EXPLANATORY MEMORANDUM TO

THE COMMON ORGANISATION OF THE MARKETS IN AGRICULTURAL PRODUCTS (MISCELLANEOUS AMENDMENTS) (EU EXIT) REGULATIONS 2020

2020 No. [0000]

AND

THE COMMON ORGANISATION OF THE MARKETS IN AGRICULTURAL PRODUCTS (MISCELLANEOUS AMENDMENTS) (EU EXIT) (NO. 2) REGULATIONS 2020

2020 No. [0000]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid by Command of Her Majesty.

2. Purpose of the instrument

2.1 These statutory instruments amend retained European Union ("EU") legislation relating to the Common Organisation of Agricultural Markets ("CMO"), domestic secondary legislation which implements EU legislation in respect of the CMO, and existing domestic secondary legislation which itself amends retained EU CMO legislation, to enable it to work effectively following the end of the transition period.

2.2 The amendments will correct the retained EU legislation in accordance with the European Union (Withdrawal) Act 2018 (as amended by the European Union (Withdrawal Agreement) Act 2020), to ensure the implementation of the Northern Ireland Protocol and to remove ambiguities, inconsistencies and typographical mistakes so that the instruments are able to function as intended following the end of the transition period. Amendments will also be made to the transitional provisions concerning the import of hops and hops products, notification requirements for imports of beef and veal from third countries and marking requirements for hatching eggs and chicks imported from the EU.

2.3 The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 also make provisions in respect of organic production. The instrument will amend retained EU law relating to organic production and existing domestic secondary legislation which itself amends retained EU organics legislation. The amendments will ensure alignment with the Northern Ireland Protocol and provide operability to existing provisions in retained Regulation (EC) No 1235/2008.

2.4 A full list of the legislation being amended by these instruments can be found in Annex 2 of this Explanatory Memorandum.

Explanations

What did any relevant EU law do before exit day?

2.5 The CMO is the framework for the functioning and administration of the Common Organisation of Agricultural Markets and is part of pillar 1 of the Common Agriculture Policy ("CAP"). CMO was set up as a means of meeting the objectives of the CAP (Article 40 Treaty on the Functioning of the European Union), to stabilise markets, ensure a fair standard of living for agricultural producers and increase agricultural productivity. It has broadened out to provide a toolkit that enables the EU to:

(i) manage market volatility;

(ii) incentivise collaboration between and competitiveness of agricultural producers; and

(iii) facilitate trade.

2.6 Organic food has been strictly regulated in the UK and in other EU Member States by Council Regulation (EC) No 834/2007 and Commission Regulations (EC) Nos 889/2008 and 1235/2008. The regulations set out the requirements for organic production, processing, labelling and imports, and the inspection systems that must be in place to ensure the requirements are met. The regulations apply to organic food, feed and vegetative propagating material or seeds for cultivation.

Why is it being changed?

2.7 These instruments aim to ensure that the retained EU legislation is fully operable following the end of the transition period.

2.8 The retained EU legislation, which currently applies to the whole of the UK, was previously amended on the basis that the UK would leave the EU without an agreement and transitional provisions were amended to support continued trade and minimise border disruptions following a "no deal" EU Exit. However, as the UK withdrew from the EU on 31 January 2020, with an agreement in place, the retained EU legislation needs to be further amended to reflect this and the provisions of the European Union (Withdrawal) Act 2018, in particular, the Northern Ireland Protocol. Under the Protocol, any direct EU legislation included in the Protocol will continue to have effect in Northern Ireland and the retained EU legislation will only apply in Great Britain.

2.9 Amendments are also needed to provide operability to existing provisions in retained Regulation (EC) No 1235/2008. This will ensure that the UK can continue to import third country products which contain UK ingredients and import products from third countries where they are certified by third country control bodies listed in the retained regulation.

What will it now do?

2.10 These instruments will use powers in the European Union (Withdrawal) Act 2018 to make operability amendments to the retained EU legislation to ensure that it remains coherent and continues to function as intended following the end of the transition period.

2.11 These instruments will ensure that the retained EU legislation aligns with the provisions of the European Union (Withdrawal) Act 2018, including the implementation of the Northern Ireland Protocol, and remove ambiguities and inconsistences whilst still maintaining continuity as far as possible. This will provide clarity to stakeholders on the requirements for goods placed on the market in GB and moving to NI following the end of the transition period.

2.12 The transitional provisions concerning the import of hops and hops products will be amended to align with the Government's Border Operating Model and the transitional arrangements concerning notification requirements for imports of beef and veal from third countries and marking requirements for hatching eggs and chicks imported from the EU, will be omitted. Further detail on the transitional provisions can be found in Section 7.3 and 7.4 of this Explanatory Memorandum.

2.13 Further detail on the specific changes being made by these instruments is in Section 7 and Annex 2 of this Explanatory Memorandum.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 These instruments are being published under the free issue procedure. Defra decided not to revoke or remake the existing instruments due to the technical nature of the errors corrected by these instruments.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 The territorial application of these instruments varies between provisions.

3.3 The powers under which these instruments are laid cover the entire United Kingdom (see Section 24 of the European Union (Withdrawal) Act 2018 and the territorial application of these instruments are not limited either by Act or by the instruments.

4. Extent and Territorial Application

4.1 The territorial extent of The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 is the UK. Provisions in The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2020 have different extent depending on the extent of the legislation that is the subject of amendment.

4.2 The territorial application of The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 is the UK. Provisions in The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2020 have different territorial application depending on the extent of the legislation that is the subject of amendment.

5. European Convention on Human Rights

5.1 The Parliamentary Under Secretary of State for Agriculture, Fisheries and Food, Rt Hon Victoria Prentis MP, has made the following statement regarding Human Rights:

5.2 "In my view the provisions of The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 and

The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2020 are compatible with the Convention rights."

6. Legislative Context

6.1 The European Union (Withdrawal) Act 2018 provides for the retention of most EU law as it stands at the moment of the end of the transition period in domestic law as 'retained EU law'. It also confers temporary powers to make secondary legislation, to enable corrections to be made to retained EU law that would be deficient or would otherwise no longer operate effectively following the end of the transition period. This power can be used to amend both domestic legislation and retained direct EU legislation.

6.2 These instruments make amendments to the retained EU legislation, to domestic secondary legislation which implements EU legislation in respect of the CMO and to existing domestic secondary legislation which itself amends retained EU legislation, to ensure that the legislation remains coherent and continues to function correctly following the end of the transition period.

7. Policy Background

What is being done and why?

7.1 The existing domestic secondary legislation which itself amends retained EU legislation was drafted for the UK as a whole and on the basis that the UK would leave the EU without an agreement. As such, a number of the existing transitional arrangements were amended in order to support continued trade and minimise border disruptions following a "no deal" EU Exit. However, as the UK withdrew from the EU on 31 January 2020, with an agreement in place, the legislation needs to be updated to reflect this and the provisions of the European Union (Withdrawal) Act 2018, in particular, the Northern Ireland Protocol.

7.2 A majority of the amendments made by these instruments relate to the implementation of the Northern Ireland Protocol. Any direct EU legislation included in the Protocol will continue to have effect in Northern Ireland and the retained EU legislation will only apply in Great Britain. As the existing domestic secondary legislation amending retained EU legislation was drafted for the UK as a whole rather than just Great Britain, amendments to the legislation are necessary in order to omit references relating to Northern Ireland, where applicable, so it can remain aligned with the EU.

7.3 Amendments are also being made to the transitional provisions in retained EU CMO legislation concerning the import of hops and hops products, notification requirements for imports of beef and veal from third countries and marking requirements for hatching eggs and chicks imported from the EU in order to align with the Government's Border Operating Model of introducing new border controls in stages or because they are no longer required and can be removed.

7.4 All other transitional provisions will be retained, with "exit day" references being replaced with "IP completion day" and brought together under these instruments in order to avoid further amending already amended transitional provisions. For example, the transitional period for beef and veal labelling, which was introduced in retained Regulation (EC) 1825/2000 by The Market Measures (Marketing Standards) (Amendment) (EU Exit) Regulations 2019, refers to the end of the transitional period

as 31 December 2020. This was later amended by The Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019, which replaced "31 December 2020" with "until the end of the period of 21 months beginning on the day on which exit day falls". However, as the reference to "exit day" now needs to be replaced with "IP completion day", The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments (EU Exit) (No.2) Regulations 2020 will make a direct amendment to the transitional provision introduced under The Market Measures (Marketing Standards) (Amendment) (EU Exit) Regulations 2019 so that "31 December 2020" will be replaced with "before the end of the period of 21 months beginning on the day on which IP completion day falls". As such, the amendment made by The Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 will no longer be necessary and will be repealed.

7.5 The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 will also make provisions in respect of organic production. The instrument will provide operability to existing provisions in retained Regulation (EC) No 1235/2008. These amendments will ensure the continuation of the import and trade in organic food, feed and vegetative propagating material or seeds for cultivation.

7.6 Other legislation being amended contains a small number of errors, inconsistencies and operability issues which require correction in order to ensure the retained EU legislation is able to function as intended following the end of the transition period. These amendments are wholly technical in nature.

7.7 The terms of the Withdrawal Agreement, including the regulations in Annex 2 of the Northern Ireland Protocol that are directly applicable in Northern Ireland do not generally require specific amendment given that Section 7A(3) of the European Union (Withdrawal) Act 2018 gives primacy to the terms of the Withdrawal Agreement. However, some amendments are made to reflect the terms of the Withdrawal Agreement where this is useful for clarity, for example regulation 6(3) of the Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 amends provisions in respect of geographical indications in order to align with the Withdrawal Agreement.

7.8 A detailed explanation of the amendments being made within these instruments can be found in Annex 2 of this Explanatory Memorandum.

8. European Union (Withdrawal) Act 2018/Withdrawal of the United Kingdom from the European Union

8.1 These instruments are being made using the powers in Section 8, 8B and 8C of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom 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 provisions. In accordance with the requirements of that Act, the Minister has made the relevant statements as detailed in Part 2 of Annex 1 to this Explanatory Memorandum.

9. Consolidation

9.1 Defra does not intend to consolidate the relevant legislation at this time.

10. Consultation outcome

10.1 Defra has previously consulted on existing domestic secondary legislation through representative bodies and an open consultation concerning food labelling, as required by Article 9 of Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, during the preparation and evaluation of these Regulations so far as they relate to food.

10.2 No further consultation has been undertaken for the amendments being made under these instruments given that they are mostly technical in nature, but Defra has engaged with relevant stakeholders on its approach to CMO legislation under the European Union (Withdrawal) Act 2018, including on the Northern Ireland Protocol, to familiarise them with the legislation ahead of laying.

10.3 Defra has also engaged with the United Kingdom Organic Certifiers Group (UKOCG), as industry representatives, to familiarise them of the proposed amendments that will be made by The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 and on the future implementation of the UK Regulations following the end of the transition period.

10.4 Defra has also engaged the Devolved Administrations on its approach to retained EU legislation under the European Union (Withdrawal) Act 2018, including on these instruments, to familiarise them with the legislation ahead of laying. Defra has worked collaboratively with the Devolved Administrations to create these instruments and has fully involved the Devolved Administrations in discussion on the measures in these instruments, in relation to both reserved and devolved matters.

11. Guidance

11.1 Defra is not producing any specific guidance on these instruments, as they mainly make technical amendments to the recently created domestic law arising from the UK's withdrawal from the EU. However, the Government has published guidance on the Border Operating Model and will also ensure the relevant information that is available on gov.uk is accurate and up to date.

12. Impact

12.1 There is no significant, impact on business, charities or voluntary bodies as a direct result of these instruments. These instruments mainly correct deficiencies, reintroduce transitional provisions, or make technical amendments to retained EU legislation, domestic secondary legislation which implements EU legislation in respect of the CMO, and existing domestic secondary legislation which itself amends retained EU legislation, to ensure operability following end of the transition period.

12.2 There is no significant impact on the public sector as a direct result of these instruments.

12.3 An Impact Assessment has not been prepared for this instrument as no significant impact on the private or voluntary sector is foreseen. The purpose of the instruments is to maintain existing regulatory standards and so there is expected to be minimal impact on businesses. The transitional provisions relating to labelling requirements,

documentation requirements or processes, are being retained in order to provide sufficient time for businesses to adjust. There should therefore be no significant or immediate changes in business practices and no changes in the direct costs faced by businesses as a result of these instruments. As a result, Defra is confident that these changes in regulation falls below the £5m p.a. threshold for net direct costs to business.

13. Regulating Small Business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 No disproportionate impacts are expected to affect small and micro businesses. The transitional provisions relating to labelling requirements, documentation requirements or processes, are being retained in order to provide sufficient time for businesses to adjust.

14. Monitoring & Review

14.1 As this instrument is made under the European Union (Withdrawal) Act 2018, no review clause is required. Defra and its agencies will, however, monitor and review the impact of the instruments as part of its standard policy-making procedures, and will ensure that the provisions are adhered to.

15. Contact

15.1 Nasima Alam at Defra, Telephone: 0207 8955672 or email: Nasima.Alam@defra.gov.uk can be contacted with any queries regarding these instruments.

15.2 Ruhena Ahmed and Balwinder Dhoot, Deputy Directors for Food, Farming Sectors and Trade, at the Defra can confirm that this Explanatory Memorandum meets the required standard.

15.3 Rt Hon Victoria Prentis MP, Parliamentary Under Secretary of State for Agriculture, Fisheries and Food, can confirm that this Explanatory Memorandum meets the required standard.

Annex 1
Statements under the European Union (Withdrawal) Act 2018

Part 1
Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising Sections 8(1), 9 and 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees
Appropriate-ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising Sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising Sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising Sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising Sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.
Criminal	Sub-paragraphs (3) and (7)	Ministers of the Crown	Set out the 'good reasons' for creating a

offences	of paragraph 28, Schedule 7	exercising Sections 8(1), 9, and 23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	criminal offence, and the penalty attached.
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising Sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 13, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before exit day, and explaining the instrument's effect on retained EU law.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 16, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.

Part 2

Statements required when using enabling powers under the European Union (Withdrawal) Act 2018

1. Appropriateness statement

1.1 The Parliamentary Under Secretary of State for Agriculture, Fisheries and Food, Rt Hon Victoria Prentis MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In my view The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 and The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2020 do no more than is appropriate".

1.2 This is the case because the amendments made by these instruments are the minimum required to ensure that retained EU and existing domestic legislation remain operable following the withdrawal of the United Kingdom ("UK") from the European Union ("EU"). The amendments are predominantly technical in nature and do no more than is strictly necessary to ensure that UK law continues to function effectively. See Section 7 and Annex 2 of this Explanatory Memorandum.

1. Good reasons

1.1 The Parliamentary Under Secretary of State for Agriculture, Fisheries and Food, Rt Hon Victoria Prentis MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In my view there are good reasons for the provisions in these instruments, and I have concluded they are a reasonable course of action".

1.2 These are: the amendments to retained EU and existing domestic legislation are necessary to ensure that the Common Market Organisation ("CMO") and Organics production arrangements can continue to operate seamlessly and without ambiguity following the end of the transition period. See Section 7 and Annex 2 of this Explanatory Memorandum.

2. Equalities

2.1 The Parliamentary Under Secretary of State for Agriculture, Fisheries and Food, Rt Hon Victoria Prentis MP, has made the following statements:

"The draft instruments do not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts".

2.2 The Parliamentary Under Secretary of State for Agriculture, Fisheries and Food, Rt Hon Victoria Prentis MP, has made the following statement regarding use of legislative powers in the main body of the European Union (Withdrawal) Act 2018:

"In relation to the draft instruments, I, Victoria Prentis MP, have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010".

3. Explanations

3.1 The explanations statement has been made in Section 2 of this Explanatory Memorandum.

Annex 2
Further detail on the amendments made by these Statutory Instruments set out in the main body of this Explanatory Memorandum

Part 1

The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020

1. Further detail on the retained EU legislation and existing domestic secondary legislation amended made by this instrument.

1.1 The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 relates to what Defra considers as reserved policy areas of the Common Organisation of Agricultural Markets ("CMO") and organic production, and amends the retained EU legislation and existing domestic secondary legislation below:

- 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
- Commission Regulation (EC) No 1295/2008 of 18 Dec 2008 on the importation of hops from third countries
- 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 The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019
- The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019
- The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019
- The Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019
- The Common Organisation of the Markets in Agricultural Products (Transitional Arrangements etc.) (Amendment) (EU Exit) Regulations 2019

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

2. Detail on the amendments made by The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020

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

2.1 This instrument will make operability amendments to ensure that the UK can continue to import third country products which contain UK ingredients and import products from third countries where they are certified by third country control bodies listed in the retained Regulation (EC) No 1235/2008. For example, references to "the Union" will be replaced with "United Kingdom".

Commission Regulation (EC) No 1295/2008 of 18 Dec 2008 on the importation of hops from third countries

2.2 This instrument will make a technical amendment to Article 1(1) of the legislation by inserting "imported" into the text, after the word "products" in order to ensure consistency with other similar provisions and clarify that the regulation refers to imported hops and hops products from third countries.

Commission Delegated Regulation (EU) No 2016/1237

2.3 This instrument will make a technical amendment to Article 7(3) and 7(4) to replace references to amounts in euros with pounds sterling.

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

2.4 This instrument will make technical amendments in order to account for the Northern Ireland Protocol and ensure operability. For example, where applicable, references that include or relate to Northern Ireland will be amended, clarified or omitted. This will ensure that any direct EU legislation included in the Protocol will continue to have effect in Northern Ireland and that the retained EU legislation will only apply in Great Britain.

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

2.5 This instrument will make technical corrections in order to account for the Northern Ireland Protocol and ensure operability. For example, where applicable, references that include or relate to Northern Ireland will be amended, clarified or omitted. This will ensure that any direct EU CMO legislation included in the Protocol will continue to have effect in Northern Ireland and that the retained EU CMO legislation will only apply in Great Britain.

2.6 This instrument will also make amendments to the transitional provisions relating to EU certificates and attestations of equivalence for imports of hops and hops products and the notification requirements for imports of beef and veal from third countries. The transitional provision for the import of hops and hops products will be amended so that EU forms and certificates from third countries attesting that a product meets marketing standards requirements, will be accepted up until 1 July 2021 rather than for a period of 2 years, provided that the EU's standards remain at least as high as GB

standards. The transitional provision concerning the notification requirements for the imports of beef and veal from the EU will be omitted. The 2-year transitional provision relating to the certificates of conformity for imports of fruit and vegetables will be retained under this instrument, with "exit day" references being replaced with "IP completion day", and removed from The Common Organisation of the Markets in Agricultural Products (Transitional Arrangements etc.) (Amendment) (EU Exit) Regulations 2019.

2.7 This instrument will also amend the legislation in order to align Article 107 of retained Regulation (EU) No 1308/2013 with Article 54(2) of the Withdrawal Agreement, in respect of protected designations of origin, protected geographical indications, and established traditional terms, in respect of wine.

2.8 This instrument will also make amendments to correct operability issues and typographical errors. For example, "exit day" references replaced with "IP completion day" and reference to "for "third" substitute "another"" will be replaced with "for "**a** third" substitute "another"".

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

2.9 This instrument will make technical corrections in order to account for the Northern Ireland Protocol and ensure operability. For example, where applicable, references that include or relate to Northern Ireland will be amended, clarified or omitted. This will ensure that any direct EU CMO legislation included in the Protocol will continue to have effect in Northern Ireland and that the retained EU CMO legislation will only apply in Great Britain.

2.10 It will also replace references to "exit day" with "IP completion day".

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

2.11 This instrument will repeal the previous amendments that were made to the transitional provisions outlined in Section 2.6 of this Annex as a consequence of the amendments that are being made to the transitional provisions under this instrument.

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

2.12 This instrument will omit 5(4) of Schedule 1, in order to preserve the second subparagraph of Article 5(5) of Regulation (EU) 2016/1237 in retained EU CMO legislation. This is to ensure that any small quantities of rice, in excess of a tariff quota volume, can be imported under the same licence although will be subject to the standard applied tariff.

2.13 It will also correct a typographical error concerning paragraph numbering in Paragraph 4 of Schedule 2.

Part 2

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

1. **Further detail on the retained EU CMO legislation and existing domestic secondary legislation amended made by this instrument.**

1.1 The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2020 relates to both reserved and devolved policy areas of the Common Organisation of Agricultural Markets ("CMO"), and amends the retained EU CMO legislation and existing domestic secondary legislation below:

- 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
- Commission Regulation (EC) No 1850/2006 of 14 December 2006 laying down detailed rules for the certification of hops and hop products
- Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products
- The Hops Certification Regulations 1979
- The Eggs and Chicks (England) Regulations 2009
- The Olive Oil (Marketing Standards) Regulations 2014
- The Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019
- The Market Measures (Marketing Standards) (Amendment) (EU Exit) Regulations 2019
- The Market Measures (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2019
- The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019
- The Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019
- The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019

2. Detail on the amendments made by The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2020

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

2.1 This instrument will make a technical amendment in order to clarify in respect of labelling for the country of slaughter, etc., "country" in relation to the UK means the whole of the UK, and not the constituent nations.

Commission Regulation (EC) No 1850/2006 of 14 December 2006 laying down detailed rules for the certification of hops and hop products

2.2 This instrument will make a technical correction in order to account for the Northern Ireland Protocol and ensure operability. The reference to "UK for the United Kingdom" in point 2 of Annex 6 will be replaced with "GB for Great Britain". This will ensure the retained EU CMO legislation will only apply in Great Britain.

Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products

2.3 This instrument will make a number of technical amendments in order to provide clarification, remove ambiguities and correct drafting inconsistences. For example, the reference to "Regulation (EC) No 110/2008 of the European Parliament and of the Council" in Article 100 will be replaced with an updated reference to "Regulation (EU) No 2019/787 of the European Parliament and of the Council".

2.4 This instrument will also provide operability to existing provisions in retained EU CMO legislation. For example, the reference to "Union" in Article 189 will be replaced with "United Kingdom", and references to "TFEU" will either be omitted or replaced, where applicable.

The Hops Certification Regulations 1979

2.5 This instrument will make technical amendments in respect of Great Britain and Northern Ireland separately, in order to account for the Northern Ireland Protocol and ensure operability. For example, in respect of Great Britain, reference to "the United Kingdom" in regulation 2 will be replaced with "Great Britain" and text will be inserted into regulation 3 to clarify that hops and hops products from Northern Ireland can be certified in accordance with direct EU CMO legislation or have an Attestation of Equivalence issued in accordance with direct EU CMO legislation.

The Eggs and Chicks (England) Regulations 2009

2.6 This instrument will make a technical amendment in order to account for the Northern Ireland Protocol and ensure operability. The reference to "the United Kingdom" in Regulation 11(1) will be replaced with "Great Britain". This will ensure the retained EU CMO legislation will only apply in Great Britain.

The Olive Oil (Marketing Standards) Regulations 2014

2.7 This instrument will amend the legislation in respect of Northern Ireland in order to account for the Northern Ireland Protocol and ensure operability.

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

2.8 This instrument will make technical corrections in order to account for the Northern Ireland Protocol and ensure operability. For example, where applicable, references that include or relate to Northern Ireland will be amended, clarified or omitted. This will ensure that any direct EU CMO legislation included in the Protocol will continue to have effect in Northern Ireland and that the retained EU CMO legislation will only apply in Great Britain.

2.9 The 21-month transitional provisions relating to the labelling requirements for wine will be retained under this instrument, with "exit day" references being replaced with "IP completion day" and removed from The Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019. The provisions will allow for wine, labelled in accordance with EU rules and imported into Great Britain, to be accepted for a period of 21 months following the end of the transition period.

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

2.10 This instrument will make technical corrections in order to account for the Northern Ireland Protocol and ensure operability. For example, where applicable, references that include or relate to Northern Ireland will be amended, clarified or omitted. This will ensure that any direct EU CMO legislation included in the Protocol will continue to have effect in Northern Ireland and that the retained EU CMO legislation will only apply in Great Britain.

2.11 The 21-month transitional provisions relating to the labelling requirements for beef and veal and for fruit and vegetables packages will be retained under this instrument, with "exit day" references being replaced with "IP completion day" and removed from The Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019. The provisions will allow for beef and veal or fruit and vegetables packages, labelled in accordance with EU rules and imported into Great Britain, to be accepted for a period of 21 months following the end of the transition period.

2.12 The instrument will also make other technical amendments to address drafting inconsistencies and to ensure operability such as replacing references to "exit day" with "IP completion day" and inserting a definition of third country in retained Regulation (EC) No 1850/2006 to align with other definitions of third country in retained EU CMO legislation.

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

2.13 This instrument will make technical corrections in order to account for the Northern Ireland Protocol and ensure operability. For example, where applicable, references that include or relate to Northern Ireland will be amended, clarified or omitted. This will ensure that any direct EU CMO legislation included in the Protocol will continue to have effect in Northern Ireland and that the retained EU CMO legislation will only apply in Great Britain.

2.14 This instrument will also make amendments to the transitional provisions relating to EU certificates and attestations of equivalence for imports of hops and

hops products so that EU forms and certificates from third countries attesting that a product meets marketing standards requirements, will be accepted up until 1 July 2021 rather than for a period of 2 years, provided that the EU's standards remain at least as high as GB standards. The 21-month transitional provisions relating to the labelling requirements for beef and veal and for fruit and vegetables packages will be retained under this instrument, with "exit day" references being replaced with "IP completion day" and removed from The Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019. The provisions will allow for beef and veal or fruit and vegetables packages that are labelled in accordance with EU rules and imported into Great Britain to be accepted for a period of 21 months following the end of the transition period.

2.15 It will also replace references to "exit day" with "IP completion day".

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

2.16 This instrument will make technical corrections in order to account for the Northern Ireland Protocol and ensure operability. For example, where applicable, references that include or relate to Northern Ireland will be amended, clarified or omitted and where applicable, "in England, Wales or Scotland" will be inserted after "appropriate authority" references in order to remove any ambiguity. This will ensure that any direct EU CMO legislation included in the Protocol will continue to have effect in Northern Ireland and that the retained EU CMO legislation will only apply in Great Britain.

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

2.17 This instrument will repeal the previous amendments that were made to the transitional provisions outlined in Section 2.9, 2.11 and 2.14 of this Annex as a consequence of the amendments that are being made to the transitional provisions under this instrument. It will also correct a reference to "exit day" to "IP completion day".

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

2.18 This instrument will make technical corrections in order to account for the Northern Ireland Protocol and ensure operability. For example, where applicable, references that include or relate to Northern Ireland will be amended, clarified or omitted and where applicable, "in England, Wales or Scotland" will be inserted after "appropriate authority" references in order to remove any ambiguity. This will ensure that any direct EU CMO legislation included in the Protocol will continue to have effect in Northern Ireland and that the retained EU CMO legislation will only apply in Great Britain.

2.19 This instrument will also omit the 12-month transitional provision relating to the marking requirements for hatching eggs and chicks imported from the EU into Great Britain from retained Regulation (EC) No 617/2008.

2.20 This instrument will also omit the transitional provision that allows for oils, which are labelled in accordance with Regulation (EU) No 29/2012, as it had effect immediately before the end of the transition period to remain on the market until

stocks are exhausted as this is already specified under Withdrawal Agreement, which has effect pursuant to the European Union (Withdrawal) Act 2018.

2.21 This instrument will also make a number of technical amendments in order to correct typographical errors and ensure operability. For example, “office” will be replaced with “officer” and references to “exit day” will be replaced with “IP completion day”.