph (c)(vi), for “the United Kingdom” substitute “Great Britain”;
  - (ix) for sub-paragraph (c)(vii)(aa) substitute—
    - “(aa) for “the European Union” substitute “Great Britain”;;”;
  - (x) for sub-paragraph (c)(viii) substitute—
    - “(viii) in the entry relating to box 12, for “the European Union” substitute “Great Britain”;;”;
- (m) in paragraph (27)—
  - (i) for sub-paragraph (a) substitute—
    - “(a) in the heading, for “THE EUROPEAN UNION” substitute “GREAT BRITAIN”;;”;
  - (ii) in sub-paragraph (b), for “the United Kingdom” substitute “Great Britain”;
  - (iii) in sub-paragraph (c)(i), for “the United Kingdom” substitute “Great Britain”;
  - (iv) for sub-paragraph (c)(ii) substitute—
    - “(ii) in the entry relating to box 3, for “the electronic Trade Control and Expert System (“TRACES”)” substitute “Great Britain’s import control system”;;”;
  - (v) for sub-paragraph (c)(iii) substitute—
    - “(iii) in the entry relating to box 9, for the words from “the country in” to the end substitute “Great Britain”;;”;
  - (vi) in sub-paragraph (c)(iv), for “the United Kingdom” substitute “Great Britain”;
  - (vii) for sub-paragraph (c)(v) substitute—
    - “(v) in the entry relating to box 11, for “the European Union” substitute “Great Britain”;;”.

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

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

(2) In regulation 3(a) (amendment to Article 77 of Regulation 1308/2013), in the inserted text—

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

(ii) for “29 March 2021”, in both places it occurs, substitute “1 July 2021”.

(3) In regulation 7(b) (amendment to Article 107 of Regulation 1308/2013), in the substituted text—

(a) At the end of paragraph 1 insert—

“The entries are to be treated as having effect on IP completion day.”;

(b) for paragraph 2 substitute—

“2. For the purposes of paragraph 1—

(a) ‘established protected designation of origin’ means a designation of origin within the meaning of Article 93(1)(a) to which Article 54(2) of the EU withdrawal agreement applies;

(b) ‘established protected geographical indication’ means a geographical indication within the meaning of Article 93(1)(b) to which Article 54(2) of the EU withdrawal agreement applies;

(c) ‘established traditional term’ means a traditional term within the meaning of Article 112 to which Article 54(2) of the EU withdrawal agreement applies.”

(4) In regulation 27 (amendment to Article 190(2) of Regulation 1308/2013), in the inserted text, for “29 March 2021” substitute “1 July 2021”.

(5) For regulation 30(d)(ii) (amendment to Article 6 of Regulation 510/2014), substitute—

“(ii) for “a third” substitute “another”.”.

(6) In regulation 40 (amendment to Article 2 of Regulation 566/2008), in the substituted text, omit paragraph 1(b)(iv).

(7) In regulation 41 (amendment to Article 7 of Regulation 566/2008)—

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

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

(b) in sub-paragraph (a)(iii), in the inserted text, for “exit day”, in both places it occurs, substitute “IP completion day”;

(c) for sub-paragraph (a)(iv) substitute—

“(iv) for “Member States” substitute “relevant authorities for Wales and Scotland”.”;

(d) omit sub-paragraph (a)(v).

(8) In regulation 44 (amendment to Article 14 of Regulation 543/2011)—

(a) in sub-paragraph (a)—

(i) for paragraph (i) substitute—

“(i) for “the Union”, in the first and second place it occurs, substitute “Great Britain”.”;

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(6) [S.I. 2019/828](#), prospectively amended by [S.I. 2019/1403](#).

- (ii) after paragraph (iii) insert—
    - “(iv) for “the Union”, in the third place it occurs, substitute “Great Britain’s”;
  - (b) in sub-paragraph (c), in the inserted text, for “29 March 2021”, in both places it occurs, substitute “the end of the period of two years beginning on the day after that on which IP completion day falls”.
- (9) In regulation 45 (amendment to Article 15 of Regulation 543/2011)—
- (a) for sub-paragraph (a) substitute—
    - “(a) in the heading, for “the Union” substitute “Great Britain”;
  - (b) for sub-paragraph (b)(iii) substitute—
    - “(iii) for “the Union” substitute “Great Britain”;
  - (c) for sub-paragraph (c) substitute—
    - “(c) in paragraph 2, for “the Union”, in each place it occurs, substitute “Great Britain”.
- (10) For regulation 50(1) (amendment to Article 1(1) of Regulation 1295/2008), substitute—
  - “(1) for “the Community” substitute “Great Britain”.
- (11) In regulation 51 (amendment to Article 1(2) of Regulation 1295/2008), in the substituted text, for “29 March 2021” substitute “1 July 2021”.
- (12) In regulation 52(b) (amendment to Article 3 of Regulation 1295/2008), in the inserted text—
  - (a) for “29 March 2021”, substitute “1 July 2021”.
- (13) In regulation 53 (amendment to Article 4(1) of Regulation 1295/2008), in the inserted text—
  - (a) for “29 March 2021”, in both places it occurs, substitute “1 July 2021”;
  - (b) for “the United Kingdom” substitute “Great Britain”.
- (14) In regulation 54 (amendment to Article 6 of Regulation 1295/2008), in the inserted text—
  - (a) for “29 March 2021”, in both places it occurs, substitute “1 July 2021”;
  - (b) for “the United Kingdom” substitute “Great Britain”.

### **The Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019**

7.—(1) The Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019(7) are amended as follows.

- (2) In regulation 3(3) (amendment to Article 30(1) of Regulation 589/2008) in the substituted text for “the United Kingdom” substitute “Great Britain”.
- (3) In regulation 5(5) (amendment to Article 89 of Regulation 1308/2013)—
  - (a) for sub-paragraph (a)(i) substitute—
    - “(i) for the words from “the Union” to “countries” substitute “Great Britain and certain third countries, movement between Great Britain and Northern Ireland,”;
  - (b) in sub-paragraph (b)(ii), for “the United Kingdom” substitute “Great Britain”;
  - (c) for sub-paragraph (c) substitute—
    - “(c) in point (b), for “the Union” substitute “Great Britain”.
- (4) In regulation 7 (amendment to Regulation 510/2014)—

- (a) in paragraph (4)(b), in the substituted text, for “exit day”, in both places that it occurs, substitute “IP completion day”;
- (b) in paragraph (5)(b), in the substituted text, for “exit day”, in both places that it occurs, substitute “IP completion day”.

**The Common Organisation of the Markets in Agricultural Products (Transitional Arrangements etc.) (Amendment) (EU Exit) Regulations 2019**

**8.** In regulation 2 of the Common Organisation of the Markets in Agricultural Products (Transitional Arrangements etc.) (Amendment) (EU Exit) Regulations 2019<sup>(8)</sup>—

- (a) omit paragraph (2);
- (b) omit paragraphs (7) to (11).

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

**9.**—(1) The Import and Export Licences (Amendment etc.) (EU Exit) Regulations 2019<sup>(9)</sup> are amended as follows.

(2) Omit paragraph 5(4) of Schedule 1 (amendment to Article 5 of Regulation 2016/1237).

(3) In paragraph 4 of Schedule 2 (amendment to Article 5 of Regulation 2016/1239), in the substituted text, for the paragraph number “5” substitute “2”.

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

4th December 2020

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<sup>(8)</sup> S.I. 2019/1403.  
<sup>(9)</sup> S.I. 2019/1409.



## **EXPLANATORY NOTE**

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

These Regulations are made in exercise of the powers conferred by sections 8(1), 8B 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), (d) and (g)) arising from the withdrawal of the UK from the European Union, to implement Part 3 of the EU withdrawal agreement, to reflect the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement, and to make transitional provision.

These Regulations make amendments in the areas of agricultural market measures and organic production. Part 2 amends retained direct EU legislation. Part 3 amends subordinate legislation which 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.