

Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No.000

**EXITING THE EUROPEAN UNION
ANIMALS**

**The Import of and Trade in Animals and Animal
Products (Amendment etc.) (EU Exit) Regulations 2019**

Made - - - -

Date

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 7 of Schedule 4 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾.

In accordance with paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as The Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

(3) In these Regulations, “the appropriate authority” means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers;

(c) in relation to Scotland, the Scottish Ministers;

(d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

- (4) But the appropriate authority is the Secretary of State if consent is given by—
- (a) in relation to Wales, the Welsh Ministers;
 - (b) in relation to Scotland, the Scottish Ministers;
 - (c) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

Trade with EEA states and Switzerland

2. For the purposes of the amendments to retained direct EU legislation being made by these Regulations, trade with Iceland, Liechtenstein, Norway and Switzerland under any agreement between those countries and the European Union is to be treated as trade with member States in accordance with such agreements.

PART 2

Third country lists

Transfer of Commission functions relating to third country lists

3.—(1) The functions of the European Commission specified in the EU legislation listed in the table in Schedule 1, which relate to drawing up lists of third countries for the purposes of trade between the European Union and third countries in live animals and animal products and the importation and movement of such animals and products into and through the European Union, are exercisable by the appropriate authority on or after exit day for the purposes of any trade between the United Kingdom and third countries or the importation or movement of live animals and animal products into and through the United Kingdom after exit day.

(2) This regulation does not apply to any amendments to direct EU legislation contained in Part 4 which relate to the identification documents for, and movement of, pet animals.

- (3) In this regulation—
- (a) “drawing up” includes publishing in such form and manner, and at such intervals, as the appropriate authority considers appropriate; and
 - (b) “third country” means any country other than a member State or the British Islands.

PART 3

Amendment to domestic legislation relating to fees for import checks

Amendment to the Trade in Animals and Related Products Regulations 2011

4. In the Trade in Animals and Related Products Regulations 2011(2), in regulation 38, for “trade between” substitute “imports from”.

(2) [S.I. 2011/1197](#), amended by [S.I. 2012/2897](#), [2013/2996](#), [2014/3158](#), [2018/575](#) and [1037](#).

Amendment to the Trade in Animals and Related Products Regulations (Northern Ireland) 2011

5. In the Trade in Animals and Related Products Regulations (Northern Ireland) 2011(3), in regulation 38(1), for “trade between”, substitute “imports from”.

PART 4

Amendments to retained direct EU legislation

Commission Decision 93/352/EEC laying down derogations from the conditions of approval for border inspection posts located in ports where fish is landed

6.—(1) Commission Decision 93/352/EEC laying down derogations from the conditions of approval for border inspection posts located in ports where fish is landed is amended as follows.

(2) For Article 1, substitute—
“Article 1

1. The appropriate authority of the relevant part of the United Kingdom must designate an official agent, who is specifically trained, to be responsible for the carrying out of checks on fish in border inspection posts located in ports where fish is unloaded.

2. In this Article, “the appropriate authority” means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales), the Scottish Ministers (in relation to Scotland) and the Department of Agriculture, Environment and Rural Affairs (in relation to Northern Ireland); but “the appropriate authority” is the Secretary of State if consent is given by:

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

(3) For Article 2, substitute—
“Article 2

Unloading and landing of fish must be carried out in accordance with point 2 of the Annex to Decision 2001/812.”.

(4) Omit Article 3.

Commission Decision 94/360/EC on the reduced frequency of physical checks of consignments of certain products to be implemented from third countries

7.—(1) Commission Decision 94/360/EC on the reduced frequency of physical checks of consignments of certain products to be implemented from third countries is amended as follows.

(2) In Article 1—

(a) in paragraph 1—

- (i) for “Member States”, substitute “appropriate authority”,
- (ii) omit “Community”,
- (iii) omit “, without prejudice to the EEA agreement”;

- (b) in paragraph 2, for “each Member State”, substitute “the appropriate authority”;
- (c) in paragraph 3—
- (i) for “Articles 15 and 19 of [Directive 90/675/EEC](#)”, substitute—
 - “(a) Article 20 of Council [Directive 97/78/EC](#); and
 - (b) Article 22 of that Directive read as if—
 - (i) the function of the Commission in paragraph 1 were a function of the appropriate authority to be exercised in accordance with domestic legislation, and
 - (ii) paragraphs 3 to 7 were omitted.”,
 - (ii) omit the second subparagraph;
 - (d) after paragraph 3, insert—

“4. In this Decision:

“the appropriate authority” means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales), the Scottish Ministers (in relation to Scotland) and the Department of Agriculture, Environment and Rural Affairs (in relation to Northern Ireland); but “the appropriate authority” is the Secretary of State if consent is given by:

 - (a) in relation to Wales, the Welsh Ministers;
 - (b) in relation to Scotland, the Scottish Ministers;
 - (c) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

“EU-derived domestic legislation” means an enactment made under the European Communities Act 1972⁽⁴⁾;

“third country” means any country other than a member State or the British Islands.”.
- (3) In Article 2, for “Member States”, substitute “The appropriate authority”.
- (4) Omit Article 3.
- (5) After Article 3, insert—
- “Article 3a
1. The appropriate authority must from time to time review the frequencies of the checks set out in Annex I of this Decision, or set out in any veterinary equivalence agreement concluded with the third country on a reciprocal basis, taking into account whether:
 - (a) the products originate in third countries or regions of third countries offering satisfactory health guarantees as regards checks at the port of origin on products intended for import;
 - (b) the products come from an establishment which has undergone either a previous EU inspection or an inspection from a relevant United Kingdom competent authority; and
 - (c) import certificates have been issued for the products concerned.
 2. When reviewing the frequency of checks in relation to a third country, the appropriate authority must, in relation to a third country, take account of:

(4) [1972 c.68](#). Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act [2006 \(c.51\)](#) and Part 1 of the Schedule to the European Union (Amendment) Act [2008 \(c.7\)](#).

- (a) the guarantees offered for all or part of its territory with respect to compliance with residue checks;
- (b) the health situation of animals;
- (c) information on the general public health situation;
- (d) the nature of the measures applied for monitoring and combating animal disease;
- (e) the structures, skills, independence and qualifications of the veterinary service or other competent services;
- (f) compliance with the minimum standards laid down in legislation with regard to production hygiene;
- (g) the type of product or products and the potential health risk that is posed;
- (h) rules on the authorization of certain substances and compliance with the requirements in relevant EU-derived domestic legislation concerning the prohibition on the use in stock farming of certain substances having a hormonal or thyrostatic action and of β -agonists;
- (i) the outcome of previous EU or national inspection visits;
- (j) the outcome of the import checks carried out;
- (k) an analysis of the risk involved owing to the nature of the products to be imported, their presentation or mode of transport used.”.

(6) In Article 4, for “other Community legislation”, substitute “EU-derived domestic legislation”.

(7) Omit Articles 5, 6, 7 and 8.

(8) In Annex 1, in the heading, for “EACH MEMBER STATE”, substitute “THE APPROPRIATE AUTHORITY”.

Commission Decision 1997/152/EC concerning the information to be entered in the computerized file of consignments of animals or animal products from third countries which are re-dispatched

8.—(1) Commission Decision 1997/152/EC concerning the information to be entered in the computerized file of consignments of animals or animal products from third countries which are re-dispatched is amended as follows.

(2) In Article 1, at the end, insert as a new subparagraph—

“In this Decision, “third country” means any country other than a member State or the British Islands.”.

(3) Omit Article 2.

(4) In the Annex, for paragraph 4, point (d), substitute—

“(d) Country of destination”.

Commission Decision 1997/794/EC laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries

9.—(1) Commission Decision 1997/794/EC laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries is amended as follows.

(2) In Article 1, at the end, insert as a new subparagraph—

“In this Decision: