

Draft Regulations laid before Parliament under paragraph 1(3) 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 Import and Export Licences (Amendment
etc.) (EU Exit) Regulations 2019**

*Made - - - - - ***
Coming into force in accordance with regulation 1(2)*

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⁾.

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

Citation and commencement

1.—(1) These Regulations may be cited as the Import and Export Licences (Amendment etc.) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

Amendment of Commission Delegated Regulation (EU) 2016/1237

2. Commission Delegated Regulation (EU) 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 is amended as set out in Schedule 1.

Amendment of Commission Implementing Regulation (EU) 2016/1239

3. Commission Implementing Regulation (EU) 2016/1239 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the system of import and export licences is amended as set out in Schedule 2.

Revocation of Commission Regulation (EC) No 1187/2009

4. Commission Regulation (EC) No 1187/2009 laying down special detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards export licences and export refunds for milk and milk products is revoked.

Date

Name
Minister of State
Department for Environment, Food and Rural
Affairs

SCHEDULE 1

Regulation 2

Amendments to Commission Delegated Regulation (EU) 2016/1237

1. In Article 1(b), for “in the *Official Journal of the European Union*, C-series” substitute “on the website of the licence issuing authority”.

2.—(1) Article 2 is amended as follows.

(2) In paragraph 1—

- (a) in point (c), omit the words from “referred to” to the end;
- (b) in point (e), omit “or B”;
- (c) omit points (b), (d) and (f).

(3) In paragraph 2—

- (a) in point (b)—
 - (i) for “Union products” substitute “United Kingdom products”;
 - (ii) for “the Union” substitute “the United Kingdom”;
- (b) in point (c)—
 - (i) in the words before point (i), for “Union products” substitute “United Kingdom products”;
 - (ii) in point (iii), for the words from “Section 3” to “the Council” substitute “Part 7 of the Customs (Import Duty) (EU Exit) Regulations 2018(2)”.

3.—(1) Article 3(1) is amended as follows.

(2) In the first subparagraph—

- (a) in point (b), for the words from “, export duties” to the end substitute “or export duties is to be granted”;
- (b) in point (d), omit the words from “in accordance” to the end;
- (c) in point (e), for the words from “Section 3” to the end substitute “Part 7 of the Customs (Import Duty) (EU Exit) Regulations 2018”.

(3) In the second subparagraph, for “the release for free circulation or” substitute “an”.

4.—(1) Article 4 is amended as follows.

(2) In paragraph 2, for “13.00 hours Brussels time” substitute “midday”.

(3) In paragraph 4(b), for “Member State’s” substitute “United Kingdom authority’s”.

5.—(1) Article 5 is amended as follows.

(2) In paragraph 2(c)—

- (a) for “representative” substitute “agent”;
- (b) for “Article 18 of Regulation (EU) No 952/2013” substitute “section 21 of the Taxation (Cross-border Trade) Act 2018(3)”.

(3) In paragraph 3, for “Union” substitute “United Kingdom”.

(4) In paragraph 5, omit the second subparagraph.

(2) [S.I. 2018/1248](#).

(3) [2018 c. 22](#).

- 6.**—(1) Article 6 is amended as follows.
- (2) In paragraph 2, omit the following—
- (a) “or its extract”;
 - (b) “or extract”.
- (3) In paragraph 4, omit “or its extract”.
- 7.** Omit Article 8.
- 8.**—(1) Article 9 is amended as follows.
- (2) In paragraph 1, in the second subparagraph—
- (a) for the words from “Member State” in the first place it occurs, to “circulation” substitute “licence issuing authority”;
 - (b) omit “by the Member State concerned”.
- (3) In paragraph 2, omit the second subparagraph.
- (4) In paragraph 3, for “Member States concerned” substitute “licence issuing authority”.
- (5) In paragraph 4—
- (a) in the first subparagraph, in the words before point (a)—
 - (i) for “in the Member State” substitute “in the United Kingdom”;
 - (ii) for “set by the Member State” substitute “laid down by the licence issuing authority”;
 - (b) in the second subparagraph, for “Member State” substitute “licence issuing authority”;
 - (c) in the third subparagraph, in point (a), omit “, Member State”;
 - (d) in the fourth subparagraph—
 - (i) for “each Member State concerned” substitute “the licence issuing authority”;
 - (ii) omit “carried out on their territory”.
- 9.** Omit Article 10.
- 10.** In the heading of Chapter 3, omit “Amendments, Repeal, Transitional And”.
- 11.** Omit Articles 11 to 13.
- 12.** In Article 14, omit the third subparagraph.
- 13.** After Article 14, omit the words from “This Regulation” to “Member States.”.
- 14.** In the Annex—
- (a) in Part 1, omit Sections B, E and F;
 - (b) in Part 2, omit Section B.

SCHEDULE 2

Regulation 3

Amendments to Commission Implementing Regulation (EU) 2016/1239

- 1.**—(1) Article 2 is amended as follows.
- (2) For paragraph 2 substitute—
- “**2.** For the purpose of receiving the application and issuing the licence, the name and address of the licence issuing authority shall be published on its website.”.

(3) In paragraph 3, for the words from “in one of” to the end substitute “as specified by the licence issuing authority”.

(4) In paragraph 4—

- (a) for the words “competent authorities of the Member States” substitute “licence issuing authority”;
- (b) for the words from “the official language” to the end substitute “English or in relation to an application for a licence relating to Wales, English and Welsh”.

(5) In paragraph 6—

- (a) in the first sentence, omit “Union”;
- (b) in the third sentence, for “authorities shall validate their” substitute “authority shall validate its”.

2. In Article 3, for “13.00 hours Brussels time”, in each place it occurs, substitute “midday”.

3.—(1) Article 4 is amended as follows.

(2) In paragraph 1, in the second subparagraph, for “licence issuing authorities” substitute “the licence issuing authority”.

(3) In paragraph 2—

- (a) for “representative” substitute “agent”;
- (b) for “Article 18 of Regulation (EU) No 952/2013” substitute “section 21 of the Taxation (Cross-border Trade) Act 2018”.

4. For Article 5(2) substitute—

“5. The amount of security shall be rounded to the first lower amount in pounds sterling.”.

5. Omit Article 6.

6.—(1) Article 9 is amended as follows.

(2) In paragraph 1—

- (a) omit “or extract”;
- (b) for the words from “, as set out” to “2015/2447” substitute “as published from time to time on the website of the customs authority”.

(3) In paragraph 2—

- (a) in the first subparagraph—
 - (i) for “office”, in both places it occurs, substitute “authority”;
 - (ii) omit “or extract”, in both places it occurs;
- (b) in the second subparagraph—
 - (i) for “office” substitute “authority”;
 - (ii) omit “or extracts”.

(4) In paragraph 3—

- (a) omit “or extract”;
- (b) for “office” substitute “authority”.

7.—(1) Article 10 is amended as follows.

(2) In paragraph 2, for “office” substitute “authority”.

(3) In paragraph 4, omit “or extracts”.

(4) Omit paragraph 6.

8.—(1) Article 12 is amended as follows.

(2) In paragraph 1, for the words from the beginning to “stay” substitute “The licence may be kept available on deposit at the premises of the licence issuing authority or the customs authority or may be made”.

(3) Omit paragraph 3.

(4) In paragraph 4, for “Member States” substitute “the customs authority”.

9.—(1) Article 13 is amended as follows.

(2) In the heading omit “, mutual assistance”.

(3) In paragraph 1, omit “or extracts”.

(4) In paragraph 2 —

(a) in the first subparagraph—

(i) omit “or extract”, in each place it occurs;

(ii) for “a competent” substitute “the”;

(iii) for “a licence” substitute “the licence”;

(iv) for “the competent” substitute “the”;

(b) in the second subparagraph, for “or competent customs” substitute “or the customs”.

(5) In paragraph 3, omit “or extract”, in both places it occurs.

(6) In paragraph 4—

(a) omit “or extracts”, in both places it occurs;

(b) omit “or ‘extract corrected on...’”.

(7) In paragraph 5, omit the following—

(a) “and extracts”;

(b) “or extract”.

(8) Omit paragraphs 6 and 7.

10.—(1) Article 14 is amended as follows.

(2) In paragraph 2(b), for “customs territory of the Union” substitute “United Kingdom”.

(3) In paragraph 3, omit “or extract”.

(4) For paragraph 4 substitute—

“**4.** Proof of the fulfilment of the obligation to export shall be the titular holder’s or transferee’s copy of the licence duly endorsed by customs or its electronic equivalent.”.

(5) Omit paragraph 5.

(6) In paragraph 6, in the second subparagraph, for “customs territory of the Union” substitute “United Kingdom”.

(7) In paragraph 7—

(a) for “authorities” substitute “authority”;

(b) for “they are” substitute “it is”.

11.—(1) Article 15 is amended as follows.

- (2) In the heading, omit “or extracts”.
- (3) In paragraph 1, in the first subparagraph, omit “or extract”, in each place it occurs.
- (4) In paragraph 2—
 - (a) in the first subparagraph, omit “or extract” in both places it occurs;
 - (b) in the second subparagraph, omit the following—
 - (i) “or extract”;
 - (ii) “or extracts”;
 - (iii) “import or”.
- (5) In paragraph 4—
 - (a) omit “or extract”, in each place it occurs;
 - (b) in point (c), for “3 EUR” substitute “£3”.
- (6) Omit paragraph 5.
- (7) In paragraph 6, omit “or extract”, in each place it occurs.

12.—(1) Article 16 is amended as follows.

(2) In paragraph 1, in the first subparagraph, in the words before point (a), for the words from “competent authority” to “extract” substitute “licence issuing authority”.

(3) Omit paragraphs 2 and 3.

13. Omit Articles 17 to 21.

14. After Article 22, omit the words from “This Regulation” to “Member States”.

15.—(1) Annex 1 is amended as follows.

(2) In paragraph 2, for “a Union measure” substitute “an enactment”.

(3) Omit paragraph 3.

(4) For paragraph 4 substitute—

“4. In Section 2, the licence issuing authority may include the country code (UK) and add numbers identifying the document.”.

(5) In paragraph 5, omit “and extracts”.

(6) In paragraph 6, for “, licences and extracts” substitute “and licences”.

(7) In the import licence form AGRIM appended to Annex 1—

- (a) in the heading to each Part of the licence, for “European Union” substitute “United Kingdom”;
- (b) in Section 4 of each Part of the licence, for “, full address and Member State” substitute “and full address”;
- (c) omit Section 5 of the Part of the licence labelled “Holder’s Copy” and Section 5 of the Part of the licence labelled “Licence Issuing Authority’s Copy”;
- (d) in Section 15 of each Part of the licence, for “Combined Nomenclature (CN)” substitute “Goods Classification Table”;
- (e) in Section 16 of each Part of the licence, for “CN code(s)” substitute “Commodity code(s)”;
- (f) in Section 31 of the Part of the licence labelled “Holder’s Copy”, omit “or extract No”;
- (g) in Section 32 of the Part of the licence labelled “Holder’s Copy”—

- (i) omit “Member State,”;
 - (ii) for “attributing” substitute “licence issuing”.
- (8) In the export licence form AGREX appended to Annex 1—
- (a) in the heading to each Part of the licence, for “European Union” substitute “United Kingdom”;
 - (b) in Section 4 of each Part of the licence, for “, full address and Member State” substitute “and full address”;
 - (c) omit Section 5 of the Part of the licence labelled “Holder’s Copy” and Section 5 of the Part of the licence labelled “Licence Issuing Authority’s Copy”;
 - (d) in Section 15 of each Part of the licence, for “Combined Nomenclature (CN)” substitute “Goods Classification Table”;
 - (e) in Section 16 of each part of the licence, for “CN code(s)” substitute “Commodity code(s)”;
 - (f) in Section 31 of the Part of the licence labelled “Holder’s Copy”, omit “or extract No”;
 - (g) in Section 32 of the Part of the licence labelled “Holder’s Copy”—
 - (i) omit “Member State,”;
 - (ii) for “attributing” substitute “licence issuing”.

16.—(1) Annex 2 is amended as follows.

- (2) In Part 1—
- (a) in Section A—
 - (i) for “30 EUR” in both places it occurs substitute “£26”;
 - (ii) for “1 EUR” substitute “£1”;
 - (b) omit Section B;
 - (c) in Sections C and D, omit “, save as otherwise provided by the Member States”;
 - (d) omit Sections E and F;
 - (e) in Section G, omit “, save as otherwise provided by the Member States”;
 - (f) in Section H, for “EUR 1”, in each place it occurs, substitute “£1”.
- (3) In Part 2—
- (a) in Section A, for “3 EUR”, in both places it occurs, substitute “£3”;
 - (b) omit Section B.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by 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 deficiencies referred to in section 8(2)(a), (b), (c), (d), (e) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to retained direct EU legislation in the field of licensing of imports and exports of agricultural produce.

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