Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 000

EXITING THE EUROPEAN UNION
AGRICULTURE

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

Made - - - - ***

Coming into force in accordance with regulation 1

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(**1**).

A draft of this instrument was laid before and approved by a resolution of each House of Parliament pursuant to paragraph 1(1) of Schedule 7 to that Act.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Agriculture (Legislative Functions) (EU Exit) (No.2) Regulations 2019.

(2) Subject to paragraph (3), this regulation and regulation 65 come into force immediately before exit day.

(3) Where regulations 2 to 64 and 66 to 88 come into force in accordance with paragraph (4)(b), this regulation and regulation 65 come into force on the day after the day on which these Regulations are made.

(4) Regulations 2 to 64 and 66 to 88 come into force on the later of—

(a) exit day, or

(b) the day after the day on which they are made.

(**1**) 2018 c. 16.

PART 2

Common Market Organisation Amendments

Amendment of Regulation (EU) No 1308/2013

2. Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products is amended in accordance with regulations 3 to 37.

3. In Article 3—

(a) in paragraph 4, for the words from "Commission" to "Article 227" substitute "appropriate authority(**2**) may make regulations";

(b) in paragraph 5, in point (c)(ii)(aa)(**3**), after "16" insert ", 21, 22, 24, 25, 126"

4. For Articles 13 and 14 substitute—

"Article 13

Public intervention

1. The appropriate authority must buy in common wheat, butter and skimmed milk powder during the periods referred to in Article 12 in respect of those products.

2. Subject to paragraphs 3 and 4, the appropriate authority may buy in any other products listed in Article 12 under public intervention during the periods referred to in respect of those products.

2. In the case of durum wheat, barley, maize and paddy rice (including specific varieties or types of paddy rice), the appropriate authority may only buy in products if the market situation so requires.

3. In the case of beef and veal, the appropriate authority may only buy in products if, over the representative period determined pursuant to point (c) of the first paragraph of Article 20, the average market price in the United Kingdom or in a particular region of the United Kingdom, recorded on the basis of the scale for classification of carcasses of bovine animals referred to in point A of Annex IV, is below 85% of the reference threshold laid down in point (d) of Article 7(1).

4. The appropriate authority may close the tendering procedure for the beef and veal sector where, over the representative period determined pursuant to point (c) of the first paragraph of Article 20, the conditions provided for in paragraph 3 of this Article are no longer fulfilled.

Article 14

Buying-in at a fixed price or tendering

The appropriate authority may make regulations laying down measures on:

(a) fixing buying-in prices for the products referred to in Article 11; and

(b) quantitative limitations where buying-in is carried out at a fixed price.".

(**2**) A definition of "appropriate authority" is inserted into Article 3 of Regulation (EU) 1308/2013 by the Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

(**3**) Point (c) is inserted by the Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019 (S.I. 2019/XXXX).

5. For Article 15(2) substitute—

"**2.** The appropriate authority may make regulations fixing the level of the public intervention price, including the amounts of increases and reductions.".

6. In Article 18—

(a) in paragraph 1—

(i) for the words from "Commission" to "Article 227" substitute "appropriate authority may, where necessary, make regulations";

(ii) omit "Union";

(iii) after "prices" insert "in the United Kingdom";

(b) in paragraph 2—

(i) for "Commission may adopt implementing acts" substitute "appropriate authority may make regulations";

(ii) omit the second subparagraph;

(c) for paragraph 3 substitute—

"**3.** The appropriate authority may make regulations fixing the amount of aid for private storage provided for in Article 17.".

7. In Article 19—

(a) in paragraph 1, for the words from "Commission" to "Article 227" substitute "appropriate authority may make regulations";

(b) in paragraph 2, for the words from "Commission" to "Article 227" substitute "appropriate authority may make regulations";

(c) in paragraph 3—

(i) for the words from "Commission" to "Article 227" substitute "appropriate authority may make regulations";

(ii) omit point (b);

(d) in paragraph 4, for the words from "Commission" to "Article 227" substitute "appropriate authority may make regulations";

(e) in paragraph 5—

(i) for the words from "Commission" to "Article 227" substitute "appropriate authority may make regulations";

(ii) in point (b), omit "Member States and";

(f) in paragraph 6—

(i) for the words from "Commission" to "Article 227" substitute "appropriate authority may make regulations";

(ii) in point (a), omit "Union";

(iii) in point (b), for "Union prices", substitute "prices in the United Kingdom";

(iv) in point (c), for "which may be granted by Member States" substitute "applying";

(v) for point (d) substitute—

"(d) providing for the grading scale for classification of pig carcasses not to apply, providing for derogations from the scale, or providing for assessment criteria to be used in addition to weight and estimated lean-meat content.".

8. In Article 20—

(a) for the words from "Commission" to "uniform" substitute "appropriate authority may make regulations in relation to the";

(b) in point (h), for "territory of the Member State" substitute " constituent nation(**4**)";

(c) in point (i), omit the words from ", including", in the first place it occurs, to the end";

(d) in point (j), for "Member States" substitute "the relevant authority(**5**)";

(e) in point (k), omit "of the Member State";

(f) in point (o)(iii), omit the words from "ensuring" to the end;

(g) in point (p), omit "Union";

(h) in point (r), omit "to be applied by Member States";

(i) in point (s), for the words from "by" to "price" substitute "of the weighted average price in the United Kingdom";

(j) in point (t)—

(i) for the words from the beginning to "territory," substitute "provision";

(ii) in point (i), for "their territory" substitute "the constituent nation";

(k) omit point (u);

(l) omit the second subparagraph.

9. In Article 21—

(a) for the words from "The Commission" to "classification" substitute "By way of derogation from point C.III of Annex IV, the appropriate authority may make regulations providing for the following criteria for classification of lambs of less than 13kg carcass weight";

(b) omit the second subparagraph.

10. In Article 24—

(a) in paragraph 1—

(i) for the words from "Commission" to "Article 227" substitute "appropriate authority may make regulations";

(ii) in point (b), omit "by Member States";

(b) for paragraph 2 substitute—

"**2.** In order to ensure proper management of public funds and to facilitate the implementation of the school scheme, the appropriate authority may make regulations laying down:

(a) costs and measures eligible for funding;

(b) provisions for monitoring and evaluating the effectiveness of the school scheme.";

(c) in paragraph 3—

(i) for the words from "Commission", in the first place it occurs, to "Article 227", in the first place it occurs, substitute "appropriate authority may make regulations";

(**4**) A definition of "constituent nation" is inserted into Article 3 of Regulation (EU) 1308/2013 by the Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019 (S.I. 2019/ XXX).

(**5**) A definition of "relevant authority" is inserted into Article 3 of Regulation (EU) 1308/2013 by the Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019 (S.I. 2019/ XXX).

(ii) for the words from "Commission", in the second place it occurs, to "Article 227", in the second place it occurs, substitute "appropriate authority may make regulations";

(iii) omit "by Member States";

(d) in paragraph 4, the words before point (a)—

(i) for the words from "and" to "scheme", in the last place it occurs, substitute "the appropriate authority may make regulations requiring the school scheme to be publicised";

(e) in paragraph 5, for the words from "Commission" to "Article 227" substitute "appropriate authority may make regulations";

(f) omit paragraph 6.

11. In Article 25—

(a) for the words from "Commission" to "adopt" substitute "appropriate authority may make regulations laying down";

(b) in point (a), for "Member States' strategies" substitute "the strategy referred to in Article 23(8)";

(c) for point (d) substitute—

"(d) the format and content of monitoring and evaluation reports";

(d) omit point (e);

(e) omit the second subparagraph.

12. For Article 35 substitute—

"Article 35

Additional financial assistance

1. The appropriate authority may make regulations allowing for the payment to producer organisations of additional financial assistance in regions where the degree of organisation of producers in the fruit and vegetable sector is particularly low.

2. Regulations under paragraph 1 must provide for the additional financial assistance payable to be:

(a) additional to the operational fund;

(b) no more than 80% of the financial contribution referred to in point (a) of Article 32(1).".

13. In Article 37—

(a) for the words from "Commission" to "Article 227" substitute "appropriate authority may make regulations";

(b) in point (a)(ii), for "the additional requirements to be determined by Member States" substitute "any additional requirements";

(c) in point (c), omit "Union" in both places it occurs;

(d) in point (d)—

(i) in point (i), for "Member States" substitute "the relevant authority";

(ii) in point (ii), for "(a), (b), (c) and (i)" substitute "(b) and (c)";

(iii) omit points (iii) to (vii), (x) and (xiii);

(e) in point (e)—