
STATUTORY INSTRUMENTS

2019 No. 759

**EXITING THE EUROPEAN UNION
AGRICULTURE
ENVIRONMENTAL PROTECTION
FOOD
INTELLECTUAL PROPERTY**

**The Food and Farming (Amendment)
(EU Exit) Regulations 2019**

Made - - - - 28th March 2019

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^{M1}.

In relation to Part 2 of this instrument, 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^{M2}.

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.

Marginal Citations

M1 2018 c. 16.

M2 OJ No L 31, 1.2.2002, p 1, to which there are amendments not relevant to these Regulations.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Food and Farming (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Food and Farming (Amendment) (EU Exit) Regulations 2019 and come into force—

- (a) as regards regulations 11 ^{F1} and 12] and Part 4, immediately before exit day;
- (b) otherwise, on exit day.

Textual Amendments

F1 Words in [reg. 1\(a\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Genetically Modified Organisms \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1421\)](#), [regs. 1\(2\)\(c\)](#), [5\(a\)](#)

Commencement Information

II [Reg. 1](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(b\)](#)

PART 2

Amendment of retained direct EU legislation relating to food and drink

PROSPECTIVE

Commission Regulation (EC) No 2870/2000

^{F2}.....

Textual Amendments

F2 [Regs. 2-4](#) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), [regs. 1\(6\)](#), [4](#)

PROSPECTIVE

Regulation (EC) No 110/2008 of the European Parliament and of the Council

^{F3}.....

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Textual Amendments

F2 Regs. 2-4 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(6), **4**

PROSPECTIVE

Commission Regulation (EC) No 606/2009

F2 **4.**

Textual Amendments

F2 Regs. 2-4 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(6), **4**

PROSPECTIVE

Commission Regulation (EC) No 936/2009

F3 **5.**

Textual Amendments

F3 [Reg. 5](#) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **14**

PROSPECTIVE

Commission Implementing Regulation (EU) No 716/2013

F4 **6.**

Textual Amendments

F4 Regs. 6-8 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(6), **4**

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PROSPECTIVE

Commission Delegated Regulation (EU) 2019/33

F⁴7.

Textual Amendments

F4 Regs. 6-8 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(6), 4

PROSPECTIVE

Commission Implementing Regulation (EU) 2019/34

F⁴8.

Textual Amendments

F4 Regs. 6-8 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(6), 4

PART 3

Amendment of subordinate legislation relating to genetically modified organisms

The Genetically Modified Organisms (Deliberate Release) Regulations 2002

9.—(1) The Genetically Modified Organisms (Deliberate Release) Regulations 2002 ^{M3} are amended as follows.

(2) In regulation 23—

(a) in paragraph (1)—

(i) omit sub-paragraphs (b) and (e);

(ii) in sub-paragraph (d)(ii), at the end, for “, and” substitute “ . ”;

(b) in paragraph (3), for “periods” substitute “ period ”;

(c) for paragraph (4) substitute—

“(4) Where the assessment report referred to in paragraph (1)(d) indicates that the genetically modified organisms to which an application relates should be permitted to be marketed, the Secretary of State must invite any person, by means of a request placed on the register, to make representations on the assessment report, which must be received by the Secretary of State within a period of 30 days beginning with the day on which the request is placed on the register (which must not be earlier than the day on which the assessment report is placed on the register under regulation 35(7A)).”

(3) In regulation 24, for paragraphs (1) to (3) substitute—

“**24.**—(1) The Secretary of State must not grant an application for consent to market genetically modified organisms under section 111(1) of the Act as it relates to the protection of human health without the agreement of the Health and Safety Executive.

(2) Where the Secretary of State invites representations on an assessment report relating to an application for consent to market genetically modified organisms—

- (a) the Secretary of State must not determine whether to grant or refuse the application before the period for making representations under regulation 23(4) has ended and the Secretary of State has considered any representations made in accordance with that regulation;
- (b) the Secretary of State must, within 105 days after the end of the period for making representations under regulation 23(4)—
 - (i) determine the application, and
 - (ii) notify the applicant in writing of the decision to grant or refuse the application, and the reasons for the decision.

(3) The period referred to in paragraph (2)(b) does not include any period beginning with the day on which the Secretary of State gives notice in writing under section 111(6) of the Act that further information in respect of the application is required and ending on the day on which that information is received by the Secretary of State.”.

(4) In regulation 34, after paragraph (7) insert—

“(7A) A copy of any assessment report produced in accordance with regulation 23(1) (d) or regulation 25(1)(c).”.

(5) In regulation 35—

- (a) in paragraph (2), after “(a) to (g)” insert “ and (i) ”;
- (b) after paragraph (3) insert—

“(3A) The information prescribed in regulation 34(3A) shall be placed on the register within twelve days of receipt by the Secretary of State of the application for consent to market.”;

(c) after paragraph (7) insert—

“(7A) The information prescribed in regulation 34(7A) shall be placed on the register within twelve days of its production.”.

Commencement Information

I2 Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(b\)](#)

Marginal Citations

M3 [S.I. 2002/2443](#), amended by [S.I. 2004/2411](#), 2005/2759, 2009/1892, 2011/1043, 2018/575 and 2019/88.

The Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003

10.—(1) The Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003^{M4} are amended as follows.

(2) In regulation 23—

(a) in paragraph (1)—

(i) omit sub-paragraphs (b) and (e);

(ii) in sub-paragraph (d)(ii), at the end, for “and” substitute “ . ”;

(b) in paragraph (3), for “periods” substitute “ period ”;

(c) for paragraph (4) substitute—

“(4) Where the assessment report referred to in paragraph (1)(d) indicates that the genetically modified organisms to which an application relates should be permitted to be marketed, the Department must invite any person, by means of a request placed on the register, to make representations on the assessment report, which must be received by the Department within a period of 30 days beginning with the day on which the request is placed on the register (which must not be earlier than the day on which the assessment report is placed on the register under regulation 35(7A)).”.

(3) In regulation 24, for paragraphs (1) to (3) substitute—

“24.—(1) The Department must not grant an application for consent to market genetically modified organisms under Article 8(1) of the Order as it relates to the protection of human health without the agreement of the Health and Safety Executive Northern Ireland.

(2) Where the Department invites representations on the assessment report relating to an application for consent to market genetically modified organisms—

(a) the Department must not determine whether to grant or refuse the application before the period for making representations under regulation 23(4) has ended and the Department has considered any representations made in accordance with that regulation;

(b) the Department must, within 105 days after the end of the period for making representations under regulation 23(4)—

(i) determine the application, and

(ii) notify the applicant in writing of the decision to grant or refuse the application, and the reasons for that decision.

(3) The period referred to in paragraph (2)(b) does not include any period beginning with the day on which the Department gives notice in writing under Article 8(6) of the Order that further information in respect of the application is required and ending on the day on which that information is received by the Department.”.

(4) In regulation 34, after paragraph (7) insert—

“(7A) A copy of any assessment report produced in accordance with regulation 23(1)(d) or regulation 25(1)(c).”.

(5) In regulation 35—

(a) in paragraph (2), after “(a) to (g)” insert “ and (i) ”;

(b) after paragraph (3) insert—

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“(3A) The information prescribed in regulation 34(3A) shall be placed on the register within twelve days of its receipt by the Department of the application for consent to market.”;

(c) after paragraph (7) insert—

“(7A) The information prescribed in regulation 34(7A) shall be placed on the register within twelve days of its production.”.

Commencement Information

I3 Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(b\)](#)

Marginal Citations

M4 S.R. [2003 No.167](#), amended by S.R. [2005 No. 272](#) and S.I. [2019/190](#).

The Genetically Modified Organisms (Amendment) (England) (EU Exit) Regulations 2019

11. In the Genetically Modified Organisms (Amendment) (England) (EU Exit) Regulations 2019^{M5}, in regulation 3, omit paragraphs (9)(a) and (d) and (10)(a).

Commencement Information

I4 Reg. 11 in force at 31.12.2020 immediately before IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(a\)](#)

Marginal Citations

M5 [S.I. 2019/88](#).

The Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019

12.—(1) The Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019^{M6} are amended as follows.

(2) For regulation 5(3)(a) substitute—

“(a) for paragraph 10(a) substitute—

“(a) the permanent or temporary leaving of the United Kingdom of GMOs which originated—

(i) in the United Kingdom, or

(ii) in a third country but have entered, and are in free circulation in, the United Kingdom;”.

(3) In regulation 6(2), in paragraph 1 of substituted Article 1, in the words before point (a), for “and” in the second place it occurs substitute “or”.

Commencement Information

I5 Reg. 12 in force at 31.12.2020 immediately before IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(a\)](#)

*Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Food and Farming (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)*

Marginal Citations

M6 S.I. 2019/90.

The Genetically Modified Organisms (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

13. In the Genetically Modified Organisms (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 ^{M7}, in regulation 3, omit paragraphs (9)(a) and (d) and (10)(a).

Commencement Information

I6 Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(b)

Marginal Citations

M7 S.I. 2019/190.

^{F5}PART 4

Amendment of subordinate legislation relating to direct payments to farmers

Textual Amendments

F5 Pt. 4 revoked (31.12.2020 immediately before IP completion day) by **The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020** (S.I. 2020/1445), regs. 1(2)(b), **24(d)**

The Common Agricultural Policy (Direct Payments to Farmers) (Amendment) (EU Exit) Regulations 2019

14.

The Common Agricultural Policy (Rules for Direct Payments) (Amendment) (EU Exit) Regulations 2019

15.

Department for Environment, Food and Rural Affairs

Robert Goodwill
Minister of State

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Food and Farming (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

F⁶SCHEDULE

Regulation 3

Regulation (EC) No 110/2008 of the European Parliament and of the Council: new Annex 3

Textual Amendments

- F6** Sch. omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(6), 4

“**ANNEX 3**

GEOGRAPHICAL INDICATIONS

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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 under section 8(2)(a), (b), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation relating to food and drink, genetically modified organisms and direct payments to farmers.

Part 2 amends retained direct EU legislation relating to food and drink.

Part 3 amends subordinate legislation relating to genetically modified organisms.

Part 4 amends subordinate legislation relating to direct payments to farmers.

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

Status:

This version of this Instrument contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Food and Farming (Amendment) (EU Exit) Regulations 2019.