
STATUTORY INSTRUMENTS

2019 No. 1402

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

PART 2

Amendments to legislation relating to the Common Market Organisation

Amendment of Regulation 510/2014

7.—(1) Regulation (EU) No. 510/2014 of the European Parliament and of the Council laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾ is amended as follows.

(2) In Article 8—

- (a) for the words from “Commission” to “Article 42,” substitute “Secretary of State may make regulations”;
- (b) in point (d), for “a third” substitute “another”.

(3) In Article 9—

- (a) for “Commission shall, where necessary, adopt implementing acts” substitute “Secretary of State may make regulations”;
- (b) omit point (g);
- (c) omit the last sentence.

(4) In Article 26—

- (a) in the words before point (a), for the words from “Commission” to “Article 42” substitute “Secretary of State may make regulations”;
- (b) in point (f), for the words from “adopted pursuant to” to “No 1308/2013” substitute—
“whether adopted pursuant to Article 202 of Regulation (EU) No 1308/2013 before exit day or made under that Article after exit day”.

(5) In Article 27—

- (a) in the words before point (a) for “Commission shall, where necessary, adopt implementing acts” substitute “Secretary of State may make regulations”;
- (b) in point (i), for the words from “adopted pursuant to” to “No 1308/2013” substitute—
“, whether adopted pursuant to Article 203 of Regulation (EU) No 1308/2013 before exit day or made under that Article after exit day.”
- (c) omit the last sentence.

(6) In Article 31, for the words from “Commission” to “Article 42” substitute “Secretary of State may make regulations”.

(1) Regulation (EU) No 510/2014 is also amended by [S.I. 2019/828](#).

- (7) In Article 32—
- (a) in paragraph 1—
 - (i) for the words “Commission shall, where necessary, adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (ii) omit point (g);
 - (iii) omit the last sentence.
 - (b) in paragraph 2, for the words from “concluded” to “or (3),” substitute “to which the United Kingdom is a party, the Secretary of State may make regulations”.
- (8) In Article 33—
- (a) in paragraph 1—
 - (i) for the words from “Commission” to “this Regulation,” substitute “Secretary of State may make regulations”;
 - (ii) for “delegated acts”, in the second place it occurs, substitute “regulations”;
 - (iii) for “concluded in accordance with the TFEU” substitute “to which the United Kingdom is a party”;
 - (iv) for “Those delegated acts shall be adopted only” substitute “Regulations may only be made under this Article”;
 - (v) omit the second and third subparagraphs.
 - (b) omit paragraph 2.
- (9) In Article 34, in paragraph 2—
- (a) in the words before point (a), for “Commission shall, where necessary, adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (b) in point (b), for “ensure” substitute “ensuring”;
 - (c) omit the last sentence.
- (10) In Article 35, in paragraph 2—
- (a) for “Commission shall, where necessary, adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (b) omit the last sentence.
- (11) In Article 36—
- (a) for the words from “Commission” to “Article 42,” substitute “Secretary of State may make regulations”;
 - (b) in point (a), for the words from “concluded” to the end substitute “to which the United Kingdom is a party”;
 - (c) in point (b), for “to amendments to Annex I to Regulation (EEC) No 2658/87” substitute—
 “as necessary from time to time to ensure continuity with any customs tariff applicable in the United Kingdom, whether established and maintained pursuant to section 8(1) of the Taxation (Cross-border Trade) Act 2018(2) or otherwise”.
- (12) In Article 39, for the first sentence substitute—
 “The Secretary of State may make regulations setting the thresholds below which amounts will not be levied or granted pursuant to Articles 3, 5, 10, 22 and 34.”.
- (13) In Article 40—

(a) for paragraphs 2 and 3 substitute—

“2. The Secretary of State may make regulations applying, with or without modification, the Articles referred to in paragraph 1 for the purpose of this Regulation.”.

(14) In Article 41, from the words “When adopting” to “Union” in the second place it appears substitute—

“When making regulations under this Regulation, the Secretary of State must take into account the United Kingdom’s international obligations and the applicable”.

(15) For Chapter 5 substitute—

“ CHAPTER V PROVISION ABOUT REGULATIONS

Article 42

Regulations

1. Regulations made by the Secretary of State under this Regulation are to be made by statutory instrument.

2. Regulations made by the Secretary of State under this Regulation may—

(a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);

(b) make different provision for different purposes.

3. Except as specified in paragraph (4), a statutory instrument containing regulations under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

4. A statutory instrument containing regulations made by the Secretary of State under Article 33(1) must be laid before each House of Parliament after being made.

5. Regulations made under Article 33(1) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument containing them is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.

6. In calculating the period of 28 days for the purposes of paragraph 5, no account is to be taken of any time during which:

(a) Parliament is dissolved or prorogued, or

(b) either House of Parliament is adjourned for more than 4 days.

7. If regulations cease to have effect as a result of paragraph 5, that does not affect the validity of anything previously done under those regulations or prevent the making of new regulations.”.