
STATUTORY INSTRUMENTS

2019 No. 753

The Common Fisheries Policy and Aquaculture
(Amendment etc.) (EU Exit) Regulations 2019

PART 5

TRANSFER OF LEGISLATIVE FUNCTIONS

CHAPTER 6

AMENDMENT OF THE COMMON ORGANISATION OF THE MARKETS REGULATIONS

Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products

33.—(1) [Regulation \(EU\) No 1379/2013](#) of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products is amended as follows.

(2) For Article 21 substitute—

“Article 21

Regulations on recognition of producer organisations and inter-branch organisations

1. A fisheries administration may make regulations in relation to the time limits and procedures and the form of applications for the recognition of producer organisations and inter-branch organisations pursuant to Articles 14 and 16 respectively, or for the withdrawal of such recognition pursuant to Article 18.

2. When making regulations under paragraph 1, a fisheries administration must consider, where appropriate, adapting the regulations to the special characteristics of small-scale fisheries and aquaculture.”.

(3) For Article 29 substitute—

“Article 29

Regulations on production and marketing plans

A fisheries administration may make regulations in relation to the format and structure of the production and marketing plan referred to in Article 28 and the procedure and time limits for the submission by producer organisations and the approval of such plans.”.

(4) For Article 43 substitute—

*“Article 43**Regulations*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.
2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010(1).
3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(2).
4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(3) as if they were a statutory instrument within the meaning of that Act.
8. Such regulations may—
 - (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018(4));
 - (b) make different provision for different purposes.”

Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products

34.—(1) Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products is amended as follows.

(2) In Article 2 for paragraph 3 substitute—

“3. A fisheries administration may make regulations specifying detailed rules for the application of this Article.

4. Subject to paragraph 5, the Secretary of State may make regulations specifying detailed rules for the application of this Article.

5. Where the exercise of the power to make regulations under paragraph 3 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 4 the Secretary of State must obtain the consent of—

(1) 2010 asp 10.

(2) S.I. 1979/1573 (N.I. 12).

(3) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

(4) 2018 c. 16.

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.

6. Article 43 of [Regulation \(EU\) No 1379/2013](#) applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.”.

(3) In Article 8 for paragraph 4 substitute—

“4. A fisheries administration may make regulations specifying detailed rules for the application of this Article, in particular as regards the method of weighing and the determination of a variation in the net weight, above or below that marked or presumed, permitted for each lot.

5. Subject to paragraph 6, the Secretary of State may make regulations specifying detailed rules for the application of this Article, in particular as regards the method of weighing and the determination of a variation in the net weight, above or below that marked or presumed, permitted for each lot.

6. Where the exercise of the power to make regulations under paragraph 4 would be outside the jurisdiction of the Secretary of State under Article 1(7) of [Regulation \(EU\) No 1380/2013](#), before making such regulations under the power in paragraph 5 the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.

7. Article 43 of [Regulation \(EU\) No 1379/2013](#) applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.”.

(4) For Article 9 substitute—

“Article 9

1. Pelagic species may be graded in the different categories of freshness and size on the basis of a system of sampling. This system must ensure that the freshness and size of the products contained in the lot are as uniform as possible.

2. A fisheries administration may make regulations specifying detailed rules for the application of this Article, in particular for determining the number of samples to be taken, the weight or volume of fish in each sample, and the methods for assessing the grading and verifying the weight of lots offered for sale.

3. Subject to paragraph 4, the Secretary of State may make regulations specifying detailed rules for the application of this Article, for determining the number of samples to be taken, the weight or volume of fish in each sample, and the methods for assessing the grading and verifying the weight of lots offered for sale.

4. Where the exercise of the power to make regulations under paragraph 2 would be outside the jurisdiction of the Secretary of State under Article 1(7) of [Regulation \(EU\) No 1380/2013](#), before making such regulations under the power in paragraph 3 the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.

5. Article 43 of [Regulation \(EU\) No 1379/2013](#) applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.”.

(5) In Article 10—

- (a) in the first paragraph for “Community” substitute “United Kingdom”; and
- (b) for the second paragraph substitute—

“A fisheries administration may, by regulations, determine the zones in question and the corresponding marketing sizes. Article 43 of [Regulation \(EU\) No 1379/2013](#) applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.”.

Council Regulation (EEC) No 2136/89 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products

35.—(1) [Council Regulation \(EEC\) No 2136/89](#) laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products is amended as follows.

(2) For Article 8 substitute—

“Article 8

A fisheries administration may make regulations in relation to the application of this Regulation, in particular the sampling plan for assessing conformity of manufacturing batches with the requirements of this Regulation.

Article 43 of [Regulation \(EU\) No 1379/2013](#) applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.”.

Council Regulation (EEC) No 1536/92 laying down common marketing standards for preserved tuna and bonito

36.—(1) [Council Regulation \(EEC\) No 1536/92](#) laying down common marketing standards for preserved tuna and bonito is amended as follows.

(2) For Article 8 substitute—

“Article 8

1. A fisheries administration may make regulations in relation to the application of this Regulation.

2. Article 43 of [Regulation \(EU\) No 1379/2013](#) applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.”.