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STATUTORY INSTRUMENTS

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**2019 No. 823**

**EXITING THE EUROPEAN UNION  
AGRICULTURE**

**The Market Measures Payment Schemes  
(Amendment) (EU Exit) Regulations 2019**

*Made - - - - 4th April 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<sup>(1)</sup>.

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.

**Citation and commencement**

1. These Regulations may be cited as the Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019 and come into force on the later of exit day or the day after the day on which they are made.

**Amendment of Commission Regulation (EC) 1312/2008**

2.—(1) [Commission Regulation \(EC\) No 1312/2008](#) fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing is amended as follows.

(2) Omit Article 7.

(3) In the sentence following Article 8, omit the words from “This Regulation” to “Member States”.

(4) Omit Annexes 1 and 2.

**Amendment of Commission Delegated Regulation (EU) 2015/1829**

3.—(1) [Commission Delegated Regulation \(EU\) 2015/1829](#) supplementing Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion

measures concerning agricultural products implemented in the internal market and in third countries is amended as follows.

(2) In Article 1—

- (a) in the heading, omit “or multi”;
- (b) in paragraph 1(a), for “a Member State or at Union level” substitute “the United Kingdom”;
- (c) in paragraph 1(a)(i), for “Member State concerned or at Union level” substitute “constituent nation or the United Kingdom as a whole”;
- (d) in paragraph 1(a)(ii), for “by the Member State” substitute “in the United Kingdom”;
- (e) in paragraph 1(c), for “by the Member State” substitute “in the United Kingdom”;
- (f) at the end, insert—

“5. In this Regulation, “constituent nation” means England, Wales, Scotland or Northern Ireland, as the case may be.”.

(3) In Article 2(2), for “national legislation” substitute “retained EU law”.

(4) In Article 3—

- (a) in paragraph 1(a), for “Union law” substitute “retained EU law”;
- (b) omit paragraph 1(b);
- (c) for paragraph 1(c), substitute—

“(c) relate to the promotion of United Kingdom agricultural products, both in terms of content of the message and impact. In particular it must provide information on production standards, the quality and safety of food products and dietary practices and culture, promote the image of United Kingdom products both within the United Kingdom and abroad, and raise awareness of United Kingdom products and logos among the general public and commercial undertakings. This means in particular for a programme covering one or more schemes as referred to in Article 5(4) of Regulation (EU) No 1144/2014, to focus on the scheme or schemes in the main message of the campaign. When in this programme, one or several products illustrate the scheme or schemes, they shall appear as a secondary message in relation to the main message of the campaign;”;

(d) in paragraph 2(a)—

- (i) for “internal market” substitute “United Kingdom”;
- (ii) for “national authority” substitute “relevant authority”;
- (iii) for “Member State” substitute “constituent nation”;

(e) at the end, insert—

“3. In this Article, “relevant authority” means—  
— in relation to England, the Secretary of State;  
— in relation to Wales, the Welsh Ministers;  
— in relation to Scotland, the Scottish Ministers;  
— in relation to Northern Ireland, the Department of Health.”.

(5) In Article 4—

- (a) in the heading, for “Union funding” substitute “funding under Regulation (EU) No 1144/2014”;
- (b) in paragraph 1, for “Union funding” substitute “funding under Regulation (EU) No 1144/2014”;

- (c) in paragraph 1(d)—
  - (i) after “to the applicable” insert “national”;
  - (ii) omit “of the Member State where the proposing organisation is established”;
- (d) in paragraph 2—
  - (i) for “Union funding” substitute “funding under Regulation (EU) No 1144/2014”;
  - (ii) at point (d), for the words from “non-taxable person” to the end, substitute “body exempt from VAT by virtue of section 41A of the Value Added Tax Act 1994<sup>(2)</sup>”.
- (6) After Article 7, omit the words from “This Regulation” to “Member States.”.

#### **Amendment of Commission Implementing Regulation (EU) 2015/1831**

4.—(1) Commission Implementing Regulation (EU) 2015/1831 laying down rules for application of Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in the third countries is amended as follows.

- (2) In Article 1—
  - (a) in the first paragraph—
    - (i) omit “origin and”
    - (ii) omit “and multi”;
  - (b) after the last paragraph, insert—

“In this Regulation—

    - (a) “constituent nation” means England, Wales, Scotland or Northern Ireland, as the case may be;
    - (b) “relevant authority” means—
      - in relation to England, the Secretary of State;
      - in relation to Wales, the Welsh Ministers;
      - in relation to Scotland, the Scottish Ministers;
      - in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.
- (3) In the heading of Chapter 2, omit “and multi”.
- (4) In Chapter 2, omit Section 1.
- (5) In Article 5—
  - (a) in paragraph 1, for the words from “Articles 4 and 66” to the end, substitute “section 1 of the Trade Marks Act 1994<sup>(3)</sup>”;
  - (b) in paragraph 4(c), in points (i) to (iv), for “main Union message” substitute “main message of the programme”.
- (6) In Article 6(2)(a), omit “, where each brand shall be smaller than the emblem of the Union referring to the co-financing of the Union”.
- (7) In Article 7—
  - (a) in paragraph 2(a), for “Member State of origin of the proposing organisation” substitute “constituent nation or nations covered by the programme”;

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(2) 1994 c.23.

(3) 1994 c.26.

- (b) in paragraphs 2(b) and 3, omit “or multi-country”.
- (8) Omit Article 9.
- (9) In Article 10—
  - (a) for paragraph 1 substitute—
    - “1. As soon as the relevant authority publishes a list of simple programmes selected under Article 11 of Regulation (EU) No 1144/2014, it must inform the proposing organisations concerned whether or not their applications have been accepted.”;
  - (b) omit paragraph 2;
  - (c) in paragraph 3—
    - (i) for “Member States” substitute “The relevant authority”;
    - (ii) for “the notification of the Commission act referred to in Article 11(2) of Regulation (EU) No 1144/2014” substitute “informing the proposing organisations of the outcome under paragraph 1”;
    - (iii) for “that Regulation” substitute “Regulation (EU) 1144/2014”;
    - (iv) omit “Beyond that deadline, no contracts may be concluded without prior authorisation from the Commission.”;
  - (d) omit paragraphs 5 and 6.
- (10) In Article 12—
  - (a) in paragraph 1—
    - (i) for “Member State concerned” substitute “relevant authority”;
    - (ii) for “Union’s” substitute “United Kingdom’s”;
  - (b) in paragraph 2(a), for “Member Sate” substitute “relevant authority”.
- (11) In Article 13—
  - (a) in paragraph 1, for “Member State concerned” substitute “relevant authority”;
  - (b) in paragraph 2, for “Member State” substitute “relevant authority”;
  - (c) in paragraph 3—
    - (i) after “of the” insert “relevant authority’s”;
    - (ii) omit “Union”;
  - (d) in paragraph 4, for “Member State” substitute “relevant authority”;
  - (e) omit paragraph 6.
- (12) In Article 14—
  - (a) in paragraph 1—
    - (i) for “Union’s financial contributions” substitute “funding under Regulation (EU) No 1144/2014”;
    - (ii) for “Member States” substitute “relevant authority”;
  - (b) in paragraph 3(b), for “Union’s financial contribution”, in both places it occurs, substitute “financial contribution under Regulation (EU) No 1144/2014”;
  - (c) in paragraph 4(a), for “Member State” substitute “relevant authority”.
- (13) In Article 15(1), for “Member State” substitute “relevant authority”.
- (14) In Article 16—
  - (a) in the heading, for “Member State” substitute “relevant authority”;

- (b) in paragraph 1, for “Union’s” substitute “relevant authority’s”;
  - (c) in paragraph 2, for “Member States” substitute “The relevant authority”;
  - (d) in paragraph 3, for “a Member State” substitute “the relevant authority”.
- (15) In Article 17—
- (a) in paragraph 1, for “Member States” substitute “the relevant authority”;
  - (b) in paragraph 2, for the words from “The interest rate” to “No 1268/2012” substitute “Interest at a rate of 3.5% above the Bank of England base rate”.
- (16) In the heading of Section 2, omit “and notifications by Member States”.
- (17) In Article 18, for “Member States” substitute “the relevant authority”.
- (18) In Article 19—
- (a) in paragraph 1, for “Member States” substitute “the relevant authority”;
  - (b) in paragraph 2, for “Member States” substitute “The relevant authority”.
- (19) In Article 20—
- (a) in paragraph 1, for “Member States” substitute “The relevant authority”;
  - (b) in paragraph 2—
    - (i) for “Member States” substitute “The relevant authority”;
    - (ii) omit from the words “Without prejudice to” to “during the checks.”;
    - (iii) in the final subparagraph, for “Member State” substitute “relevant authority”;
  - (c) in paragraph 3, for “Member States” substitute “The relevant authority”.
- (20) Omit Article 21.
- (21) In Article 22—
- (a) in paragraph 1, omit “common”;
  - (b) in paragraph 2, for “Commission” substitute “relevant authority”.
- (22) After Article 23, omit the words from “This Regulation” to “Member States.”.
- (23) In the Annex, omit “Union” in each place it occurs.

### **Amendment of Commission Delegated Regulation (EU) 2016/1238**

5.—(1) Commission Delegated Regulation (EU) No 2016/1238 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage, is amended as follows.

- (2) After Article 1 insert—

#### *“Article 1A*

#### *Definitions*

In this Regulation—

“appropriate authority” means—

- in relation to England, the Secretary of State;
- in relation to Wales, the Welsh Ministers;
- in relation to Scotland, the Scottish Ministers;
- in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

but the appropriate authority is the Secretary of State if consent is given by—

- in relation to Scotland, the Scottish Ministers;
- in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.

(3) In Article 2(1), for “Union” substitute “United Kingdom”.

(4) In Article 4(a), omit the words from “, or the disposal” to the end.

(5) For Article 5(7), substitute—

“7. In the case of sale of intervention products, except in cases of *force majeure*, the security shall be forfeit in respect of quantities for which payment has not been made in accordance with Article 35 of Implementing Regulation (EU) 2016/1240 and the sale shall be cancelled in respect of those quantities.”.

(6) In Article 7(3)—

- (a) in the fourth paragraph, for “Member State exercising jurisdiction over the paying agency” substitute “United Kingdom”;
- (b) omit the last subparagraph.

(7) In Article 8, in paragraphs 3 and 4, for the words “Implementing Regulation” to the end, substitute “tendering procedure or the Regulations fixing the amount of aid in advance, referred to in Article 39 of Implementing Regulation (EU) 2016/1240.”.

(8) Omit Article 9.

(9) After Article 11, omit the words from “This Regulation” to “Member States”.

(10) In Annex 1, Part 1—

- (a) in point 1(d) for “Union” substitute “retained EU”;
- (b) in point 3 for “Member States” substitute “The appropriate authority”.

(11) In Annex 2, point 1(e), for “Union” substitute “retained EU”.

(12) In Annex 3—

- (a) in Part 1, point 2(b), for “[Commission Regulation \(EC\) No 1249/2008](#)” substitute “[Commission Delegated Regulation \(EU\) 2017/1182](#)”;
- (b) for Part 2 substitute—

#### *“Classification of products*

For the purpose of this Part, category Z refers only to male animals as described in point 1(c) of Part I.

#### I. GREAT BRITAIN

Carcases, half-carcases:

Category C, class U3

Category C, class U4

Category C, class R3

Category C, class R4

Category C, class O3

Category C, class O4

Category A, class U2

Category A, class U3

Category A, class R2

Category A, class R3

Category A, class O2

Category A, class O3

Category Z, class U2

Category Z, class U3

Category Z, class R2

Category Z, class R3

Category Z, class O2

Category Z, class O3

## II. NORTHERN IRELAND

Carcases, half-carcases:

Category C, class U3

Category C, class U4

Category C, class R3

Category C, class R4

Category C, class O3

Category C, class O4

Category A, class U2

Category A, class U3

Category A, class R2

Category A, class R3

Category A, class O2

Category A, class O3

Category Z, class U2

Category Z, class U3

Category Z, class R2

Category Z, class R3

Category Z, class O2

Category Z, class O3”

(13) In Annex 4—

(a) in Part 1—

(i) in paragraph 2, for “Commission” substitute “appropriate authority”;

(ii) in paragraph 3, for “Union” substitute “retained EU”;

(iii) omit paragraphs 5 and 6;

(b) in Part 3—

(i) in paragraph 1(b), omit “of each Member State”;

(ii) in paragraph 1(d), for “Member State” substitute “appropriate authority”;

(iii) in paragraph 3, in the third subparagraph, for “Member State” substitute “appropriate authority”.

- (14) In Annex 5—
- (a) in Part 1—
    - (i) in paragraph 2—
      - (aa) in subparagraph 2, for “Union” substitute “United Kingdom”;
      - (bb) in subparagraph 3 for “Commission” substitute “appropriate authority”;
    - (ii) in paragraph 3, for “Union” substitute “retained EU”;
    - (iii) omit paragraphs 5 and 6;
  - (b) in Part 3—
    - (i) in paragraph 1(b), omit “of each Member State”;
    - (ii) in paragraph 1(d), for “Member State” substitute “appropriate authority”;
    - (iii) in paragraph 3, for “Member State” substitute “appropriate authority”.
- (15) In Annex 6—
- (a) in the first paragraph, for “Union” substitute “retained EU”;
  - (b) under heading 1 (sugar), omit the last sentence;
  - (c) under heading 2 (flax fibre), in point (a), omit “and the Member State”;
  - (d) under heading 3 (meat)—
    - (i) in paragraph (a)—
      - (aa) omit “Union”;
      - (bb) for “Regulation (EC) No 1249/2008, and identified in accordance with Article 6(3)” substitute “Regulation (EU) No 2017/1182, and identified in accordance with Article 8(2)(a)”;
    - (ii) in paragraph (c), in each place it occurs, for “Union” substitute “United Kingdom”;
  - (e) under heading 4 (butter)—
    - (i) in the third paragraph, omit “of the Member State of production”;
    - (ii) omit the fourth paragraph;
  - (f) under heading 5 (cheese), for point (b) substitute—
    - “(b) it is stored as whole cheese in the United Kingdom; and”;
  - (g) under heading 6 (skimmed milk powder)—
    - (i) in the third paragraph, omit “of the Member State of production”;
    - (ii) omit the fourth paragraph.
- (16) In Annex 7—
- (a) omit point (a);
  - (b) in points (b) and (c)—
    - (i) for “the requirements”, in both places those words occur, substitute “any statutory requirements”;
    - (ii) omit “by the Member State concerned” in both places those words occur.

#### **Amendment of Regulation (EU) 2016/1240**

6.—(1) Commission Implementing Regulation (EU) No 2016/1240 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage is amended as follows.



(2) For Article 1(2) substitute—

“2. This Regulation shall apply without prejudice to specific provisions laid down in—

- (a) the published tendering procedure for the buying-in of products or opening the sale of products from intervention; or
- (b) the published tendering procedure for private storage or the Regulations fixing the amount of aid for private storage in advance.”.

(3) After Article 1 insert—

*“Article 1A*

*Definitions*

In this Regulation—

“appropriate authority” means—

- in relation to England, the Secretary of State;
- in relation to Wales, the Welsh Ministers;
- in relation to Scotland, the Scottish Ministers;
- in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

but the appropriate authority is the Secretary of State if consent is given by—

- in relation to Wales, for the purposes of Articles 11, 14, 32, 43 and 45 only, the Welsh Ministers;
- in relation to Scotland, the Scottish Ministers;
- in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.

(4) In Article 2—

- (a) in paragraph 1, omit “of the Member State concerned”;
- (b) in paragraph 2—
  - (i) for the words from “the” in the first place it occurs, to “submitted”, in the second place it occurs, substitute “English, or in the case of operators from Wales, English or Welsh”;
  - (ii) in point (a), for the words from “VAT” to “activity” substitute “United Kingdom VAT registration number”;
- (c) in paragraph 3, for “Implementing Regulation opening the tendering procedure or” substitute “published tendering procedure or the Regulation”.

(5) In Article 3(1), for the second subparagraph substitute—

“If the average annual production of cereals in the United Kingdom is less than 20 million tonnes, the appropriate authority may apply a minimum storage capacity of 10 000 tonnes from the 2019/20 period.”.

(6) In Article 4(2), for “European” substitute “domestic”.

(7) In Article 5—

- (a) in paragraph 1, for the words from “Member” to “maize” substitute “If the United Kingdom has an average annual production of cereals of less than 20 million tonnes, the appropriate authority may decide to apply a minimum quantity of 120 tonnes for common wheat, barley and maize.”;

- (b) in paragraph 2, for “Member State concerned” substitute “United Kingdom”.
- (8) In Article 7(1)—
- (a) in the first paragraph, for “Implementing Regulation opening the” substitute “published”;
  - (b) in subparagraph (a)(iv), for “Union” substitute “United Kingdom”;
  - (c) in subparagraph (c)(i), for “Union” substitute “United Kingdom”.
- (9) Omit Article 9.
- (10) In Article 11(1)—
- (a) for “Commission”, in each place it occurs, substitute “appropriate authority”;
  - (b) for “Commission’s” substitute “appropriate authority’s”;
  - (c) in subparagraph (c)—
    - (i) for “agencies of the Member States” substitute, “agency”;
    - (ii) for the second subparagraph substitute—
 

“The appropriate authority shall decide in the case of offers—

      - (a) not later than each Thursday, considering the quantities of products, which during the preceding week, have been the subject of an admissible offer; and
      - (b) when the quantities offered approach the quantitative limits fixed in Article 3(1) of Regulation (EU) No 1370/2013, on each working day, considering the quantities which have been the subject of an admissible offer up until 5 working days prior to the decision.”;
    - (iii) in the third subparagraph for “notification” substitute “submission”.
- (11) In Article 14—
- (a) in paragraph 1 for the words from “tenders notified” to “Commission” substitute “admissible tenders, the appropriate authority”;
  - (b) in paragraph 2, for “in the Official Journal of the European Union” substitute “by the appropriate authority”.
- (12) In Article 15—
- (a) in paragraph 2, for the words from “tenders that” to the end, substitute “admissible tenders”;
  - (b) in paragraph 3, for “Commission”, in each place it occurs, substitute “appropriate authority”.
- (13) In Article 16—
- (a) in the first paragraph—
    - (i) for “paying agencies are” substitute “paying agency is”;
    - (ii) for “in their territory” substitute “in the United Kingdom”;
    - (iii) for “their” in the second place it “occurs” substitute “the”;
  - (b) in the second paragraph for “Paying agencies” substitute “The paying agency”.
- (14) In Article 17(3), for the words “quantities notified” to the end, substitute “the quantities included in the admissible offer or tender”.
- (15) In Article 19—
- (a) in paragraph 1, in the second subparagraph, omit the words from “and reimbursed” to the end;

- (b) omit paragraph 2.
- (16) In Article 29—
  - (a) in paragraph 1, for the words from “Each” to “sale” substitute “Where the paying agency is holding intervention stocks available for sale, it”;
  - (b) in paragraph 2(b), for “Implementing Regulation” substitute “published tendering procedure”.
- (17) In Article 30(1), for “Implementing Regulation”, in each place those words occur, substitute “published tendering procedure”.
- (18) Omit Article 31.
- (19) In Article 32—
  - (a) in paragraph 1, for the words from “tenders notified” to “Regulation (EU) No 1308/2013” substitute “admissible tenders submitted within the time limits set out in the published tendering procedure opening the sale, the appropriate authority shall decide”;
  - (b) in paragraph 2, for “in the Official Journal of the European Union” substitute “by the appropriate authority”.
- (20) In Article 33—
  - (a) in paragraph 2—
    - (i) for “paying agencies”, in each place those words occur, substitute “paying agency”;
    - (ii) for “tenders that” to the end, substitute “admissible tenders submitted within the time limits set in the published tendering procedure opening the sale.”;
  - (b) in paragraph 3—
    - (i) for “paying agencies” substitute “paying agency”;
    - (ii) for “Commission”, in each place it occurs, substitute “appropriate authority”.
- (21) In Article 36—
  - (a) in the heading, for “Member States” substitute “the paying agency”;
  - (b) in paragraph 1, for “In a Member State where” substitute “Where”;
  - (c) in paragraph 2—
    - (i) for “by a paying agency” substitute “by the paying agency”;
    - (ii) omit “31”;
    - (iii) for “Member State” substitute “paying agency”;
  - (d) in paragraph 3 for “paying agencies” substitute “the paying agency”;
  - (e) in paragraph 4 for “paying agencies” substitute “paying agency”.
- (22) In Title 2 omit Chapter 4.
- (23) In Article 40(a)(i) and (ii), and in Article 40(b), in each place it occurs, for “Implementing Regulation opening the tendering procedure or” substitute “published tendering procedure or Regulations”.
- (24) Omit Article 42.
- (25) In Article 43—
  - (a) in paragraph 1, for “tenders notified in accordance with Article 42” substitute “admissible tenders received within the time limits set down in the published tendering procedure,”;
  - (b) in paragraphs 1 and 2, for “Commission”, in both places it occurs, substitute “appropriate authority”;

- (c) in paragraph 2, for the words from “, in accordance” to “fixing”, substitute “fix”;
  - (d) in paragraph 3, for “in the Official Journal of the European Union” substitute “by the appropriate authority”.
- (26) In Article 44—
- (a) in paragraph 2, in the second subparagraph, for the words from “tenders that” to the end, substitute “tenders received within the time limits set down in the published tendering procedure.”;
  - (b) in paragraph 3, for “Commission”, in both places it occurs, substitute “appropriate authority”.
- (27) In Article 45—
- (a) for “Commission”, in each place it occurs, substitute “appropriate authority”;
  - (b) in paragraph 3, omit the words from “, without” to “Regulation (EU) No 1308/2013,”.
- (28) In Article 48(2), for “Implementing Regulation opening the tendering procedure or” substitute “published tendering procedure or the Regulations”.
- (29) In Article 49, in the first paragraph, for the words from “Contracts” to “be stored” substitute “Where products are stored or will be stored in the United Kingdom, contracts shall be concluded between the paying agency”.
- (30) In Article 51—
- (a) in point (a) omit “Implementing Regulation opening the”;
  - (b) in point (b) omit “Implementing”.
- (31) In Article 52(4)(a), omit “and, if necessary, the Member State of production”.
- (32) In Article 53, in paragraphs 1 and 3, for “Implementing Regulation opening the tendering procedure or” substitute “published tendering procedure or the Regulations”.
- (33) In Article 56—
- (a) in paragraph 1, for “and the Implementing Regulations” substitute “, and the tendering procedures and the Regulations”;
  - (b) in paragraph 4, for “Commission” substitute “appropriate authority”.
- (34) In Article 57, omit paragraph 2.
- (35) In Article 58(2), omit the second subparagraph.
- (36) In Article 59—
- (a) in paragraph 1, omit “Union”;
  - (b) in paragraph 2, for “European Agricultural Guarantee Fund” substitute “appropriate authority”.
- (37) In Article 60a for “European” substitute “domestic”.
- (38) In Article 62—
- (a) in paragraph 1, for “or an Implementing Regulation” substitute “, or a published tendering procedure or the Regulations”;
  - (b) omit paragraph 4.
- (39) Omit Article 63.
- (40) For Article 64 substitute—

*“Notifications concerning the paying agency*

The appropriate authority shall make available to the public details of the approved paying agency, including by way of publication on the internet.”.

- (41) In Article 65—
  - (a) in paragraph 1—
    - (i) for the words from “Member” to “Commission” substitute “Where the paying agency holds intervention stocks, it shall notify the appropriate authority”;
    - (ii) in points (b)(ii) and (c)(ii), for “Regulation opening the” substitute “published”;
    - (iii) omit point (d)(ii);
  - (b) in paragraph 2, for “Commission” substitute “appropriate authority”.
- (42) Omit Article 66.
- (43) After Article 67, omit the words from “This Regulation” to “Member States”.
- (44) In Annex 1, Part 1, in paragraph 1.2(a), omit the second sentence.
- (45) In Annex 3, Part 3, in paragraph IV, for the words from “territory” to the end, substitute “United Kingdom.”.
- (46) In Annex 4, Part 2, paragraph 2(a), for “the Member State of production” substitute “indicating that the butter was produced in the United Kingdom”.
- (47) In Annex 5—
  - (a) in Part 1A—
    - (i) in Appendix 2, at paragraph 7.1, for “Member States” substitute “the appropriate authority”;
    - (ii) in Appendix 3, at paragraph 7.1, for “Member States” substitute “the appropriate authority”;
  - (b) in Part 2, in paragraph 2(a), for “the Member State of production” substitute “indicating that the skimmed milk powder was produced in the United Kingdom”.
- (48) In Annex 9—
  - (a) in paragraph 1, for “Member State” substitute “appropriate authority”;
  - (b) in paragraph 2, point 3 for “Union” substitute “domestic”.

4th April 2019

*Robert Goodwill*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

**Status:** This is the original version (as it was originally made).

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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 subordinate legislation in the field of the common market organisation in relation to the United Kingdom.

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