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STATUTORY INSTRUMENTS

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**2019 No. 1343**

The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2019 (expired—not approved)

PROSPECTIVE

[<sup>X1</sup>PART 3

Interpretation of legacy provisions of retained direct EU legislation

[<sup>X1</sup>Interpretation of Commission Implementing Regulation (EU) No 543/2011

7.—(1) To the extent that Articles 2, 19 to 35 and 50 to 148 of, and Annexes 6 to 18 to, Commission Implementing Regulation (EU) No 543/2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors <sup>M1</sup> continue to operate by virtue of the savings provision in Article 80(1)(a) of Commission Delegated Regulation (EU) 2017/891, those provisions are to be read in accordance with this regulation.

(2) Article 19 <sup>M2</sup> is to be read as if paragraph 2 (which has no continuing effect) were omitted.

(3) In Title 3, Chapter 1 is to be read as if Sections 2 and 3 (which have no continuing effect) were omitted.

(4) Article 50 is to be read as if—

(a) in paragraph 2, for “Member States shall determine the conditions” there were substituted “Secretary of State must take steps”;

(b) in paragraph 3—

(i) for “Regulation (EC) No 1234/2007” there were substituted “Regulation (EU) No 1308/2013”;

(ii) for “, an association of producer organisations or their” there were substituted “or its”;

(c) in paragraph 4, for “Member States” there were substituted “The Secretary of State”;

(d) paragraph 5 were omitted;

(e) in paragraph 6, for “Article 125a(2)(b) and (c) of Regulation (EC) No 1234/2007” there were substituted “Article 12(1)(b) and (c) of Regulation (EU) 2017/891”;

(f) in paragraph 7—

(i) in the words before point (a), for “Regulation (EC) No 1234/2007” there were substituted “Regulation (EU) No 1308/2013”;

(ii) in point (b)—

**Status:** This version of this provision is prospective.

**Changes to legislation:** There are currently no known outstanding effects for the The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2019 (expired—not approved), Section 7. (See end of Document for details)

- (aa) for “is significant. Member States shall provide for reductions to” there were substituted “ exceeds 500 miles. Reductions must ”;
- (bb) the words from “and shall” to the end were omitted;
- (g) paragraph 8 were omitted;
- (h) in paragraph 9—
  - (i) in point (a), “or associations of producer organisations” were omitted;
  - (ii) for point (b) there were substituted—
    - “(b) subject to the Secretary of State's approval, by producer members of the producer organisation, if doing so contributes to the objectives listed in Article 152(1)(c) of Regulation (EU) No 1308/2013.”.
- (5) Article 96(5) <sup>M3</sup> is to be read as if for the first subparagraph there were substituted—
 

“5. Without prejudice to specific provisions in this Regulation, where the Secretary of State becomes aware that a producer organisation has failed to notify the appropriate authority or the Secretary of State as required under this Regulation, or where the notification appears incorrect in the light of objective facts in the Secretary of State's possession, the Secretary of State must suspend the recognition of the producer organisation until the notification is correctly made.”.
- (6) Article 103 is to be read as if, after paragraph 2, there were inserted—
 

“2A. If an on-the-spot check reveals any non-compliance with the recognition criteria, the producer organisation concerned must send a copy of the report to the Secretary of State within 28 days of the date on which the final version of the report is sent to the producer organisation.”.
- (7) Article 114 <sup>M4</sup> is to be read as if—
  - (a) in paragraph 1—
    - (i) the first sentence (which has no continuing effect) were omitted;
    - (ii) in the second sentence, for “their” there were substituted “the Secretary of State's”;
  - (b) in paragraph 2, the first and third subparagraphs (which have no continuing effect) were omitted;
  - (c) in paragraph 3, the first and second sentences (which have no continuing effect) were omitted;
  - (d) paragraphs 4 and 6 (which have no continuing effect) were omitted.
- (8) Article 115 is to be read as if—
  - (a) in paragraph 1 <sup>M5</sup>—
    - (i) in point (a), “association of producer organisations or producer group” were omitted;
    - (ii) at the end of the words after point (c) <sup>M6</sup>—
      - (aa) after “authority' is” there were inserted “the Secretary of State in point (a) and”;
      - (bb) after “head office” there were inserted “ in points (b) and (c) ”;
  - (b) in paragraph 2 <sup>M7</sup>, at the end, the following subparagraph were inserted—

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“The Secretary of State may suspend the recognition of a producer organisation that is suspected of having committed fraud in respect of aid covered by this Regulation and Regulation (EU) No 1308/2013.”

(9) Title 3 is to be read as if Chapter 6 (which has no continuing operative effect) were omitted.

(10) The provisions listed in paragraph 1 are to be read as if Title 4 (which has no continuing operative effect) were omitted.

(11) Article 143<sup>M8</sup> is to be read as if at the end there were inserted—

“3. If a check reveals any non-compliance with the recognition criteria, a detailed report must be made and sent to the Secretary of State in accordance with Article 103.”

(12) Article 147<sup>M9</sup> is to be read as if, at the end, the following subparagraph were inserted—

“Any notification, claim or request made to the Secretary of State under this Regulation may be adjusted at any time after its submission in cases of obvious errors recognised by the Secretary of State.”

(13) The provisions listed in paragraph 1 are to be read as if Annexes 16 to 18 (which have no continuing effect) were omitted.]

#### Editorial Information

**X1** This statutory instrument was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.

#### Marginal Citations

**M1** [Articles 2, 19 to 35](#) and 50 to 148 of, and Annexes 6 to 18 to, Commission Implementing Regulation (EU) No 543/2011 were deleted by Article 79 of Commission Delegated Regulation (EU) 2017/891, but under Article 80 of Regulation (EU) 2017/891 a producer organisation or association of producer organisations may request that an operational programme approved under Regulation (EU) No 543/2011 continue to operate until its end under the conditions applicable under that Regulation.

**M2** [Article 19](#) is also amended by the Common Agricultural Policy (Market Measures, Notifications and Direct Payments) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

**M3** The second subparagraph of Article 96(5) is omitted by the Common Agricultural Policy (Market Measures, Notifications and Direct Payments) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

**M4** [Article 114](#) is also amended by the Common Agricultural Policy (Market Measures, Notifications and Direct Payments) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

**M5** [Article 115\(1\)](#) is also amended by the Common Agricultural Policy (Market Measures, Notifications and Direct Payments) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

**M6** The Common Agricultural Policy (Market Measures, Notifications and Direct Payments) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/XXX) insert words after point (c) in Article 115(1).

**M7** [Article 115\(2\)](#) is replaced by the Common Agricultural Policy (Market Measures, Notifications and Direct Payments) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

**M8** [Article 143](#) is replaced by the Common Agricultural Policy (Market Measures, Notifications and Direct Payments) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

**M9** [Article 147](#) is also amended by the Common Agricultural Policy (Market Measures, Notifications and Direct Payments) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2019 (expired—not approved), Section 7.