

2019 No. 0000

EXITING THE EUROPEAN UNION

AGRICULTURE

FOOD

The Food and Drink (Amendment) (EU Exit) Regulations 2019

<i>Sift requirements satisfied</i>	***
<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Coming into force in accordance with regulation 1(2) and (3)</i>	

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(a).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation and commencement

1.—(1) These Regulations may be cited as the Food and Drink (Amendment) (EU Exit) Regulations 2019.

(2) Except as provided for in paragraph (3), these Regulations come into force on exit day.

(3) Paragraphs (14) and (15), (19) to (26) and (29)(c) of regulation 3 come into force on the later of exit day or 21 days after the day on which they are made.

Regulation (EU) No 1169/2011 of the European Parliament and of the Council

2.—(1) Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers(b) is amended as follows.

(2) In Article 2, in paragraphs 2(g) and 3, for “Articles 23 to 26 of Regulation (EEC) No 2913/92” substitute “section 17(1) to (4) of the Taxation (Cross-border Trade) Act 2018(c) as read with the Customs (Origin of Chargeable Goods) (EU Exit) Regulations 2019(d)”.

(3) In Article 34(5), in the second subparagraph, omit the second sentence.

(a) 2018 c. 16.

(b) It is prospectively amended from exit day (see section 20 of the European Union (Withdrawal) Act 2018 (c. 16)) by S.I. 2019/778.

(c) 2018 c. 22.

(d) S.I. 2019/ .

Commission Delegated Regulation (EU) 2018/273

3.—(1) Commission Delegated Regulation (EU) 2018/273 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties^(a) is amended as follows.

(2) In Article 2—

(a) in paragraph 1, after point (l) insert—

“(m) ‘the 2010 Regulations’ means the Excise Goods (Holding, Movement and Duty Point) Regulations 2010^(b);

(n) ‘the competent authority’, in relation to a function to be exercised in the United Kingdom, or any part of it, means the person designated to carry out that function by regulation 4 of the Wine Regulations 2011^(c);

(o) ‘computerised system’ has the meaning given by regulation 3(1) of the 2010 Regulations;

(p) ‘electronic administrative document’ has the meaning given in regulation 3(1) of the 2010 Regulations;

(q) ‘HMRC’ means Her Majesty’s Revenue and Customs;

(r) ‘HMRC Notice 197’ means the notice numbered 197^(d) published by HMRC under regulation 56(2) of the 2010 Regulations as that notice stands on exit day;

(s) ‘unique administrative reference code’ has the meaning given in regulation 3(1) of the 2010 Regulations and ‘ARC’ is an abbreviated version of that.”;

(b) in paragraph 3 omit the first subparagraph.

(3) Article 10 is amended in accordance with paragraphs (4) to (8).

(4) In paragraph 1—

(a) in the first subparagraph—

(i) in the words before point (a)—

(aa) after “accompanying documents” insert “for wine products transported within the United Kingdom or being exported to a third country”;

(bb) for “to 5” substitute “and 4”;

(ii) for points (a) and (b) substitute—

“(a) a printed copy of an electronic administrative document that complies with the requirements for that document specified in HMRC Notice 197 and on which the unique administrative reference code assigned to the document is given;

(b) a paper document of the type specified in regulation 60(2)(b) of the 2010 Regulations that complies with the requirements set out in regulation 60(2A) of the 2010 Regulations;

(c) any other commercial document on which the unique administrative reference code is clearly stated;

(d) a paper document of the type specified in regulation 62(3)(a) or (b) of the 2010 Regulations, in the case of the movement within the United Kingdom under duty suspension arrangements of wine and made-wine to which regulation 62(2) of the 2010 Regulations applies.”;

(a) It is prospectively amended from exit day by S.I. 2019/865, .

(b) S.I. 2010/593; relevant amending instruments are S.I. 2011/2225 and prospectively, from exit day, 2019/13.

(c) S.I. 2011/2936; relevant amending instruments, which apply prospectively from exit day, are S.I. 2019/524, 865.

(d) A copy of the notice is available electronically from [*to be completed*]. A hard copy is available for inspection free of charge at the offices of HMRC at 100 Parliament Street, London SW1A 2BQ.

- (b) omit the second subparagraph.
- (5) In paragraph 2—
 - (a) in the first subparagraph omit “point (a) of the first subparagraph of”;
 - (b) in the second subparagraph omit the words from “referred to in Article 21(2)” to “paragraph 1”.
- (6) Omit paragraph 3.
- (7) In paragraph 4 omit “point (a) of the first subparagraph of”.
- (8) Omit paragraph 5.
- (9) In Article 11—
 - (a) in paragraph 1, in the first sentence omit the words from “point (a)(i)” to “subparagraph of”;
 - (b) omit paragraph 3.
- (10) In Article 12—
 - (a) in paragraph 1(a), for the words from the beginning to “of this Regulation” substitute “a document referred to in Article 10(1)”;
 - (b) in paragraph 2 omit “or MVV code”;
 - (c) in paragraph 3 omit “and (3)”.
- (11) In Article 13—
 - (a) in paragraph 1, for the words from “point (a)(i)” to the end substitute “Article 10(1), a notification issued by HMRC under regulation 50(1) of the Customs (Export) (EU Exit) Regulations 2019(a) constitutes proof of export from the United Kingdom”;
 - (b) omit paragraphs 2 and 3.
- (12) In Article 14(1), in the words before point (a) omit the words from “or information” to “10(5)”.
- (13) In Article 15—
 - (a) in paragraph 1, in the first subparagraph, in the words before point (a) omit “the customs territory of”;
 - (b) in paragraph 2—
 - (i) in the words before point (a)—
 - (aa) for “customs territory of the Union” substitute “United Kingdom”;
 - (bb) for “Union”, in the second place it occurs, substitute “United Kingdom”;
 - (cc) omit the words from “or a” to “2008/118/EC”;
 - (ii) in point (a) omit “point (b) of the first subparagraph of”;
 - (iii) in point (b), for “Union” substitute “United Kingdom”;
 - (c) in paragraph 3—
 - (i) omit the words from the beginning to “used,”;
 - (ii) for “system used” substitute “computerised system”.
- (14) In Article 17(2) omit the second sentence.
- (15) In Article 19, for “nearest to” substitute “for”.
- (16) In Article 21—
 - (a) in point (a)—
 - (i) in point (ii), for the words from “Union” to the end substitute “United Kingdom”;

(a) S.I. 2019/108.

- (ii) in point (iii), for the words from “to another” to “1186/2009” substitute “outside of the United Kingdom to another private individual in the United Kingdom in compliance with the conditions in the first three indents in the first sub-paragraph of paragraph 6.3 of Section 6 of the UK Reliefs document(a), as that document stands on exit day,”;
- (iii) in point (iv), for the words from “within” to “1186/2009” substitute “entering the United Kingdom from a third country”;
- (iv) in point (v) omit the words from “as defined” to “1186/2009”;
- (v) in point (ix)—
 - (aa) for “Union”, in the first place it occurs, substitute “United Kingdom”;
 - (bb) for “customs territory of the Union” substitute “United Kingdom”;
- (b) in point (b), in the words before point (i), for “Union” substitute “United Kingdom”;
- (c) after the existing paragraph insert—

“In this Article:

- (a) ‘trade fair’ means an event of the type specified in any of the indents of the first sub-paragraph of paragraph 24.3 of the UK Reliefs document as that document stands on exit day;
- (b) ‘UK Reliefs document’ has the meaning given in regulation 2(1) of the Customs (Reliefs from a Liability to Import Duty) (EU Exit) Regulations 2019(b).”.

(17) In Article 23, in the first paragraph, in the words before point (a), for the words from “shall” to “those formalities” substitute “relating to a consignment must be handed over to the competent authority on the completion of the customs formalities required for putting the consignment into free circulation in the United Kingdom”.

(18) In Article 27—

- (a) in paragraph 1—
 - (i) in the first subparagraph, for “Union”, in the first place it occurs, substitute “United Kingdom”;
 - (ii) for the words from “have” in the first subparagraph to “be” in the third subparagraph substitute “are”;
- (b) in paragraph 2 omit “the customs territory of”;
- (c) omit paragraph 4.

(19) In Article 28(3), in the first sentence—

- (a) for “Member States shall” substitute “The Food Standards Agency must”;
- (b) at the end insert “in England, Northern Ireland and Wales and Food Standards Scotland must draw up and keep up-to-date a list of operators obliged to keep the register in Scotland”.

(20) In Article 36—

- (a) omit paragraph 1;
- (b) in paragraph 3, for “Paragraphs 1 and 2” substitute “Paragraph 2”.

(21) In Article 37—

- (a) omit paragraph 1;
- (b) in paragraph 2 omit the first and second subparagraphs;
- (c) omit paragraph 3;

(a) The UK Reliefs document is available electronically from [HMRC](#). A hard copy is available for inspection free of charge at the offices of HMRC at 100 Parliament Street, London SW1A 2BQ.

(b) 2019/ .

(d) in paragraph 4 omit the words from “in the Member” to “Union”.

(22) For Article 40 substitute—

“Article 40

The United Kingdom liaison body

The Secretary of State is the liaison body responsible for official contact with third countries relating to matters covered by this Regulation for wine products imported into, or exported from, the United Kingdom.

But the Secretary of State must not act as the liaison body responsible for official contact with third countries pursuant to the first paragraph, without the consent of:

- (a) in relation to wine products imported into or exported from Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (b) in relation to wine products imported into or exported from Scotland, the Scottish Ministers;
- (c) in relation to wine products imported into or exported from Wales, the Welsh Ministers.”.

(23) Omit Articles 41 and 42.

(24) In Article 45—

- (a) omit the first paragraph;
- (b) in the second paragraph—
 - (i) omit “of a Member State”;
 - (ii) for the words from “of that” to the end substitute “designated by Article 40 must, without delay, inform any third country concerned”.

(25) Omit Article 48.

(26) For Article 51(2) substitute—

“2. The Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time:

- (a) the names and addresses of the competent authorities in the United Kingdom responsible for carrying out official analyses, the administrative certification procedure and checks relating to registers and accompanying documents, and
- (b) the lists referred to in paragraph 1.

3. But the Secretary of State must not publish the information and the lists specified in paragraph 2 without the consent of:

- (a) insofar as the information and lists will apply in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (b) insofar as the information and lists will apply in relation to Scotland, the Scottish Ministers;
- (c) insofar as the information and lists will apply in relation to Wales, the Welsh Ministers.”.

(27) Annex 5 is amended in accordance with paragraphs (28) and (29).

(28) In Section A—

- (a) in the second paragraph—
 - (i) omit the words from “points” to “subparagraph of”;
 - (ii) for “Annex I to Regulation (EC) No 684/2009” substitute “HMRC Notice 197”;
- (b) omit the third paragraph;
- (c) in the table—
 - (i) omit column 3;

- (ii) in the first row (reference number), in column 1, in the second sentence omit “, the MVV code”;
 - (iii) in the tenth row (description of packages of goods), in column 1 omit the second and third sentences;
 - (iv) omit the last row (visa from the competent body of the place of dispatch).
- (29) In Section B—
- (a) in point 1.1—
 - (i) omit the words “point (a)(i) of the first subparagraph of”;
 - (ii) omit the words from “referred to in Article 21(2)” to “Article 10(1)”;
 - (b) omit point 1.2;
 - (c) in point 2.1—
 - (i) in point (c)—
 - (aa) in the first subparagraph, in point (ii), for “recognised by the Union” substitute “set down in Section 2 of Annex A to Volume 1 of the 2019 Edition of the Compendium of International Methods of Wines and Musts Analysis published in Paris in January 2019 by the International Organisation of Vine and Wine(a) (‘the OIV Compendium’) as that Compendium stands on exit day”;
 - (bb) for the second subparagraph substitute—

“The information required by points (ii), (iii) and (iv) of the first subparagraph must be expressed in a way that takes into account any relevant provisions in the tables that apply to the measuring method for the evaluation by refractometry of the sugar concentration in grape musts, concentrated grape musts and rectified concentrated grape musts in Section 2 of Annex A to the OIV Compendium(b) as that Compendium stands on exit day.”;
 - (ii) in point (e)—
 - (aa) omit point (i);
 - (bb) in the last sentence omit “the wine-growing area and”.
- (30) Annex 6 is amended in accordance with paragraphs (31) to (33).
- (31) In the heading, for “**UNION**” substitute “**UNITED KINGDOM**”.
- (32) In Part 1—
- (a) in the heading, for “**Article 21(6) of Directive 2008/118/EC**” substitute “**regulation 57(7)(b) of the 2010 Regulations**”;
 - (b) in the specimen wording relating to the information to be mentioned—
 - (i) in the words before point (1), for “[*Member State or European Union*]” substitute “*the United Kingdom*”;
 - (ii) in point (1)(a), for the words from “*E-Bacchus*” to the end substitute “*United Kingdom’s PDOs and PGIs Register for wine established and maintained by the Secretary of State pursuant to Article 104 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council (as incorporated into the law of the United Kingdom by the European Union (Withdrawal) Act 2018), as amended*”;
 - (iii) in point (2), for “*Union law*” substitute “*the law in the United Kingdom*”;

(a) Volume 1 of the 2019 Edition of the Compendium of International Methods of Wines and Musts Analysis is available electronically from <http://www.oiv.int/public/medias/6619/compendium-2019-en-vol1.pdf>. A hard copy is available for inspection free of charge at the offices of the Department for Environment, Food and Rural Affairs, Second Floor, Seacole Block, 2 Marsham Street, London SW1P 4DF. The measuring method for the refractive index of grape must is set out under reference OIV-MA-AS2-02 in Section 2 of Annex A.

(b) The tables that apply to the measuring method for the evaluation by refractometry of the sugar concentration in grape musts, concentrated grape musts and rectified concentrated grape musts are set out under reference OIV-MA-AS2-02 in Section 2 of Annex A to the OIV Compendium.

- (iv) in point (4), for “*Union*” substitute “*United Kingdom*”;
- (v) in the box relating to the administrative reference assigned by the competent authority omit “or ‘*MVV code*’”.

(33) In Part 2—

- (a) in Section A, for the template for the wine export certificate substitute the template for that certificate in the Schedule;
- (b) in Section B, in the table—
 - (i) in the ninth row (logo of the Member State of dispatch), in column 1 omit “Logo of the Member State of dispatch and”;
 - (ii) in the last row (reference number), in column 1, in the second sentence omit “or the MVV code”.

(34) In Annex 7, in Part 4, in the list lettered B (list of third countries referred to in Article 26) omit “— Canada”.

Date Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 3

Commission Delegated Regulation (EU) 2018/273, Annex 6, Part 2,
Section A: new template for the wine export certificate referred to in
Article 12(1)(b) of that Regulation

<p>UNITED KINGDOM</p> <p>WINE EXPORT CERTIFICATE</p> <p>For wines exported from the United Kingdom to ...</p> <p>This is a multi-purpose certificate, established in accordance with Article 12 of Delegated Regulation (EU) 2018/273 (as incorporated into the law of the United Kingdom by the European Union (Withdrawal) Act 2018), as amended, for use as:</p> <p style="text-align: center;"><u>Certificate of Origin, Certificate of Health and Certificate of Authenticity</u></p>	
<p>2. Consignor:</p> <p>2a. Identification:</p>	<p>A. Exporter:</p> <p>Aa. Identification:</p>

3. Place of dispatch:	A1. Premises:	
5. Identity of means of transport (nature):	6. Reference:	
B. Importer:		Ba. Place of delivery:
17p. Description:	17df. Quantity (Litres):	Details:
<p>17l. Certification:</p> <p><i>I, undersigned, responsible for these products for export, certify the following information:</i></p> <ul style="list-style-type: none"> <i>– the products listed above were produced and bottled in the United Kingdom/in</i> <i>– all the products comply with the provisions governing the production and release of products for direct human consumption under the law in the United Kingdom;</i> <i>– the products were produced by normal and approved methods of production and not specifically for the purpose of export and the products are authentic and are fit for human consumption in the United Kingdom;</i> <i>– the products listed above were produced and bottled in compliance with the law in the United Kingdom as wines with:</i> <p><input type="checkbox"/> <i>protected designation of origin (PDO) or protected geographical indication (PGI) registered in the United Kingdom’s PDOs and PGIs Register for wine established and maintained in the United Kingdom in accordance with Article 104 of Regulation (EU) No 1308/2013 (as incorporated into the law of the United Kingdom by the European Union (Withdrawal) Act 2018), as amended, (‘Regulation (EU) No 1308/2013’);</i></p> <p><input type="checkbox"/> <i>indication of the vintage year in accordance with the rules provided for in Article 120 of Regulation (EU) No 1308/2013;</i></p> <p><input type="checkbox"/> <i>indication of the wine grape variety(ies) (‘varietal wines’) in accordance with the rules provided for in Articles 81 and 120 of Regulation (EU) No 1308/2013.</i></p> <p>Complementary certification (optional)</p>		

<p>10. The control authorities confirm that the consignor of the wine products described in this certificate is registered by and attached to with the obligation that all wine products must be registered and subject to supervision and inspection by the competent authorities.</p>	
<p>18. Signature: Date:</p> <p>Name and title:</p>	<p>18a. Unique administrative reference assigned by the competent authorities:</p> <p>(Article 10(1) of Delegated Regulation (EU) 2018/273) ARC</p>
<p>The consignor or representative certifying the above information (Article 12(2) of Delegated Regulation (EU) 2018/273):</p>	

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), (c) and (d)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to retained direct EU legislation relating to food information and wine.

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