

*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.*

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DRAFT STATUTORY INSTRUMENTS

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**2020 No.**

**EXITING THE EUROPEAN UNION  
AGRICULTURE  
ANIMALS  
FOOD  
PLANT HEALTH**

The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020

*Made* - - - - *\*\*\**

*Coming into force in accordance with regulation 1*

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

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

**PART 1**

Introductory

**Citation and commencement**

**1.** These Regulations may be cited as the Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020 and come into force on IP completion day.

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(1) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) and paragraph 21 of Schedule 7 was amended by section 41(4) of, and paragraph 53(2) of Schedule 5 to, that Act.

## PART 2

### Amendments to Regulation (EU) 2017/625

#### Amendments to Regulation (EU) 2017/625 of the European Parliament and of the Council

2. Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products is amended in accordance with regulations 3 to 29.

#### Amendments to Title 1

3.—(1) In Article 1—

(a) in paragraph 1—

(i) in point (a), for “the Member States” substitute “Great Britain”;

(ii) for point (c) substitute—

“(c) arrangements for administrative assistance and cooperation in relation to the rules referred to in paragraph 2;”;

(iii) in point (d), omit “by the Commission in Member States and”;

(iv) in point (e), for “the Union” substitute “Great Britain”;

(b) in paragraph 2, in the opening words, omit the words from “, whether” to “legislation,”;

(c) in paragraph 3, for “the Union”, in both places where it occurs, substitute “Great Britain”;

(d) in paragraph 4(b) and (c)—

(i) immediately before “Directive”, in both places where it occurs, insert “legislation which transposed”;

(ii) at the end of both subparagraphs, insert “in each constituent territory of Great Britain”;

(e) in paragraph 5—

(i) for “108” substitute “107”;

(ii) omit “, Article 130”.

(2) In Article 3—

(a) in point (2), omit “whether at Union or national level”;

(b) after point (2) insert—

“(2A) ‘the appropriate authority’ means, subject to point (2B)—

(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;

(2B) The appropriate authority is the Secretary of State—

(a) in relation to any functions exercisable in relation to a matter which is outside devolved competence; or

(b) in any other case, if consent is given—

(i) in the case of functions conferred, or any provision in regulations applying, in relation to Wales, by the Welsh Ministers;

- (ii) in the case of functions conferred, or any provision in regulations applying, in relation to Scotland, by the Scottish Ministers;
- (2C) For the purposes of point (2B)(a), a provision is “outside devolved competence”—
  - (a) in relation to Wales, if it would not be within the legislative competence of the Senedd Cymru if it were contained in an Act of the Senedd Cymru (assuming, in the case of provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975(2), that such consent were given);
  - (b) in relation to Scotland, if it would not be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (2D) ‘third country’ means any country or territory outside the British Islands;”;
- (c) in point (3)—
  - (i) in the words before point (a), for “competent authorities” substitute “the competent authority”;
  - (ii) in point (a), for “central authorities of a Member State” substitute “appropriate authority”;
  - (iii) in point (c), after “third country” insert “, of Northern Ireland or of any of the Crown Dependencies”;
- (d) after point (3) insert—

“(3A) ‘Crown Dependency’ means the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man;”;
- (e) in point (4)—
  - (i) for “a Member State” substitute “Great Britain”;
  - (ii) after “third country”—
    - (aa) in the first place where it occurs, insert “, of Northern Ireland or of any of the Crown Dependencies”;
    - (bb) in the second place where it occurs, insert “, in Northern Ireland or in any of the Crown Dependencies”;
- (f) in point (7), omit “in a Member State”;
- (g) in point (36), for the words from “means pesticide” to the end, substitute “means any apparatus specifically intended for the application of pesticides, including accessories that are essential for the effective operation of such equipment, such as nozzles, manometers, filters, strainers and cleaning devices for tanks”;
- (h) in point (38), for “a Member State” substitute “the competent authority”;
- (i) in point (39)—
  - (aa) for “a Member State” substitute “the competent authority”;
  - (bb) for “the Union” substitute “British Islands”;
- (j) for point (40) substitute—

“(40) ‘entering Great Britain’ or ‘entry into Great Britain’ means the action of bringing animals and goods into Great Britain from a third country;”;
- (k) after point (40) insert—

“(40A) “first arrival” means the point of first arrival in Great Britain from a third country;”

- (l) in point (41) at the end, insert “, which take effect as retained direct EU legislation, or, as the case may be, by regulations made under those Articles.”;
- (m) in point (44), for the words from “one of the territories”, in the first place where they occur, to the end substitute “one part of the British Islands, or from one part of the British Islands to another part, having passed through the territory of a third country;”.

### **Amendments to Title 2, Chapter 1**

- 4.—(1) In the heading to Title 2, omit “IN MEMBER STATES”.
- (2) In Article 4—
  - (a) in paragraph 1—
    - (i) for “Member States” substitute “the appropriate authority”;
    - (ii) for “they confer” substitute “it confers”;
  - (b) in paragraph 2—
    - (i) in the opening words—
      - (aa) for “a Member State” substitute “the appropriate authority”;
      - (bb) for “the Member State” substitute “the appropriate authority”;
    - (ii) point (a) becomes part of the opening words;
    - (iii) omit point (b) and “and” immediately preceding point (b);
  - (c) in paragraph 4—
    - (i) for the opening words substitute “The appropriate authority must make publicly available, by publishing online, the contact details of—”;
    - (ii) omit point (b);
    - (iii) omit the final subparagraph.
- (3) In Article 7, omit “in accordance with national law”.
- (4) In Article 8—
  - (a) in paragraph 1—
    - (i) for “under national or Union legislation” substitute “by law”;
    - (ii) for “Member States” substitute “the appropriate authority”;
  - (b) in paragraphs 3 and 5, for “Union or national legislation” substitute “law”.

### **Amendments to Title 2, Chapter 2, Section 1**

- 5.—(1) In Article 9—
  - (a) in paragraph 2, for the words from “through the” to “108”, substitute “by other competent authorities”;
  - (b) in paragraph 3(b)—
    - (i) omit “by the Commission”;
    - (ii) at the end, insert “and which take effect as retained direct EU legislation, or, as the case may be, regulations made under those Articles”;
  - (c) in paragraph 6—

- (i) for point (a) substitute—
  - “(a) available on the market in Great Britain;”;
- (ii) in points (b) and (c), for “the Union” substitute “Great Britain”;
- (d) in paragraph 7—
  - (i) for “Member States of destination” substitute “the competent authority responsible for the constituent territory of destination in Great Britain”;
  - (ii) for “another Member State” substitute “a different constituent territory of the British Islands”.
- (2) In Article 10(3), for the words from “Commission” to “amend” substitute “appropriate authority may make regulations amending”.
- (3) In Article 11(1)(d), for “referred to in Article 139” substitute “applicable in relation to breaches of this Regulation”.
- (4) In Article 15—
  - (a) in paragraph 3, for “the Union” substitute “Great Britain”;
  - (b) in paragraph 4—
    - (i) for “The Commission may, by means of implementing acts,” substitute “The appropriate authority may, by regulations,”;
    - (ii) omit the words from “Those implementing acts” to the end.

## **Amendments to Title 2, Chapter 2, Section 2**

- 6.—(1) In Article 16—
  - (a) in paragraph 2, in the opening words, for the words from “adopting” to “Commission” substitute “making regulations provided for in this Section, the appropriate authority”;
  - (b) in paragraph 3—
    - (i) in the opening words—
      - (aa) for the words from “adopting” to “implementing acts” substitute “making regulations”;
      - (bb) for “Commission” substitute “appropriate authority”;
    - (ii) in point (a), for “delegated acts and implementing acts” substitute “regulations”.
- (2) In Article 18—
  - (a) in paragraph 7, in the opening words, for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”;
  - (b) in paragraph 8—
    - (i) in the opening words, for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
    - (ii) omit the final subparagraph;
  - (c) in paragraph 9—
    - (i) for “Member States” substitute “appropriate authority”;
    - (ii) omit the words from “Those national measures” to the end.
- (3) In Article 19—
  - (a) in paragraph 2—

- (i) for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”;
    - (ii) for “Those delegated acts” substitute “Those regulations”;
  - (b) in paragraph 3—
    - (i) in the opening words, for the words from “Commission to “lay” substitute “appropriate authority may make regulations laying”;
    - (ii) in point (c), for “108” substitute “107”;
    - (iii) omit the words from “Those implementing acts” to the end.
- (4) In Article 20—
- (a) in paragraph 2, in the opening words—
    - (i) for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”;
    - (ii) omit “Union”;
    - (iii) for “Those delegated acts” substitute “Those regulations”;
  - (b) in paragraph 3—
    - (i) in the opening words, for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
    - (ii) omit the words from “Those implementing acts” to the end.
- (5) In Article 21—
- (a) in paragraph 2(a) and (b), for “between Member States and with” in each place where it occurs, substitute “from Great Britain to”;
  - (b) in paragraph 6—
    - (i) in point (a), for “Member States” substitute “competent authority”;
    - (ii) in points (b) and (c), for “Member State” in both places where it occurs, substitute “competent authority”;
  - (c) in paragraph 8—
    - (i) in the opening words—
      - (aa) for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”;
      - (bb) for “Union” substitute “the”;
      - (cc) for “Those delegated acts” substitute “Those regulations”;
    - (ii) in point (d), for “108” substitute “107”;
  - (d) in paragraph 9—
    - (i) in the opening words—
      - (aa) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
      - (bb) omit “Union”;
    - (ii) omit the final subparagraph.
- (6) In Article 22—
- (a) in paragraph 2—
    - (i) in the opening words—

- (aa) for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”;
      - (bb) for “Union” substitute “the”;
      - (cc) for “Those delegated acts” substitute “Those regulations”;
    - (ii) in point (a), for “in the Union” substitute “within Great Britain”;
  - (b) in paragraph 3—
    - (i) in the opening words—
      - (aa) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
      - (bb) for “Union” substitute “the”;
    - (ii) omit the final subparagraph.
- (7) In Article 23—
- (a) in paragraph 2—
    - (i) in the opening words—
      - (aa) for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”;
      - (bb) for “Those delegated acts” substitute “Those regulations”;
    - (ii) in point (a)—
      - (aa) in point (i), after “in accordance with” insert “legislation in force in the relevant constituent territory of Great Britain which transposed”;
      - (bb) in point (ii), for “point (e) of Article 13(2) of [Directive 2001/18/EC](#)” substitute “the monitoring plan referred to in Regulation 16(2)(g) of the Genetically Modified Organisms (Deliberate Release) Regulations 2002<sup>(3)</sup> or corresponding legislation in force in any of the constituent territories of Great Britain<sup>(4)</sup>”;
  - (b) in paragraph 3—
    - (i) in the opening words, for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
    - (ii) in point (a)—
      - (aa) after “in accordance with” insert “the legislation which transposed”;
      - (bb) after “[Directive 2001/18/EC](#)” insert “in the relevant constituent territory of Great Britain”;
    - (iii) in point (b), for “point (e) of Article 13(2) of [Directive 2001/18/EC](#)” substitute “regulation 16(2)(g) of the Genetically Modified Organisms (Deliberate Release) Regulations 2002 or corresponding legislation in force in any of the constituent territories of Great Britain”;
    - (iv) omit the final subparagraph.
- (8) In Article 24—
- (a) in paragraph 2(a), for the words from “Article 8” to the end substitute “regulation 11 of the Water Environment (Water Framework Directive) (England and Wales) Regulations

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(3) [S.I. 2002/2443](#). Regulation 16(2)(g) is amended by [S.I. 2019/88](#).

(4) Regulation 16(2)(g) of the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 ([S.S.I. 2002/541](#)) and regulation 17(2)(g) of the Genetically Modified Organisms (Deliberate Release)(Wales) Regulations 2002 ([S.I. 2002/3188](#)).

- 2017(5), or, as the case may be, section 8 of the Water Environment and Water Services (Scotland) Act 2003(6);”;
- (b) in paragraph 3—
- (i) in the opening words—
    - (aa) for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”;
    - (bb) for “Those delegated acts” substitute “Those regulations”;
  - (ii) in point (a), for “the Union” substitute “Great Britain”;
- (c) in paragraph 4—
- (i) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
  - (ii) in point (a), for “the Union” substitute “Great Britain”;
  - (iii) omit the final subparagraph.
- (9) In Article 25—
- (a) In the opening words, for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
  - (b) omit point (b);
  - (c) in point (c), for “108” substitute “107”;
  - (d) omit the final subparagraph.
- (10) In Article 26—
- (a) in paragraph 2—
    - (i) in the opening words, for the words from “Commission” to “by” substitute “appropriate authority may make regulations”;
    - (ii) for “Those delegated acts” substitute “Those regulations”;
  - (b) in paragraph 3—
    - (i) in the opening words, for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
    - (ii) in point (a), for “108” substitute “107”;
    - (iii) omit the final subparagraph.
- (11) In Article 27—
- (a) in paragraph 1, in the opening words—
    - (i) for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”;
    - (ii) for “Those delegated acts”, in both places where the words occur, substitute “Those regulations”;
  - (b) in paragraph 2—
    - (i) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
    - (ii) omit the words from “Those implementing acts” to the end;
  - (c) omit paragraph 3.

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(5) [S.I. 2017/407](#). Regulation 11 is amended by [S.I. 2019/558](#).

(6) [2003 asp. 3](#).



### Amendments to Title 2, Chapter 3

7. In Article 28(2), for “a Member State” substitute “the appropriate authority”.

### Amendments to Title 2, Chapter 4

- 8.—(1) In Article 34—
- (a) in paragraph 1, for “Union rules” substitute “legislation in force in the relevant constituent territory of Great Britain”;
  - (b) in paragraph 2—
    - (i) in the opening words, omit “the Union”;
    - (ii) in point (a)—
      - (aa) in the first subparagraph, omit the words from “including” to “accepted”;
      - (bb) in the second subparagraph, after “European Union” insert “or British”;
    - (iii) in point (b), for “at national level” substitute “in the relevant constituent territory of Great Britain”;
  - (c) in paragraph 6—
    - (i) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
    - (ii) omit the final subparagraph.
- (2) In Article 35(3), for “Member States” substitute “The appropriate authority”.
- (3) In Article 37—
- (a) in paragraph 1—
    - (i) after “official laboratories” insert “, which may be in any part of the United Kingdom,”;
  - (b) for the words from “, in the Member State” to the end, substitute “in Great Britain.”;
  - (c) in paragraph 2—
    - (i) in the opening words, for the words from “another” to “European Economic Area” substitute “a third country”;
    - (ii) in point (a), omit the words from “or delegate” to the end;
    - (iii) in point (b), for “Member State” substitute “country”;
  - (d) in paragraph 6, for the words from “Union” to “in accordance with paragraph 1” substitute “United Kingdom or in a third country.”.
- (4) In Article 38(2), for “the European Union reference laboratory or” substitute “a”.
- (5) In Article 40(3), for the words from “Member States” to the end, substitute “United Kingdom.”.
- (6) In Article 41, for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”.
- (7) In Article 42—
- (a) in paragraph 1(a), for “Union rules” substitute “legislation in force in the relevant constituent territory of Great Britain”;
  - (b) in paragraph 4, for the words from “Member States” to the end, substitute “United Kingdom.”.

### Amendments to Title 2, Chapter 5

**9.**—(1) In the title to Chapter 5 and in the heading to Article 43, for “the Union” substitute “Great Britain”.

(2) In Article 43, for “the Union” substitute “Great Britain”.

### Amendments to Title 2, Chapter 5, Section 1

**10.**—(1) In Article 44—

(a) in paragraphs 1, 3(a) and (c) and 4, for “the Union”, in each place where it occurs, substitute “Great Britain”;

(b) in paragraph 3, in the opening words, for “Union” substitute “United Kingdom”.

(2) In Article 45(4)—

(a) for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”;

(b) for “the Union” substitute “Great Britain”.

(3) In Article 46(2)—

(a) in the opening words, for the words from “Commission” to “acts” substitute “appropriate authority may make regulations to”;

(b) omit the final subparagraph.

### Amendments to Title 2, Chapter 5, Section 2

**11.**—(1) In Article 47—

(a) in paragraph 1—

(i) in the opening words—

(aa) for “the Union”, in the first place where it occurs, substitute “Great Britain from a third country”;

(bb) for “the Union”, in the second place where it occurs, substitute “Great Britain”;

(ii) in point (d)—

(aa) for the words from “Commission” to “for in” substitute “appropriate authority has decided, by making regulations under”;

(bb) for “the Union” substitute “Great Britain”;

(iii) in point (e)—

(aa) for “Combined Nomenclature” substitute “classification system applicable in the United Kingdom, as amended from time to time, whether established and maintained pursuant to section 8(1) of the Taxation (Cross-border Trade) Act 2018(7) or under any other enactment”;

(bb) for “the Union” substitute “Great Britain”;

(iv) in point (f), for “the Union” in both places where it occurs, substitute “Great Britain”;

(b) in paragraph 2—

(i) in the opening words, for the words from “Commission” to “acts” substitute “appropriate authority may make regulations which”;

- (ii) in points (a) and (b), for “Combined Nomenclature”, in both places where it occurs, substitute “classification system applicable in the United Kingdom, as amended from time to time, whether established and maintained pursuant to section 8(1) of the Taxation (Cross-border Trade) Act 2018 or under any other enactment”;
  - (iii) in the final subparagraph, for the words from “Those” to the end, substitute—  
“Those regulations may also make provision for the appropriate authority from time to time to specify and publish online either or both of the lists referred to in this paragraph.”.
- (c) in paragraph 3, for the words from “Commission” to “amend” substitute “appropriate authority may make regulations amending”.
- (2) In Article 48, for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”.
- (3) In Article 49—
  - (a) in paragraph 1, after “arrival” insert “from a third country”;
  - (b) in paragraph 4—
    - (i) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
    - (ii) omit the words from “Those” to the end;
  - (c) in paragraph 5, for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”.
- (4) In Article 50(4), for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”.
- (5) In Article 51—
  - (a) in paragraphs 1 and 2, for the words from “Commission” to “Article 144”, in both places where they occur, substitute “appropriate authority may make regulations”;
  - (b) in paragraph 1—
    - (i) in point (b), for “the Union” substitute “Great Britain”;
    - (ii) in point (c), for “into the Union” substitute “in Great Britain”.
- (6) In Article 52—
  - (a) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
  - (b) omit the words from “Those implementing acts” to the end.
- (7) In Article 53(1)—
  - (a) in the opening words, for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”;
  - (b) in point (a), after “Article 64(4)” insert, “which take effect as retained direct EU legislation, or, as the case may be, regulations made under that Article ”;
  - (c) in points (b) and (c)—
    - (i) in both places where the words occur—
      - (aa) for “Union” substitute “United Kingdom”;
      - (bb) for “Member State” substitute “constituent territory of Great Britain”.
- (8) In Article 54—
  - (a) in paragraph 3—

- (i) in the opening words—
  - (aa) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
  - (bb) after “paragraph 2” insert “, which may also include provision for the appropriate authority to set the appropriate frequency rates by publication of those rates online, as amended from time to time,”;
- (ii) in point (a)—
  - (aa) in point (i), for “Commission” substitute “appropriate authority”;
  - (bb) in point (ii), omit “by Commission experts” and at the end insert “by experts appointed by the appropriate authority”;
  - (cc) in point (iv), for “the information management system for official controls (IMSOC)” substitute “the appropriate computerised information management system”;
- (iii) in point (b), for “Member States” substitute “competent authorities”;
- (iv) omit the final subparagraph;
- (b) in paragraph 4—
  - (i) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
  - (ii) for the final subparagraph, substitute—
 

“Regulations under this paragraph may also make provision for the competent authority from time to time to specify and publish online the minimum frequency of the performance of official controls.”.
- (9) In Article 56—
  - (a) in paragraph 3(a), after “those consignments”, insert “from a third country”;
  - (b) in paragraphs 3(b)(ii) and 4, in both places where it occurs, for “IMSOC” substitute “appropriate computerised information management system”;
  - (c) in paragraph 4, for “into the Union” substitute “in Great Britain”.
- (10) In Article 57(1), for “IMSOC” substitute “appropriate computerised information management system”.
- (11) In Article 58—
  - (a) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
  - (b) omit the final subparagraph.
- (12) In Article 59—
  - (a) in paragraph 1, for “Member States” substitute “Competent authorities”;
  - (b) for paragraph 2, substitute—
 

“2. The competent authority must notify the other competent authorities of the constituent territories of the British Islands before designating a border control post.”.
  - (c) omit paragraphs 3 to 5.
- (13) In Article 60—
  - (a) in paragraph 1, for “Each Member State” substitute “The competent authority”;
  - (b) omit paragraph 2.

- (14) Omit Article 61.
- (15) In Article 62—
- (a) in paragraph 1, for “Member States” substitute “competent authorities”;
  - (b) in paragraph 2, for the words from “Member States shall” to “other Member States” substitute “The competent authority must inform the other competent authorities of the constituent territories of the British Islands”;
  - (c) omit paragraph 3;
  - (d) in paragraph 4, for “Member States” substitute “competent authorities”.
- (16) In Article 63—
- (a) in paragraph 1, for “A Member State” substitute “A competent authority”;
  - (b) in paragraph 2; for the words from “Member States shall” to “other Member States” substitute “The competent authority must immediately inform the other competent authorities of the constituent territories of the British Islands”;
  - (c) in paragraph 3, for “Member States” substitute “The competent authority”;
  - (d) in paragraph 4—
    - (i) for “Member States”, in the first place where it occurs, substitute “Competent authorities”;
    - (ii) in point (a), for “the competent authorities” substitute “they”;
    - (iii) in point (b), for “Commission and to the other Member States” substitute “other competent authorities of the constituent territories of the British Islands”;
  - (e) in paragraph 5, for “Member States” substitute “competent authorities”.
- (17) In Article 64—
- (a) for “the Union”, in each place where it occurs, substitute “Great Britain”;
  - (b) in paragraph 2, for the words from “Commission” to “Article 144”, substitute “appropriate authority may make regulations”;
  - (c) in paragraph 3—
    - (i) in point (f), omit the words from “IMSOC” to “other”;
    - (ii) in point (g), for “IMSOC” substitute “computerised information management system”;
  - (d) in paragraph 4—
    - (i) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
    - (ii) omit the words from “Those” to the end;
  - (e) in paragraph 5, for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”.

### **Amendments to Title 2, Chapter 5, Section 3**

- 12.—(1) In the title to Section 3, for “the Union” substitute “Great Britain”.
- (2) In Article 65—
- (a) in paragraph 5, for the words from “Commission” to “IMSOC” substitute “other competent authorities of the constituent territories of the British Islands, through the appropriate computerised information management system,”;
  - (b) in paragraph 6—

- (i) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
  - (ii) omit the words from “Those” to the end.
- (3) In the heading to Article 66, for “the Union” substitute “Great Britain”.
- (4) In Article 66—
  - (a) in paragraphs 1 and 3, for “the Union”, in each place where it occurs, substitute “Great Britain”;
  - (b) in paragraph 2—
    - (i) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
    - (ii) omit the words from “Those” to the end;
  - (c) in paragraph 5—
    - (i) omit point (a);
    - (ii) in point (b), for “Member States” substitute “constituent territories of the British Islands”;
    - (iii) for “IMSOC” substitute “appropriate computerised information management system”.
- (5) In the headings to Articles 67 and 68, for “the Union”, in both places where it occurs, substitute “Great Britain”.
- (6) In Article 68—
  - (a) in paragraph 1(b)—
    - (i) for “108” substitute “107”;
    - (ii) for “the Union” substitute “the British Islands”;
  - (b) in paragraph 2, for “Member State”—
    - (i) in the first place where it occurs, substitute “constituent territory of Great Britain”;
    - (ii) in the second place where it occurs, substitute “constituent territory of the British Islands”.
- (7) In Article 70—
  - (a) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
  - (b) omit the words from “Those” to the end.
- (8) In Article 71—
  - (a) in paragraph 2(b), for “Member State” substitute “constituent territory of the British Islands”;
  - (b) in paragraph 3—
    - (i) for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”;
    - (ii) omit the final subparagraph.
- (9) In Article 72—
  - (a) for “of the Member State”, in both places where it occurs, substitute “concerned”;
  - (b) in paragraph 1(b), for “the Union” substitute “Great Britain”.

#### **Amendments to Title 2, Chapter 5, Section 4**

**13.—(1)** In Article 73—

- (a) for “the Union”, in each place where it occurs, substitute “Great Britain”;
- (b) in paragraph 1—
  - (i) for the words from “Commission” to “approve,” substitute “appropriate authority may make regulations approving.”;
  - (ii) omit the words from “Those” to the end;
- (c) in paragraph 2—
  - (i) in point (a), for “of Member States at the” substitute “on”;
  - (ii) in point (c), at the end, insert “, including, but not limited to, the publication of such certificates online in the form specified by the appropriate authority, as amended from time to time.”;
- (d) in paragraph 3, omit “Commission”;
- (e) in paragraph 5—
  - (i) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
  - (ii) for “Member States” substitute “constituent territories of Great Britain”;
  - (iii) omit the words from “Those” to the end.

**(2)** In Article 74—

- (a) in paragraph 1—
  - (i) in the opening words, for “Member States” substitute “the competent authorities”;
  - (ii) in point (a)—
    - (aa) for the words from “Commission” to “Member States” substitute “other competent authorities in the British Islands”;
    - (bb) for “IMSOC” substitute “appropriate computerised information management system”;
    - (cc) for “108” substitute “107”;
- (b) in paragraph 2—
  - (i) for the words from “Commission” to “acts” substitute “appropriate authority may, by regulations”;
  - (ii) omit the words from “Those” to the end.

#### **Amendments to Title 2, Chapter 5, Section 5**

**14.—(1)** In the heading to Article 75, for “the Union” substitute “Great Britain”.

**(2)** In Article 75—

- (a) for “the Union”, in each place where it occurs, substitute “Great Britain”;
- (b) in paragraph 1, in the opening words, omit “of the Member States”;
- (c) in paragraph 2—
  - (i) in the opening words, for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
  - (ii) omit the final subparagraph.

**(3)** In Article 76—

- (a) for “the Union”, in both places where it occurs, substitute “Great Britain”;
- (b) in paragraph 1, at the end, insert “or with any corresponding provisions under the Taxation (Cross-border Trade) Act 2018<sup>(8)</sup>”.
- (c) in paragraph 5, for “Member States” substitute “country or territory”.

### Amendments to Title 2, Chapter 5, Section 6

#### 15.—(1) In Article 77—

##### (a) in paragraph 1—

- (i) for the words from “Commission” to Article 144” substitute “appropriate authority may make regulations”;
- (ii) in point (a), for “Member States” substitute “a fisheries administration”;
- (iii) after point (a), insert—
  - “(aa) “fisheries administration” has the meaning given in Article 1(9) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy<sup>(9)</sup>”;
- (iv) in points (c) and (i), for “the Union”, in both places where it occurs, substitute “Great Britain”;
- (v) in point (f), for “to an address in the Union” substitute “either to an address in Great Britain, or to an address in the Crown Dependencies via an entry point in Great Britain”;
- (vi) in point (h), for “the Union” substitute “Great Britain”;
- (vii) after point (h) insert—
  - “(ha) consignments of the categories of animals and goods referred to in points (a), (b) and (c) of Article 47(1) originating from, and returning to, the Crown Dependencies via a point of entry in Great Britain, following a refusal of entry by a third country”;

##### (viii) omit point (j);

##### (b) in paragraph 2—

- (i) for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”;
- (ii) for “the Union” substitute “Great Britain”;

##### (c) in paragraph 3—

- (i) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
- (ii) after point (b), insert—
  - “(ba) These rules may also include rules on the publication online of the certificates or documents referred to in points (a) and (b) (as the case may be) in the form specified from time to time by the appropriate authority”;
- (iii) omit the words from “Those” to the end.

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<sup>(8)</sup> 2018 c. 22.

<sup>(9)</sup> Article 1 was substituted by regulation 3(2) of the Common Fisheries Policy (Amendment etc) (EU Exit) Regulations 2019 (S.I. 2019/739).



## Amendments to Title 2, Chapter 6

- 16.—(1) In Article 78(1), for “Member States” substitute “The appropriate authority”.
- (2) In Article 79—
- (a) in paragraph 3, for “Member States” substitute “competent authorities”;
  - (b) in paragraph 4, for “Member States” substitute “Competent authorities”.
- (3) In Article 80, for “Member States” substitute “Competent authorities”.
- (4) In Article 83(3), for “Member States” substitute “Competent authorities”.
- (5) In Article 85(1) and (3), for “Member States”, in both places it occurs, substitute “Competent authorities”.

## Amendments to Title 2, Chapter 7

- 17.—(1) In Article 87(b), omit the words from “or which” to the end.
- (2) In Article 89(1), for point (c) substitute—
- “(c) be in English and one of the official languages of the country of destination and may also be in Welsh;”.
- (3) In the heading to Article 90, omit “Implementing”.
- (4) In Article 90—
- (a) in the opening words, for the words from “Commission” to “application” substitute “appropriate authority may make regulations laying down rules for the application”;
  - (b) after point (f), insert—
- “(g) rules under point (a) or (e) may also include rules on the publication online of certificates or documents (as the case may be) in the form specified by the appropriate authority.”;
- (c) omit the final subparagraph.
- (5) In Article 91(2), for point (b) substitute—
- “(b) be drawn up in English and one of the official languages of the country of destination and may also be in Welsh;”.

## Amendments to Title 3

- 18.—(1) Omit Articles 92 to 94.
- (2) In the headings to Articles 95 to 98, for “European Union”, in each place where it occurs, substitute “national”.
- (3) In Article 95—
- (a) in paragraph 1, for the words from “Commission shall” to “Member States” substitute “appropriate authority must make regulations designating national reference centres for animal welfare to support activities”;
  - (b) in paragraph 3—
- (i) in the opening words, for “European Union” substitute “National”;
  - (ii) in point (a), for “European Union” substitute “national”;
- (c) in point (e)—
- (i) omit “, Union”;
  - (ii) omit “European Union”.

- (4) In Article 96—
- (a) in the opening words—
    - (i) for “European Union” substitute “national”;
    - (ii) omit the words from “that” to the end of the opening words;
  - (b) in point (f), for “Union” substitute “other”.
- (5) In Article 97—
- (a) for paragraph 1, substitute—
 

“1. The competent authority may designate national reference centres to support the activities of the competent authorities in preventing, detecting and combating violations of the rules referred to in Article 1(2) perpetrated through fraudulent or deceptive practices.”;
  - (b) in paragraph 3—
    - (i) in the opening words, for “European Union”, substitute “National”;
    - (ii) in point (a), for “European Union”, substitute “national”;
    - (iii) in point (e), omit “, Union”.
- (6) In Article 98—
- (a) in the opening words—
    - (i) for “European Union” substitute “national”;
    - (ii) omit the words from “that” to the end;
  - (b) omit point (c).
- (7) In the heading to Article 99, for “Commission” substitute “appropriate authority”.
- (8) In Article 99—
- (a) in paragraph 1—
    - (i) in the opening words, for “Commission” substitute “appropriate authority”;
    - (ii) omit point (a);
    - (iii) in points (b) and (c), for “European Union”, in each place where it occurs, substitute “national”;
  - (b) for paragraph 2, substitute—
 

“2. Subject to paragraph 2A, the appropriate authority may make regulations supplementing this Regulation concerning the establishment of requirements, responsibilities and tasks for the national reference centre for animal welfare and the national reference centre for the authenticity and integrity of the agri-food chain, in addition to those laid down in Articles 95 to 98.

**2A.** The appropriate authority may only exercise the power to make regulations under paragraph 1 where the appropriate authority considers that new or emerging risks, new or emerging animal diseases or pests of plants, or new legal requirements make the exercise of this power appropriate.”;
  - (c) omit paragraphs 3 and 4.
- (9) In Article 100—
- (a) for paragraph 1 substitute—
 

“1. The appropriate authority must designate one or more laboratories to act as national reference laboratories for Great Britain, in such of those areas governed by the rules referred to in Article 1(2) as the appropriate authority considers appropriate.”;

- (b) at the end of paragraph 1, insert—
- “**1A.** The national reference laboratories designated in accordance with paragraph 1 may—
- (a) be situated in the United Kingdom, or in another country;
  - (b) be designated in relation to more than one area of the rules referred to in Article 1(2);
  - (c) apply in relation to areas of those rules falling within the responsibilities of more than one competent authority.
- 1B.** Where the appropriate authority considers it appropriate, the power to designate a laboratory as a national reference laboratory in accordance with paragraph 1 may be exercised by a competent authority.”;
- (c) in paragraph 2, for the words from “competent authorities may” to “fulfil” substitute “the appropriate authority or, in a case where the power to designate has been delegated to a competent authority in accordance with paragraph 1B, a competent authority, may designate as a national reference laboratory an official laboratory designated as such in accordance with regulations made under Article 41, irrespective of whether it fulfils”;
- (d) in paragraph 3(d), omit “, Union”;
- (e) for paragraph 4, substitute—
- “**4.** The appropriate authority, or, in a case where the power to designate has been delegated to the competent authority, the competent authority, must—
- (a) publish online the name and address of each national reference laboratory designated in accordance with paragraph 1; and
  - (b) ensure that the information published in accordance with point (a) is kept up to date.”.

(f) omit paragraphs 5 and 6.

(10) In Article 101—

(a) in paragraph 1—

    - (i) for point (a) substitute—

“**(a)** where appropriate—

    - (i) collaborate with other national and international laboratories;
    - (ii) participate in inter-laboratory comparative tests organised by the laboratories referred to in point (i), or by proficiency test providers accredited to ISO/IEC 17043;”;

(ii) for point (d), substitute—

“**(d)** provide scientific and technical assistance to the competent authorities and official laboratories;”;

(iii) in point (h), for “Member State having designated them” substitute “competent authorities”;

(b) for paragraph 2, substitute—

“**2.** The appropriate authority may make regulations prescribing additional tasks and responsibilities for national reference laboratories, provided that these tasks and responsibilities are limited to those made necessary by new or emerging risks, new or emerging animal diseases or pests of plants or new legal requirements.”.

## Amendments to Title 4

### 19.—(1) In Article 102—

(a) for paragraph 1 substitute—

“1. Competent authorities may provide administrative assistance to other competent authorities (whether a competent authority of the British Islands or of a third country).”;

(b) in paragraph 2, for “Member State”, in both places where it occurs, substitute “constituent territory of the British Islands”;

(c) in paragraph 3, for “national law” substitute “legislation in force in the relevant constituent territory of the British Islands”;

(d) in paragraph 4, for “Member States” substitute “The appropriate authorities”;

(e) omit paragraph 6.

### (2) In Article 103—

(a) in paragraph 1, for “Each Member State”, substitute “Competent authorities”;

(b) in paragraph 2, omit “in different Member States”;

(c) for paragraph 3, substitute—

“3. Competent authorities must—

(a) publish online the contact details of their liaison bodies designated in accordance with paragraph 1; and

(b) ensure that the information published in accordance with point (a) is kept up to date.”.

(d) omit paragraphs 4 to 6.

### (3) In Article 104(1)—

(a) omit “in a Member State”;

(b) for “their territory” substitute “the territory for which they are responsible”;

(c) for “the competent authorities of another Member State” substitute “another competent authority”;

(d) for “the competent authorities of that Member State” substitute “that competent authority”;

(e) in point (c), for “Union” substitute “the relevant”.

### (4) In Article 105(1)—

(a) for “the competent authorities in a Member State become” substitute “a competent authority becomes”;

(b) for “Member State”, in the second place where it occurs, substitute “competent authority of a constituent territory of the British Islands”;

(c) for “the competent authorities of that other Member State” substitute “that other competent authority”.

### (5) In Article 106—

(a) in paragraph 1—

(i) for “another Member State” substitute “another constituent territory of the British Islands”;

(ii) for “Member State of dispatch”, substitute “constituent territory of the British Islands from which the animals or goods were dispatched”;

(iii) for “concerned Member State” substitute “constituent territory concerned”;

- (b) omit paragraphs 3 and 4.
- (6) In Article 107—
  - (a) in paragraph 1—
    - (i) in point (a), for the words from “competent authorities” to “Member States” substitute “other competent authorities in the British Islands”;
    - (ii) omit point (b);
  - (b) in paragraph 2—
    - (i) in point (b), for “Union rules” substitute “rules in force in the relevant constituent territory of Great Britain”;
    - (ii) in point (c), omit “Union and”;
- (7) Omit Article 108.

### **Amendments to Title 5**

- 20.**—(1) in the heading to Article 109, omit “and a single body for the MANCP”.
- (2) In Article 109—
  - (a) for paragraph 1, substitute—

“**1.** Competent authorities must ensure that official controls governed by this Regulation are performed on the basis of MANCP, the preparation and implementation of which is coordinated across the constituent territories of Great Britain.”.
  - (b) for paragraph 2, substitute—

“**2.** The appropriate authorities must jointly, from time to time, designate a person (which may be a competent or an appropriate authority) to—

    - (a) coordinate the preparation of the MANCP across all competent authorities responsible for official controls;
    - (b) ensure that the MANCP is coherent;
    - (c) collect information on the implementation of the MANCP, review and update as necessary in accordance with Article 111(2).”.
- (3) In Article 110(2)—
  - (a) in the opening words, for “the Member State concerned” substitute “Great Britain”;
  - (b) in point (k), for “the Member States” substitute “Great Britain”.
- (4) In Article 111—
  - (a) in paragraph 1, for “Member States” substitute “The person designated from time to time in accordance with Article 109(2)”;
  - (b) in paragraph 2—
    - (i) in point (b), for “the Member State” substitute “Great Britain”;
    - (ii) in point (c), for “Member States” substitute “the competent authorities”;
    - (iii) omit point (d);
    - (iv) in point (f)—
      - (aa) after “outcome of” insert “any”;
      - (bb) for “a Member State” substitute “Great Britain”;
  - (c) omit paragraph 3.
- (5) For Article 112, substitute—

*“Article 112*

**Coordinated control programmes and information and data collection**

With a view to conducting targeted assessment of the state of application of the rules referred to in Article 1(2) or establishing the prevalence of certain hazards across Great Britain, the appropriate authorities may make regulations concerning—

- (a) the implementation of coordinated control plans of limited duration in the areas governed by the rules referred to in Article 1(2);
  - (b) the organisation, on an ad hoc basis, of the collecting of data and information in relation to the application of a specific set of the rules referred to in Article 1(2) or regarding the prevalence of certain hazards.”.
- (6) In the heading to Article 113, omit “by the Member States”.
- (7) In Article 113—
- (a) in paragraph 1, for the words from “each” to “Commission” substitute “the person designated in accordance with Article 109(2) must prepare and make publicly available by publishing online”;
  - (b) omit paragraph 2.
- (8) Omit Article 114.
- (9) In Article 115—
- (a) in paragraph 1, for “Member States” substitute “the competent authorities”;
  - (b) in paragraph 3, for “Member States” substitute “The competent authorities”;
  - (c) in paragraph 4—
    - (i) for the words from “Commission” to acts” substitute “appropriate authority may make regulations”;
    - (ii) omit the final subparagraph .

**Amendments to Title 6, Chapter 1**

**21.**—(1) For the heading to Title 6 substitute—

*“ACTIVITIES IN RELATION TO CONTROLS”.*

(2) For the heading to Chapter 1 substitute—

*“Controls in third countries”.*

- (3) Omit Articles 116 to 119.
- (4) In the heading to Article 120, omit “Commission”.
- (5) In Article 120—
- (a) in paragraph 1—
    - (i) for “Commission experts” substitute “Experts appointed by the competent authorities”;
    - (ii) in point (b), for “the Union” substitute “Great Britain”;
  - (b) in paragraph 2(f), for “Commission” substitute “competent authorities in Great Britain”;
  - (c) in paragraph 3, for “Commission” substitute “appropriate authority”;

- (d) omit paragraph 4.
- (6) In the heading to Article 121, omit “Commission”.
- (7) In Article 121—
  - (a) in the opening words, omit “Commission”;
  - (b) for “the Union”, in each place where it occurs, substitute “Great Britain”;
  - (c) in point (d), for “Commission experts” substitute “experts appointed by the competent authority”;
  - (d) in point (e), for “of Member States” substitute “in Great Britain”.
- (8) In the heading to Article 122, for “Commission” substitute “competent authority”.
- (9) In Article 122, for “Commission” in both places where it occurs, substitute “competent authority”.
- (10) In the heading to Article 123, omit “the Commission”.
- (11) In Article 123—
  - (a) for “Commission”, in both places where it occurs, substitute “competent authority”;
  - (b) for “Member States”, in both places where it occurs, substitute “other competent authorities in Great Britain”.
- (12) Omit Article 124.

#### **Amendments to Title 6, Chapter 2**

- 22.**—(1) In the heading to Chapter 2 of Title 6, for “the Union” substitute “Great Britain”.
- (2) In Article 125—
  - (a) in paragraph 1—
    - (i) for “Commission” substitute “appropriate authority”;
    - (ii) in the opening words and in point (f), for “the Union”, in both places where it occurs, substitute “Great Britain”;
    - (iii) in point (g), for the words from “Union” to “requirements” substitute “the sanitary or phytosanitary requirements of the constituent territories of Great Britain,”;
  - (b) in paragraph 2, for “the Union” substitute “Great Britain”.
- (3) In the heading to Article 126, for “the Union” substitute “Great Britain”.
- (4) In Article 126—
  - (a) in paragraph 1—
    - (i) for the words from “Commission” to “Article 144” substitute “appropriate authority may make regulations”;
    - (ii) for “the Union” substitute “Great Britain”;
  - (b) in paragraph 2—
    - (i) in the opening words—
      - (aa) for “delegated acts” substitute “regulations”;
      - (bb) for “Combined Nomenclature” substitute “classification system applicable in the United Kingdom, as amended from time to time, whether established and maintained pursuant to section 8(1) of the Taxation (Cross-border Trade) Act 2018 or under any other enactment”;
    - (ii) in point (a)—

- (aa) for “the Union” substitute “Great Britain”;
- (bb) for “Commission” substitute “appropriate authority”;
- (c) in paragraph 3—
  - (i) for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
  - (ii) for the words from “Those” to the end substitute—
 

“Those regulations may also make provision for the appropriate authority from time to time to specify and publish online the form in which those certificates, official attestations or evidence must be presented.”.
- (5) In Article 127—
  - (a) for paragraph 2, substitute—
 

“2. The appropriate authority may, by means of regulations, approve a request by a third country for inclusion on the list referred to in Article 126(2)(a), provided that the request is accompanied by appropriate evidence and guarantees that consignments of the animals and goods concerned from that third country comply with the conditions referred to in Article 126(1), or with equivalent requirements.”;
  - (b) in paragraph 3—
    - (i) in the opening words, for “Commission” substitute “appropriate authority”;
    - (ii) in points (f) and (g), for “the Union”, in both places where it occurs, substitute “Great Britain”;
    - (iii) in point (e), omit point (iii);
    - (iv) in point (f), for “Commission” substitute “experts appointed by the appropriate authority”;
  - (c) in paragraph 4, for “Commission” substitute “appropriate authority”.
- (6) In the heading to Article 128, for “into the Union” substitute “to Great Britain”.
- (7) In Article 128—
  - (a) for “the Union”, in each place where it occurs, substitute “Great Britain”;
  - (b) in paragraph 1—
    - (i) for the words from “Commission” to “acts,” substitute “appropriate authority must make regulations laying down”;
    - (ii) omit the words from “Those” to the end;
  - (c) in paragraph 2—
    - (i) in the opening words—
      - (aa) for “measures” substitute “regulations”;
      - (bb) for “Combined Nomenclature” substitute “classification system applicable in the United Kingdom, as amended from time to time, whether established and maintained pursuant to section 8(1) of the Taxation (Cross-border Trade) Act 2018 or under any other enactment”;
    - (ii) after point (f), insert—
 

“The regulations may include provision allowing the appropriate authority from time to time to specify and publish online the required format for the purposes of point (e);”;



- (iii) in paragraph 3(c), for “Commission controls” substitute “controls carried out by experts appointed by the appropriate authority”;
- (d) omit paragraph 4.
- (8) In Article 129—
  - (a) in paragraph 1—
    - (i) in the opening words, for the words from “Commission” to “recognise” substitute “appropriate authority may make regulations recognising”;
    - (ii) omit the final subparagraph;
  - (b) in paragraph 2—
    - (i) for “implementing acts” substitute “regulations”;
    - (ii) for “the Union”, in each place where the words occur, substitute “Great Britain”;
    - (iii) at the end insert—

“The Regulations may include provision allowing the appropriate authority from time to time to specify and publish online the nature and content of the documents referred to in point (a).”;
  - (c) in paragraph 3—
    - (i) for the words from “Commission” to “the implementing acts” substitute “appropriate authority must, without delay, revoke the regulations”;
    - (ii) omit the words from “Those” to the end.

### **Omission of Title 6, Chapter 3**

- 23. Omit Chapter 3 of Title 6.

### **Amendments to Title 6, Chapter 4**

- 24.—(1) In the heading to Article 131, omit “(IMSOC)”.
- (2) Article 131—
  - (a) in paragraph 1—
    - (i) for the words from “Commission” to “Member States,” substitute “appropriate authority must”;
    - (ii) omit “(IMSOC)”;
  - (b) in paragraph 2—
    - (i) omit the words from “by the” to “Commission”;
    - (ii) for “IMSOC” substitute “computerised information management system”.
- (3) In the heading to Article 132, for “IMSOC” substitute “computerised information management system”.
- (4) In Article 132—
  - (a) in the opening words, for “IMSOC” substitute “computerised information management system”;
  - (b) in point (a)—
    - (i) for “delegated and implementing acts” substitute “regulations”;
    - (ii) for the words from “among” to “Commission” substitute “between competent authorities”;

- (c) in point (b), for “108” substitute “107”;
  - (d) omit point (c);
  - (e) omit point (e) and the preceding “and”.
- (5) In the heading to Article 133, for “IMSOC” substitute “computerised information management system”.
- (6) In Article 133—
- (a) in paragraphs 1, 2 and 3, for “IMSOC”, in each place where it occurs, substitute “computerised information management system”;
  - (b) in paragraph 1—
    - (i) for “the Union” substitute “Great Britain”;
    - (ii) for the words from “being moved” to “performed” substitute “entering or being moved within Great Britain, or concerning the official controls performed on or in relation to those animals or goods.”;
  - (c) in paragraph 2, for “Union rules” substitute “rules in force in the relevant constituent territory of Great Britain”;
  - (d) in paragraph 3(b)—
    - (i) for “the Union” substitute “Great Britain”;
    - (ii) for “other relevant Union rules” substitute “any other relevant legislation in force in the relevant constituent territory of Great Britain”;
  - (e) omit paragraph 4.
- (7) In the heading to Article 134, for “IMSOC” substitute “appropriate computerised information management system”.
- (8) In Article 134—
- (a) in the opening words, for the words from “Commission” to “lay” substitute “appropriate authority may make regulations laying”;
  - (b) omit point (a);
  - (c) in points (b), (d) to (f) and (h), for “IMSOC” substitute “appropriate computerised information management system”;
  - (d) omit points (c) and (g);
  - (e) omit the final subparagraph.
- (9) In Article 135—
- (a) for “IMSOC”, in each place where it occurs, substitute “appropriate computerised information management system”;
  - (b) in paragraph 1—
    - (i) for the words from “[Directive 95/46/EC](#)”, in the first place where it occurs, to “Council” substitute “United Kingdom data protection legislation, as defined in section 3(9) of the Data Protection Act 2018<sup>(10)</sup>”;
    - (ii) for “point (a) of Article 2 of [Directive 95/46/EC](#)” substitute “section 3(2) of the Data Protection Act 2018”;
  - (c) in paragraph 2—
    - (i) omit “of the Member States”;

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<sup>(10)</sup> 2018 c. 12. Section 3(9) was amended by [S.I. 2019/419](#).

- (ii) for the words from “point (d)” to the end substitute “section 1(1) of the Data Protection Act 1998<sup>(11)</sup> or section 3(6) of the Data Protection Act 2018<sup>(12)</sup>, as the case may be”;
  - (d) omit paragraphs 3 and 4;
  - (e) in paragraph 5, for “Commission” substitute “competent authority”.
- (10) For Article 136 substitute—

*“Article 136*

*Data security*

The appropriate authority must ensure that the computerised information management system and its operation comply with legislation on data security in force in the relevant constituent territory of Great Britain.”.

**Amendments to Title 7, Chapter 1**

- 25.**—(1) In Article 138(2)(d)—
- (a) for “the Union” substitute “Great Britain”;
  - (b) for the words from “their return”, in the first place where it occurs to the end, substitute “, or order their return to, the country of dispatch”.
- (2) In Article 139—
- (a) in paragraph 1—
    - (i) for “Member States” substitute “The appropriate authorities”;
    - (ii) omit the words from “Member States shall, by” to the end.
  - (b) in paragraph 2, for “Member States” substitute “The appropriate authority”.
- (3) In Article 140—
- (a) in paragraph 1, for “Member States” substitute “The appropriate authority”;
  - (b) in paragraph 2(c), for “Union and national law” substitute “legislation in force in the relevant constituent territory of Great Britain”.

**Amendments to Title 7, Chapter 2**

- 26.**—(1) In the title to Chapter 2, omit “Union”;
- (2) In the heading to Article 141, for “Member State’s control system” substitute “control system in the British Islands”.
- (3) In Article 141—
- (a) in paragraph 1—
    - (i) in the opening words—
      - (aa) for “Commission” substitute “appropriate authority”;
      - (bb) for “a Member State’s control system” substitute “a control system of any of the constituent territories of the British Islands”;

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<sup>(11)</sup> 1998 c. 29. This Act was repealed by section 211(1)(a) of and Schedule 19, Part 1, paragraph 44 to the Data Protection Act 2018 (c. 12) but remains in force for transitional purposes (see section 213 of and Schedule 20 to that Act.

<sup>(12)</sup> Section 3(6) was amended by S.I. 2019/419.

- (cc) for the words from “it shall” to “adopt” substitute “the appropriate authority must make regulations adopting”;
- (ii) in the final subparagraph, omit the words from “Those” to the end;
- (b) omit paragraphs 2 and 3.

### **Amendments to Title 8, Chapter 1**

- 27.**—(1) In the heading to Article 142, for “European” substitute “international”.
- (2) In Article 142—
- (a) in paragraphs 1 and 2, for the words from “Commission” to “amend”, in both places where the words occur, substitute “appropriate authority may make regulations amending”;
  - (b) in paragraph 2, for the words from “CEN” to the end, substitute “those standards are amended by an international body”.
- (3) For Article 143, substitute—

*“Article 143*

*Data protection*

United Kingdom data protection legislation, as defined in section 3(9) of the Data Protection Act 2018**(13)**, applies to the processing of personal data carried out pursuant to this Regulation.”.

- (4) For Article 144, substitute—

*“Article 144*

*Procedure*

- 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 by the Scottish Ministers under this Regulation, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010**(14)**.
- 3.** 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.
- 4.** A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the Senedd Cymru (Welsh Parliament).
- 5.** Regulations made by the Scottish Ministers under these Regulations are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- 6.** Regulations made under this Regulation 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**(15)**);
  - (b) make different provision for different purposes.

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**(13)** 2018 c. 12.

**(14)** 2010 asp 10.

**(15)** 2018 c. 16. The definition of “enactment” was amended by section 41(4) of, and paragraphs 38, 44(1) and (2)(c) of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1).

7. Before making any regulations under this Regulation, the appropriate authority must consult—
- (a) such bodies or persons as appear to the appropriate authority to be representative of the interests likely to be substantially affected by the regulations;
  - (b) such other bodies or persons as the appropriate authority may consider appropriate.”.
- (5) Omit Article 145.

## **Amendments to Title 8, Chapter 2**

- 28.**—(1) Omit Article 147.
- (2) In Article 148(4), for “Member States” substitute “the United Kingdom”.
- (3) Omit Article 149.
- (4) In Article 150—
- (a) in paragraph 1—
    - (i) after “listed in” insert “legislation which transposed”;
    - (ii) after “in accordance with” insert “legislation which transposed”;
  - (b) in paragraphs 1 and 2, for the words from “in the delegated act” to “with”, in both places where they occur substitute “by regulations made under”;
  - (c) in paragraph 2, at the beginning, insert “Legislation which transposed”;
  - (d) in paragraph 3—
    - (i) for the words from “Commission” to “amend” substitute “appropriate authority may make regulations amending”;
    - (ii) omit the words from “That date” to the end.
- (5) Omit Articles 151 and 152.
- (6) In Articles 154 and 155—
- (a) in paragraph 2, for the words from “14 December 2022” to “in accordance with” substitute “such date as may be specified in regulations made by the appropriate authority”;
  - (b) omit paragraph 3.
- (7) In Article 162—
- (a) in point (2), in the inserted text, for “the Union” substitute “Great Britain”;
  - (b) in point (4), in the inserted text, “the Union” in both places it occurs, substitute “Great Britain”.
- (8) Omit Articles 163, 165 and 166.
- (9) After Article 167, insert—

### *“Article 168*

#### *Derogations and modifications for transitional purposes*

The provisions of this Regulation apply subject to the transitional derogations and modifications specified in Annex 6.”.

- (10) In the words following Article 167, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

## Amendments to the Annexes

- 29.**—(1) Omit Annex 1.
- (2) In Annex 2—
- (a) in Chapter 1—
- (i) in paragraph 10, omit the words from “including” to the end;
- (ii) in paragraph 13, for “the Union” substitute “Great Britain”;
- (b) in Chapter 2, in paragraph 7, for “Member State” substitute “competent authority”.
- (3) In Annex 4—
- (a) in the heading to Chapter 1, for “the Union” substitute “Great Britain from a third country”;
- (b) for “EUR”, in each place where it occurs, substitute “Sterling equivalent of EUR”.
- (4) After Annex 5, insert—

### “ANNEX 6

Article 168

Application of and derogations from this Regulation, and modifications to its application, in relation to territories subject to special transitional import arrangements

## PART 1

### Introductory

#### Application

- 1.** This Annex applies during the transitional staging period to relevant goods which—
- (a) originate from a relevant third country; and
- (b) have been the subject of any requisite notification prior to their entry into Great Britain from a third country.

#### Interpretation

- 2.** For the purposes of this Annex—
- ‘appropriate frequency rate’ means, in relation to—
- (a) animals and goods other than those specified in point (b), the frequency of performance of official controls, determined by the competent authority in accordance with the factors specified in Article 44(2) and published online;
- (b) plants, plant products and other objects specified in Schedule 2 to the Plant Health (Amendment etc.) (EU Exit) Regulations 2020(16), the frequencies established under Commission Implementing Regulation (EU) 2019/66 on rules on uniform practical arrangements for the performance of official controls on plants, plant products and other objects in order to verify compliance with Union rules on protective measures against pests of plants applicable to those goods;
- ‘prior notification’ means notification that has been given through the appropriate computerised information management system to the relevant competent authority in accordance with Article 56A;

‘the relevant competent authority’ means the authority responsible, in accordance with legislation in force in the relevant constituent territory of Great Britain, for performing official controls on the particular category of relevant goods and at the particular place where the controls are to be carried out;

‘relevant goods’ means animals and goods in the categories specified in Article 47(1)(a) to (c);

‘relevant third country’ means—

- (a) a territory subject to special transitional import arrangements; or
- (b) a third country other than a territory subject to special transitional import arrangements where, before importation into Great Britain, the animals and relevant goods concerned—
  - (i) have been presented to a member State border control post recognised by the appropriate authority; and
  - (ii) are accompanied by a CHED which has been completed to the satisfaction of the relevant competent authority;

‘territory subject to special transitional import arrangements’ means—

- (a) in relation to relevant goods falling within Article 47(1)(a) and (b)—
  - (i) an EEA state;
  - (ii) the Faroe Islands;
  - (iii) Greenland;
  - (iv) Switzerland; or
- (b) in relation to relevant goods falling within Article 47(1)(c)—
  - (i) an EU member State;
  - (ii) Liechtenstein;
  - (iii) Switzerland;

‘the transitional staging period’ means the period beginning on IP completion day and ending on—

- (a) 31st July 2021; or
- (b) such other date as the appropriate authority may by regulations appoint, being a date not earlier than 1st July 2021.

### **Application and derogations from, and modifications to, these Regulations**

3. The provisions of this Regulation apply to relevant goods entering Great Britain from a relevant third country with the derogations and modifications specified in Part 2 of this Annex.

## **PART 2**

### **Derogations and modifications: relevant goods entering Great Britain from a relevant third country**

4. In Article 43, after “and 48,” insert “other than relevant goods entering from a territory subject to special transitional import arrangements,”.

5. After Article 44(1), insert—

**1A.** The competent authorities may perform official controls on consignments which include relevant goods entering Great Britain from a relevant third country, selected randomly or on a risk basis and at the appropriate frequency rate.

**1B.** Relevant goods originating in relevant countries may enter Great Britain through any point of entry during the transitional staging period.”

**6.** In Article 47—

- (a) in paragraph 1, in the opening words, for the words from “shall” to the end, substitute “may perform official controls at any of the places specified in Article 44(3) on consignments of relevant goods of each of the following categories entering Great Britain from a relevant third country.”;
- (b) in paragraph 5, for the words from “goods” to the end, substitute “relevant goods entering Great Britain from a relevant third country are presented for official controls, where required, at any of the place specified in Article 44(3), by the relevant competent authority.”.

**7.** In Article 48—

- (a) the existing text becomes paragraph 1;
- (b) at the end, insert—

“**2.** This Article applies to relevant goods arriving in Great Britain from a relevant third country subject to the derogations and modifications specified in Annex 6.”.

**8.** In Article 49—

- (a) in paragraph 1, for the words from “shall” to the end, substitute “may perform official controls on consignments of relevant goods arriving from a relevant third country, selected randomly, or on the basis of risk, at any of the places specified in Article 44(3). Where a consignment of relevant goods is selected for official controls, those official controls must include documentary checks and may include identity and physical checks.”;
- (c) in paragraph 2, in the opening words, for “Physical checks shall be performed” substitute “In a case where a consignment is selected for physical checks, those checks must be performed, in relation to:”.

**9.** In Article 50—

- (a) in paragraph 1, for the words from “kept by” to the end substitute “and, in a case where a consignment of relevant goods arriving from a relevant third country is selected for the performance of official controls, may be kept by the competent authority with responsibility for the place where the official controls are carried out (‘the responsible competent authority’)”;
- (b) in paragraph 2, for the words from “The competent authorities” to “shall” substitute “In a case where a consignment of relevant goods arriving from a relevant third country is selected for official controls and the original official certificates or documents are kept by the responsible competent authority, that authority must”;
- (c) for paragraph 3 substitute—

“**3.** In a case where the responsible competent authority has notified the operator that official controls are to be performed on a consignment, that consignment must not be split until those official controls have been carried out.”.

**10.** Articles 53 and 54 do not apply in relation to relevant goods entering Great Britain from a relevant third country.

**11.** In Article 55(a), for paragraph 1 substitute—



“1. In a case where official controls are performed on relevant goods arriving from a relevant third country, the competent authority must decide whether the consignment is in compliance with the rules referred to in Article 1(2) and, where relevant, the applicable customs procedure.”.

12. In Article 56(1) and (2), in both places where the words occur, after “Article 47(1)” insert “, other than relevant goods arriving from a relevant third country,”;

13. After Article 56, insert—

*“Article 56A*

*Prior notification of entry to Great Britain: transitional arrangements*

1. This Article applies in relation to relevant goods entering Great Britain from a relevant third country.

2. Prior notification of relevant goods arriving from a territory subject to special transitional import arrangements, where required under paragraph 3 or 4 or by other legislation in force in the relevant constituent territory of Great Britain, must be given to the relevant competent authority—

- (a) at least one working day before the expected time of arrival at a point of entry into Great Britain; or
- (b) in a case where the importer can provide evidence of a logistical constraint preventing such notification, that requirement may be satisfied by notification of its expected time of arrival at least four hours in advance.

3. From 1st January 2021, operators must give prior notification of the arrival of—

- (a) live animals and germinal products;
- (b) animal by-products and derived products not intended for human consumption, where the consignment includes material which is required to be notified to the competent authority of destination by paragraph 5 of Schedule 5 to the Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020(17);
- (c) those plants, plant products and other objects specified in Schedule 2 to the Plant Health (Amendment etc.) (EU Exit) Regulations 2020(18).

4. From 1st April 2021, in addition to the requirements specified in paragraph 3, relating to relevant goods, operators must give prior notification of the arrival of—

- (a) all products of animal origin intended for human consumption;
- (b) all plants, plant products and other objects of a description specified in any entry in columns 1 and 2 of the table in Part A of Annex 11 to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, which originate in any third country listed in the corresponding entry in column 3 of that table.”.

13. In Article 57(1) and (3), after “Article 47(1)”, in both places where it occurs, insert “, other than relevant goods arriving from a relevant third country,”.

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(17) S. I. 2020/xxxx.

(18) S. I. 2020/xxxx.

14. In Article 79(1), in the opening words, for the words from “or” to “Article 53(1)” substitute “, at control posts referred to in point (a) of Article 53(1) or, in relation to relevant goods arriving from a territory subject to special transitional import arrangements, at one of the places referred to in Article 44(3),”.

## PART 3

### Amendments to EU delegated and implementing acts

#### **Amendments to Commission Implementing Regulation (EU) 2019/1013 on prior notification of consignments of certain categories of animals and goods entering the Union**

30.—(1) Commission Implementing Regulation (EU) 2019/1013 on prior notification of consignments of certain categories of animals and goods entering the Union is amended as follows.

(2) In Article 1—

- (a) in paragraph 1, for “into the Union” substitute “in Great Britain from a third country”;
- (b) after paragraph 3, insert—

“4. In this Article, ‘first arrival’ and ‘third country’ have the meanings given in Article 3 of Regulation (EU) 2017/625(19).”.

(3) After Article 2, insert—

#### *“Article 3*

#### **Derogations and modifications: animals and goods entering Great Britain from a relevant third country**

1. This Regulation applies subject to the derogations and modifications specified in Annex 6 to Regulation (EU) 2017/625(20) during the transitional staging period, in relation to relevant goods entering Great Britain from a relevant third country.

2. In this Article ‘transitional staging period’, ‘relevant goods’ and ‘relevant third country’ have the meanings given in Annex 6 to that Regulation.”.

(4) In the words following Article 2, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

#### **Amendments to Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination**

31.—(1) Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination is amended as follows.

(2) For Article 2 substitute—

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(19) The definitions of ‘first arrival’ and ‘third country’ in Article 3 of Regulation (EU) 2017/625 are inserted by regulation 3 of the Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

(20) Annex 6 to Regulation (EU) 2017/625 is inserted by regulation 29(4) of the Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020.

*“Article 2*

*Definitions*

For the purposes of this Regulation—

- (a) ‘the appropriate computerised information management system’ is the system for official controls referred to in Article 131 of Regulation (EU) 2017/625;
  - (b) ‘place of destination’ means the place where the consignment is delivered for final unloading, as stated in the CHED;
  - (c) ‘TCBTA’ means the Taxation (Cross-border Trade) Act 2018(21).”.
- (3) In Article 4—
- (a) in point (b), for the words from “Article 163” to the end substitute “paragraph 7(1)(b) and (2) of Schedule 1 to the TCBTA and public notices given under those provisions, as amended from time to time,”;
  - (b) in point (c)—
    - (i) for “communicate to the IMSOC” substitute “record in the appropriate computerised information management system”;
    - (ii) for the words from “points (a) and (b)” to the end substitute “section 3(4)(a) and (b) of, and Parts 2 and 3 of Schedule 2 to, the TCBTA.”.
- (4) In Article 5(1)—
- (a) in points (b) and (f), for “IMSOC” substitute “appropriate computerised information management system”;
  - (b) in point (e), for the words from “Article 163” to the end substitute “paragraph 7(1)(b) and (2) of Schedule 1 to the TCBTA;”;
  - (c) in point (f), for the words from “points (a) and (b)” to the end substitute “section 3(4)(a) and (b) of, and Parts 2 and 3 of Schedule 2 to, the TCBTA.”.
- (5) In Article 6—
- (a) in point (b), for the words from “Article 163” to the end substitute “paragraph 7(1)(b) and (2) of Schedule 1 to the TCBTA;”;
  - (b) in point (c)—
    - (i) for “communicate to the IMSOC” substitute “record in the appropriate computerised information management system”;
    - (ii) for the words from “points (a) and (b)” to the end substitute “section 3(4)(a) and (b) of, and Parts 2 and 3 of Schedule 2 to, the TCBTA.”.
- (6) In Article 7—
- (a) in the third subparagraph, omit “in each Member State” and “in that Member State”;
  - (b) omit the fourth subparagraph.
- (7) In the words following Article 7, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- (8) After Article 7, insert—

*“Article 8*

*Derogations and modifications: animals and goods  
entering Great Britain from a relevant third country*

1. This Regulation applies subject to the derogations and modifications specified in Annex 6 to Regulation (EU) 2017/625(22) during the transitional staging period in relation to relevant goods entering Great Britain from a relevant third country.

2. In this Article ‘transitional staging period’, ‘relevant goods’ and ‘relevant third country’ have the meanings given in Annex 6 to that Regulation.”.

**Amendments to Commission Delegated Regulation (EU) 2019/1666 Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union**

32.—(1) Commission Delegated Regulation (EU) 2019/1666 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union is amended as follows.

(2) In the heading to Article 1, after “matter” insert “, definitions”.

(3) In Article 1—

- (a) the existing text becomes paragraph 1;
- (b) for “the Union”, in both places where it occurs, substitute “Great Britain”;
- (c) after “arrival”, in the first place where it occurs, insert “from a third country”;
- (d) for “Union legislation” substitute “legislation in force in the relevant constituent territory of Great Britain”;
- (e) at the end of Article 1, add a new paragraph—

“2. For the purposes of this Regulation—

‘third country’ has the meaning given in Article 3(2D) of Regulation (EU) 2017/625(23);

‘the appropriate computerised information management system’ is the system for official controls referred to in Article 131 of Regulation (EU) 2017/625.”.

(4) In the heading to Article 2, for “the Union” substitute “Great Britain from a third country”.

(5) In Article 2—

- (a) in paragraph 1, for “the Union” substitute “Great Britain from a third country”;
- (b) in paragraph 3, omit “(‘IMSOC’)”.

(6) In Article 3(2), for “IMSOC” substitute “the appropriate computerised information management system”.

(7) After Article 3, insert—

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(22) Annex 6 to Regulation (EU) 2017/625 is inserted by regulation 29(4) of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

(23) The definition of ‘third country’ in Article 3 of Regulation (EU) 2017/625 is inserted by regulation 3 of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

*“Article 3A*

*Derogations and modifications: relevant goods  
entering Great Britain from a relevant third country*

1. This Regulation applies subject to the derogations and modifications specified in Annex 6 to Regulation (EU) 2017/625(24) and in paragraph 3 of this Article during the transitional staging period, in relation to relevant goods entering Great Britain from a relevant third country.

2. In this Article ‘transitional staging period’, ‘relevant goods’ and ‘relevant third country’ have the meanings given in Annex 6 to that Regulation.

3. This Regulation applies with the following derogations and modifications—

(a) omit Article 2;

(b) in Article 3—

(i) omit paragraph 2;

(ii) in paragraph 3, for “shall” substitute “may”;

(iii) omit paragraphs 4 and 5.”.

(8) In the words following Article 4, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

**Amendments to Commission Implementing Regulation (EU) 2019/1873 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products**

33.—(1) Commission Implementing Regulation (EU) 2019/1873 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products is amended as follows.

(2) In Article 1, for “the Union” substitute “Great Britain, from a third country,”.

(3) For Article 2 substitute—

*“Article 2*

*Definitions*

For the purposes of this Regulation—

(a) ‘the appropriate computerised information management system’ is the system for official controls referred to in Article 131 of Regulation (EU) 2017/625(25);

(b) ‘the establishment of origin’ means the establishment of origin in a third country, including third country vessels, appearing on lists drawn up regarding the export of products of animal origin, germinal products, animal by-products and composite products to Great Britain, in accordance with the legislation in force in the relevant constituent territory of Great Britain;

(b) ‘third country’ has the meaning given in Article 3(2D) of Regulation (EU) 2017/625(26).”.

(4) In Article 3—

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(24) Annex 6 to Regulation (EU) 2017/625 is inserted by regulation 29(4) of those Regulations.

(25) Article 131 was amended by regulation 24(2) of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

(26) The definition of ‘third country’ was inserted by regulation 3(2) of those Regulations.

- (a) for paragraph 1 substitute—
- “1. When notifying other competent authorities of a decision to perform intensified official controls made in accordance with Article 65(5) of Regulation (EU) 2017/625 through the appropriate computerised information management system, the competent authority making the decision must indicate—
- (a) the establishment of origin;
  - (b) the category of goods, including their description and code from the classification system applicable in the United Kingdom, as amended from time to time, whether established and maintained pursuant to section 8(1) of the Taxation (Cross-border Trade) Act 2018(27) or under any other enactment; and
  - (c) the infringement which has occasioned the decision to perform intensified official controls.”;
- (b) in paragraph 2—
- (i) in the opening words, for “Commission shall assess” substitute “notified competent authorities must assess and endeavour to agree”;
  - (ii) in point (d), for the words from “adopted”, in the first place where it occurs, to “with”, in the second place where it occurs, substitute “under Article 261 of Regulation (EU) 2016/429 or to special measures under”;
- (c) in paragraph 3—
- (i) for “Commission” substitute “notifying competent authority”;
  - (ii) for “IMSOC” substitute “appropriate computerised information management system”;
- (d) in paragraph 4, for “Member States” substitute “constituent territories of Great Britain”.
- (5) In Article 4—
- (a) in paragraph 1—
- (i) for “all Member States” substitute “Great Britain”;
  - (ii) for “IMSOC” substitute “appropriate computerised information management system”;
- (b) in paragraph 2, for the words from “Combined Nomenclature” to the end, substitute “classification system applicable in Great Britain, as amended from time to time, whether established and maintained pursuant to section 8(1) of the Taxation (Cross-border) Trade Act 2018 or under any other enactment”;
- (c) in paragraph 4, for “IMSOC” substitute “appropriate computerised information management system”.
- (6) In Article 5—
- (a) in paragraph 1—
- (i) for “the Union” substitute “Great Britain”;
  - (ii) for “Commission” substitute “the competent authority in the relevant constituent territory of Great Britain, or, where there is more than one competent authority dealing with the infringements, one of those authorities”;
- (b) in paragraph 2—
- (i) in the opening words, for “Commission” substitute “competent authority making the request in accordance with paragraph 1”;

- (ii) in point (b), for “Member States” substitute “constituent territories of Great Britain”.
- (7) In Article 6—
- (a) in paragraph 1—
    - (i) in point (a), for the words from “Commission” to “IMSOC” substitute “other competent authorities of its decision, through the appropriate computerised information management system,”;
    - (ii) in point (b)—
      - (aa) for “IMSOC” substitute “appropriate computerised information management system”;
      - (bb) for “Member States” substitute “constituent territories of Great Britain”.
  - (b) in paragraph 2—
    - (i) in the opening words, for “the Commission” substitute “a competent authority”;
    - (ii) in point (a)—
      - (aa) for “IMSOC” substitute “appropriate computerised information management system”;
      - (bb) for “Member States” substitute “constituent territories of Great Britain”.
- (8) In Article 8—
- (a) in paragraph 1, for “into the Union” substitute “to Great Britain”;
  - (b) in paragraph 2, for “IMSOC” substitute “appropriate computerised information management system”.
- (9) In the words following Article 9, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

**Amendments to Commission Implementing Regulation (EU) 2019/2007 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts**

34.—(1) Commission Implementing Regulation (EU) 2019/2007 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts is amended as follows.

(2) In the words following Article 5, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

**Amendments to Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers’ personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market**

35.—(1) Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers’ personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market is amended as follows.

- (2) In Article 2—
- (a) in point (2), for “IMSOC” substitute “the appropriate computerised information management system”;
  - (b) after point (8), insert—
    - “(9) ‘entry into Great Britain’ or ‘entering Great Britain’ has the meaning given in Article 2(40) of Regulation (EU) 2017/625(28);
    - (10) ‘third country’ has the meaning given in Article 3(2D) of Regulation (EU) 2017/625(29);”;
- (3) In Article 3(1)(b)—
- (a) for “the Union” substitute “Great Britain”;
  - (b) for “Member State” substitute “constituent territory of Great Britain”.
- (4) In Article 4—
- (a) in paragraph 1—
    - (i) in point (a)—
      - (aa) for “Member State of destination” substitute “constituent territory of destination in Great Britain”;
      - (bb) for “the Union” substitute “Great Britain”;
    - (ii) omit point (c);
  - (b) omit paragraph 2.
- (5) In Article 5(3), for “IMSOC” in both places where it occurs, substitute “appropriate computerised information management system”.
- (6) In Article 6(1)(b) for “on Union territory” substitute “in Great Britain”.
- (7) In Article 8(1)—
- (a) for “the Union”, in the first place where it occurs, substitute “Great Britain”;
  - (b) for the words from “at least” to “Union” substitute “English and may also be in Welsh”.
- (8) In Article 9(1), for “the Union” substitute “Great Britain”.
- (9) In Article 10(2), for “Member States” substitute “The competent authority”.
- (10) In Article 11—
- (a) in the opening words, for “the Union” substitute “Great Britain”;
  - (b) in point (b)(i), for “Member States” substitute “the appropriate authority”;
  - (c) in point (c), for “the Union” substitute “Great Britain”.
- (11) In Article 12(1)—
- (a) for “the Union”, in the first place where it occurs, substitute “Great Britain”;
  - (b) for the words from “at least” to “Union”, in the second place where it occurs, substitute “in English and may also be in Welsh”.
- (12) After Article 12, insert—

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(28) The definitions of ‘entry into Great Britain’ and ‘entering Great Britain’ in Article 3 of Regulation (EU) 2017/625 are inserted by regulation 3 of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

(29) The definition of ‘third country’ was inserted by regulation 3(2) of those Regulations.



*“Article 12A*

**Derogations and modifications: relevant goods entering Great Britain from a relevant third country**

1. This Regulation applies subject to the derogations and modifications specified in Annex 6 to Regulation (EU) 2017/625<sup>(30)</sup> and in paragraph 3 of this Article during the transitional staging period, in relation to relevant goods entering Great Britain from a relevant third country.

2. In this Article ‘transitional staging period’, ‘relevant goods’ and ‘relevant third country’ have the meanings given in Annex 6 to that Regulation.

3. Article 7 of this Regulation applies with the following derogations and modifications—
- (a) after “and which are” insert “relevant goods arriving from a relevant third country”;
  - (b) omit the words from “provided that” to the end.”.

(13) In the words following Article 15, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(14) In Annex 2, in each model poster, for “the European Union”, in each place where it occurs, substitute “Great Britain”.

(15) In Annex 3—

- (a) for “the EU”, in each place where it occurs and unless otherwise indicated in this paragraph substitute “Great Britain”;
- (b) in the opening words—
  - (i) for “the European Union (EU)” substitute “Great Britain”;
  - (ii) omit the words from “These procedures” to “Switzerland”;
- (c) in point 6—
  - (i) for “official EU” substitute “appropriate”;
  - (ii) for “a EU border” substitute “a border”.

(16) In Annex 4, in the model poster, for “the EU” substitute “Great Britain”.

**Amendments to Commission Implementing Regulation (EU) 2019/2129 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union**

36.—(1) Commission Implementing Regulation (EU) 2019/2129 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union is amended as follows.

(2) In Article 2—

- (a) for paragraph 2, substitute—

“2. The ‘appropriate computerised information management system’ is the system for or official controls referred to in Article 131 of Regulation (EU) 2017/625;

3. ‘the appropriate authority’ has the meaning given in Article 3 of Regulation (EU) 2017/625.”.

(3) In Article 3(1)(a), for “IMSOC” substitute “appropriate computerised information management system”;

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<sup>(30)</sup> Annex 6 to Regulation (EU) 2017/625 is inserted by regulation 29(4) of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020.

(4) In Article 4, for paragraph 2 substitute—

“2. In a case where an agreement of equivalence between Great Britain and a third country or between the United Kingdom and a third country has been or is concluded, physical checks must be carried out in accordance with any provisions governing frequency rates under that agreement.”.

(5) In Article 5—

- (a) in paragraph 2(a), for “Commission” substitute “appropriate authority”;
- (b) in paragraph 3, for “IMSOC” substitute “appropriate computerised information management system”;
- (c) in paragraph 5—
  - (i) for “Commission” substitute “appropriate authority”;
  - (ii) for “IMSOC” substitute “appropriate computerised information management system”.

(6) After Article 7—

- (a) in the words following Article 7, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- (b) insert—

*“Article 8*

**Derogations and modifications: relevant goods entering Great Britain from a relevant third country**

1. This Regulation applies subject to the derogations and modifications specified in Annex 6 to Regulation (EU) 2017/625<sup>(31)</sup> and in paragraph 3 of this Article during the transitional staging period, in relation to relevant goods entering Great Britain from a relevant third country.

2. In this Article ‘appropriate frequency rate’, ‘transitional staging period’, ‘relevant goods’ and ‘relevant third country’ have the meanings given in Annex 6 to Regulation (EU) 2017/625.

3. For Article 5, substitute—

*“Article 5*

*Modification of frequency rates for identity checks and physical checks performed on relevant goods from relevant third countries*

1. In relation to relevant goods entering Great Britain from a relevant third country during the transitional staging period, identity and physical checks must be carried out at the appropriate frequency rate.

2. In this Article ‘appropriate frequency rate’ has the meaning given in Annex 6 to Regulation (EU) 2017/625.”.

(7) Omit Annex 2.

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<sup>(31)</sup> Annex 6 to Regulation (EU) 2017/625 is inserted by regulation 29(4) of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

**Amendments to Commission Implementing Regulation (EU) 2019/2130 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts**

37.—(1) Commission Implementing Regulation (EU) 2019/2130 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts is amended as follows.

(2) In Article 2(2)—

(a) in the opening words, omit “(IMSOC)”;

(b) in point (b), for “implementing acts” substitute “the rules contained in implementing acts, in regulations made by the appropriate authority or published online by the appropriate authority.”.

(3) In Article 3(4)(a) and (b), for “Union legislation” substitute “legislation in force in the relevant constituent territory of Great Britain”.

(4) In Article 4(4), for “into the Union” substitute “to Great Britain from a third country”.

(5) In Article 5—

(a) in paragraph 1(b), for “Union legislation” substitute “legislation in force in the relevant constituent territory of Great Britain”;

(b) in paragraphs 3 and 4—

(i) for “into the Union” substitute “in Great Britain”;

(ii) for “enter the Union” substitute “enter Great Britain”.

(6) In Article 6(2), omit the words from “in respect of” to the end.

(7) After Article 7—

(a) omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(b) insert—

*“Article 8*

**Derogations and modifications: relevant goods entering Great Britain from a relevant third country**

1. This Regulation applies subject to the derogations and modifications specified in Annex 6 to Regulation (EU) 2017/625 during the transitional staging period, in relation to relevant goods entering Great Britain from a relevant third country.

2. In this Article ‘transitional staging period’, ‘relevant goods’ and ‘relevant third country’ have the meanings given in Annex 6 to that Regulation.”.

(8) In Annex 1, in section 3, in point 1(b), omit “Union”.

(9) In Annex 2, in point 1(b), omit “Union”.

(10) In Annex 3—

(a) in point 4(c), after “listed in” insert “relevant legislation in force in the relevant constituent territory of Great Britain”;

(b) in paragraph 6—

(i) in point (a)—

- (aa) for “Union quarantine pests” substitute “GB quarantine pests, which has the meaning given in Article 4 of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants<sup>(32)</sup>”;
- (bb) for “Member States” substitute “competent authorities”;
- (ii) in point (c), for “IMSOC” substitute “appropriate computerised information management system”.

**Amendments to Commission Implementing Regulation (EU) 2020/466 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States’ control systems due to coronavirus disease (COVID-19)**

**38.**—(1) Commission Implementing Regulation (EU) 2020/466 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States’ control systems due to coronavirus disease (COVID-19) is amended as follows.

(2) In Article 1, for “Member States’ control systems” substitute “control systems in Great Britain”.

(3) For Article 2, substitute—

*“Article 2*

Competent authorities intending to apply the temporary measures laid down in this Regulation must publish online the list of measures taken to remedy their difficulties in carrying out official controls and other official activities in accordance with Regulation (EU) 2017/625.”.

(4) In Article 4—

- (a) in paragraph 1(b), for “TRACES” substitute “the appropriate computerised information management system”;
- (b) after paragraph 2, insert—

**“3.** ‘the appropriate computerised information management system’ is the system for official controls referred to in Article 131 of Regulation (EU) 2017/625.”.

(5) In the words following Article 6, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

## PART 4

Amendments to Annex 1 (Veterinary and phytosanitary matters) and Annex 2 (Technical regulations, standards, testing and certification) to the EEA Agreement

**Amendments relating to Decision 210/2019 of the EEA Joint Committee amending Annex 1 (Veterinary and phytosanitary matters) and Annex 2 (Technical regulations, standards, testing and certification) to the EEA Agreement**

**39.**—(1) Annex 1 (Veterinary and phytosanitary matters) and Annex 2 (Technical regulations, standards, testing and certification) to the EEA agreement (veterinary and phytosanitary matters) are amended as follows.

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(32) The definition of “GB quarantine pest” is inserted by regulation 24 of the Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

- (2) In Annex 1—
  - (a) in Chapter 1, Part 1.1, omit point 11b;
  - (b) in Chapter 2, omit point 31q.
- (3) In Annex 2, Chapter 12, omit point 164.

#### **Amendments relating to Decision 2/2020 of the EEA Joint Committee**

**40.**—(1) Annex 1 (Veterinary and phytosanitary matters) to the EEA agreement (is amended as follows.

- (2) In the Introductory Part of Chapter 1, omit paragraph 4B.

## **PART 5**

### **Amendments to EU Exit Legislation**

#### **The Market Measures (Marketing Standards) (Amendment) (EU Exit) Regulations 2019**

**41.**—(1) The Market Measures (Marketing Standards) (Amendment) (EU Exit) Regulations 2019(**33**) are amended as follows.

(2) In regulation 4(4)(a), for the words from “Article 3(3)” to the end substitute “Article 148 of Regulation (EU) 2017/625;””.

#### **The Animal Welfare (Amendment) (EU Exit) Regulations 2019**

**42.**—(1) The Animal Welfare (Amendment) (EU Exit) Regulations 2019(**34**) are amended as follows.

- (2) In regulation 3—
  - (a) in paragraph (3)—
    - (i) in sub-paragraph (b), in the substituted text, for the words from “any inspection post” to the end, substitute—

“a border control post as defined in Article 3(38) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;””;
    - (ii) omit sub-paragraphs (d), (e) and (f);
  - (b) omit paragraphs (20) to (22), (28)(b) and (29);
  - (c) in paragraph (30), for “Articles 24 and 25” substitute “Article 24”;
  - (d) omit paragraphs (31) to (33).
- (3) Omit regulations 4(3(b) and (9).

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(33) S.I. 2019/822.

(34) S.I. 2019/802.

### **The Veterinary Medicines and Animals and Animal Products (Examination of Residues and Maximum Residue Limits) (Amendment etc) (EU Exit) Regulations 2019**

**43.**—(1) The Veterinary Medicines and Animals and Animal Products (Examination of Residues and Maximum Residue Limits) (Amendment etc) (EU Exit) Regulations 2019<sup>(35)</sup> are amended as follows.

(2) In regulation 2—

(a) in paragraph (2)(d), for the inserted text from ““Regulation (EC) No 882/2004”, in the first place where it occurs, to “rules” substitute —

““Regulation 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;”;

(b) in paragraph (3)(c), in the substituted text, for “Regulation (EC) No 882/2004” substitute “Regulation (EU) 2017/625”;

(c) in paragraph (4)(c), for “Regulation (EC) No 882/2004” substitute “Regulation (EU) 2017/625”.

### **The Animals (Legislative Functions) (EU Exit) Regulations 2019**

**44.**—(1) The Animals (Legislative Functions) (EU Exit) Regulations 2019<sup>(36)</sup> are amended as follows.

(2) In regulation 8, omit paragraph (25).

## **PART 6**

### **Revocations, savings and transitional provision**

**45.** The Regulations listed in the Schedule are revoked.

### **General transitional provision relating to the presentation or other use of model forms of certificates or other documents**

**46.**—(1) Where these Regulations amend any provision of retained direct EU legislation which, on or after IP completion day, enables, or may be used to make regulations which enable, the presentation or other use of a document in “the form published by the appropriate authority from time to time”, that amendment does not preclude a document in the form specified in retained direct EU legislation, as it had effect immediately before IP completion day, from being presented or otherwise used, on or after IP completion day, in connection with official controls carried out during the transitional staging period.

(2) In this regulation—

(a) “document” includes a certificate, official attestation, evidence or any other document;

(b) “the transitional staging period” means the period beginning on IP completion day and ending on—

(i) 31st July 2021; or

(ii) such other date as the appropriate authority may by regulations appoint, being a date not earlier than 1st July 2021.

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<sup>(35)</sup> S.I. 2019/676.

<sup>(36)</sup> S.I. 2019/588.

**Transitional modification and derogation for the purpose of listing third countries.**

47.—(1) For the purposes of Article 125 to 126 of Regulation (EU) 2017/625, the appropriate authority is not required to request the information specified in Article 125 of that Regulation before including the third countries specified in paragraph 2 in the list of third countries referred to in Article 126(2) of that Regulation.

(2) The third countries specified in this paragraph are—

- (a) EEA member States;
- (b) the Faroe Islands;
- (c) Greenland;
- (d) Switzerland.

Date

*Name*  
Parliamentary Under Secretary/Minister of State  
Department of the Environment, Food and Rural  
Affairs

## SCHEDULE

Regulation 45

### Revocations

1. Commission Implementing Regulation (EU) 2018/329 designating a European Union Reference Centre for Animal Welfare.
  2. Commission Delegated Regulation (EU) 2018/631 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by establishing European Union reference laboratories for pests of plants.
  3. Commission Implementing Regulation (EU) 2018/1587 revoking the designation of the Istituto Superiore di Sanita, Rome, Italy as a European Reference Laboratory for the residues listed in Annex 1, Group B(3)(c) to Council [Directive 96/23/EC](#).
  4. Commission Implementing Regulation (EU) 2019/530 designating European Reference laboratories for pests of plants on insects and mites, nematodes, bacteria, fungi and oomycetes, viruses, viroids and phytoplasmas.
  5. Commission Implementing Regulation (EU) 2019/1685 of 4 October 2019 designating a European Union Reference Centre for Animal Welfare for poultry and other small farmed animals.
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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 section 8(1) of, paragraph 7 of Schedule 4 to and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU legislation to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (c), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

Part 2 of these Regulations make amendments to Regulation (EU) 2017/625 and Part 3 amends EU tertiary legislation. These instruments concern official controls to be carried out on entry of animals and goods into Great Britain, from countries outside the British Islands. They also cover requirements relating to transit of animals and good through Great Britain. They provide for various functions of the European Commission, including making instruments of a legislative character, to be exercisable instead by the “appropriate authority” and for other functions to be exercised by the “competent authority”. Both of these terms are defined in Article 3 of Regulation (EU) 2017/625.

Part 4 makes amendments to the EEA Agreement.

Part 5 makes consequential amendments to existing EU Exit statutory instruments and Part 6 makes consequential revocations and transitional and saving provision.

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