

STATUTORY INSTRUMENTS

**2019 No. 16**

**EXITING THE EUROPEAN UNION  
WILDLIFE**

**The Leghold Trap and Pelt Imports  
(Amendment etc.) (EU Exit) Regulations 2019**

*Sift requirements satisfied* 6th December 2018

*Made* - - - - 8th January 2019

*Laid before Parliament* 10th January 2019

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>M1</sup>.

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

**Marginal Citations**

**M1** 2018 c. 16.

**PART 1**

Introduction

**Citation and commencement**

**1.** These Regulations may be cited as the Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

**Commencement Information**

**II** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

## PART 2

### Amendment of retained direct EU legislation

#### **Council Regulation (EEC) No 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards**

2.—(1) Council Regulation (EEC) No 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards is amended as follows.

(2) In Article 2—

[<sup>F1</sup>(a) for the words “the Community” substitute “Great Britain”];

(b) omit the words “by 1 January 1995 at the latest”.

(3) In Article 3—

(a) in paragraph (1)—

(i) for “Community” substitute “United Kingdom”;

(ii) for the words “inasmuch as” substitute “where”;

(iii) omit the words “as of 1 January 1995”;

(b) omit paragraph (2);

[<sup>F2</sup>(c) after paragraph (2), insert—

“3. Paragraph 1 does not apply—

(a) where the pelts originate from an approved country; or

(b) to the introduction of—

(i) any goods into Northern Ireland, or

(ii) any goods subject to a transit procedure and travelling to Northern Ireland, other than goods subject to a transit procedure and travelling to Great Britain.

**3A.** For the purposes of paragraph 1, goods entering Northern Ireland subject to a transit procedure and travelling to Great Britain are to be treated as being introduced into the United Kingdom on their entry into Great Britain.

**3B.** In this Article, “transit procedure” means—

(a) a transit procedure referred to in section 3(4)(b) of the Taxation (Cross-border Trade) Act 2018; or

(b) a transit procedure referred to in Article 210(a) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, as it has effect by virtue of section 7A of the European Union (Withdrawal) Act 2018.”.]

(4) In Article 4, for the first paragraph substitute—

[<sup>F3</sup>“For the purposes of Article 3, pelts are to be considered to originate from an approved country only where the designated competent authority of the country from which the pelts, or the goods into which the pelts has been incorporated, have been exported or re-exported to the UK has certified, in

accordance with [Commission Regulation \(EC\) No 35/97](#) laying down provisions on the certification of pelts and goods covered by [Council Regulation \(EEC\) No 3254/91](#), that such pelts originate in—

- (a) an approved country; or
  - (b) the United Kingdom.”].
- (5) Omit Article 6.
- (6) After Article 6, omit the words from “This Regulation” to “Member States.”.

#### Textual Amendments

- F1** Reg. 2(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **4(2)(a)**
- F2** Reg. 2(3)(c) substituted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **4(2)(b)**
- F3** Words in reg. 2(4) substituted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **4(2)(c)**

#### Commencement Information

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

### **Commission Regulation (EC) No 35/97 laying down provisions on the certification of pelts and goods covered by Council Regulation (EEC) No 3254/91.**

3.—(1) Commission Regulation (EC) No 35/97 laying down provisions on the certification of pelts and goods covered by Council Regulation (EEC) No 3254/91 is amended as follows.

- (2) In Article 1—
- (a) in paragraph 1—
    - (i) for “that for external transit” substitute “ a transit procedure ”;
    - (ii) for “customs territory of the Community” substitute “ United Kingdom ”;
    - (iii) in subparagraph (a), for the words from “a country appearing in the list” to “that country” substitute [<sup>F4</sup>“an approved country or the United Kingdom”];
    - (iv) omit subparagraph (b);
  - (b) in paragraph 2, for the words from “shall surrender” to “Community” substitute “ must, on the importation of goods into the United Kingdom, present to the border customs office a certificate ”;
  - (c) after paragraph 2, insert—

“3. In this Article, “an approved country”, in relation to the pelts of any species (and goods incorporating such pelts) means a country listed in the Annex to Council Decision [97/602/EC](#) concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97.”.

- (3) In Article 2—

- (a) in paragraph 1, for the words from “one of the official languages” to the end substitute “English”;
- (b) omit paragraph 3.
- (4) In Article 3—
  - (a) in paragraph 1—
    - (i) for “Community” in each place where it occurs substitute “United Kingdom”;
    - (ii) before “re-export” insert the words “export or”;
  - (b) in paragraph 2—
    - (i) for “Community” substitute “United Kingdom”;
    - (ii) for “Regulation (EEC) No 3626/82” in the first place where it occurs substitute “Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein”;
    - (iii) for “Regulation (EEC) No 3262/82 in the second place where it occurs substitute “Council Regulation (EC) No 338/97”.
- (5) Omit Article 4.
- (6) After Article 4, omit the words from “This Regulation” to “Member States.”.
- (7) Omit the Annex.

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#### Textual Amendments

- F4** Words in reg. 3(2)(a)(iii) substituted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **4(3)**
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#### Commencement Information

- I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### **Council Decision (EC) No 97/602 concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97**

4.—(1) Council Decision (EC) No 97/602 concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97 is amended as follows.

- (2) For Article 1 substitute—

“1. The Annex to this Decision lists the approved countries referred to in [F5Article 3(3)] of Regulation (EEC) No 3254/91, and specifies in respect of each country the species in relation to the pelts of which the country in question is approved.”.

- (3) Omit Articles 2 and 3.
- (4) For the Annex, substitute the Annex set out in the Schedule.

#### Textual Amendments

- F5** Words in reg. 4(2) substituted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **4(4)**

#### Commencement Information

- I4** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

## PART 3

### Revocation of retained direct EU legislation

5. The following instruments are revoked—
- (a) Commission Regulation [\(EC\) No 1771/94](#) laying down provisions on the introduction into the Community of pelts and manufactured goods of certain wild animal species;
  - (b) Commission Decision [\(EC\) No 98/188](#) amending Council Decision [97/602/EC](#) concerning the list referred to in the second subparagraph of Article 3(1) of Regulation [\(EEC\) No 3254/91](#) and in Article 1(1)(a) of Commission Regulation [\(EC\) No 35/97](#);
  - (c) Commission Decision No 98/596 amending Council Decision [97/602/EC](#) concerning the list referred to in the second subparagraph of Article 3(1) of Regulation [\(EEC\) No 3254/91](#) and in Article 1(1)(a) of Commission Regulation [\(EC\) No 35/97](#).

#### Commencement Information

- I5** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

## SCHEDULE 1

Regulation 4(4)

Substituted Annex to Council Decision (EC) No 97/602/EC concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97

**Commencement Information**

- I6** Sch. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1](#)
- I7** [Sch. 1](#) in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1](#)

## “ANNEX

## List of countries and species referred to in Article 1

<i>Country</i>	<i>Species</i>
Belize	Procyon lotor
Canada	Canis latrans Canis lupus Castor canadensis Felis rufus Lutra canadensis Lynx canadensis Martes americana Martes pennanti Mustela erminea Ondatra zibethicus Procyon lotor Taxidea taxus
People's Republic of China	Canis lupus Martes zibellina Mustela erminea Ondatra zibethicus
El Salvador	Procyon lotor
Greenland	Canis lupus
Jordan	Canis lupus
Republic of Korea	Canis lupus Martes zibellina
Lebanon	Canis lupus
Countries which are Member States of the European Union	Canis latrans Canis lupus Castor canadensis Felis rufus Lutra canadensis Lynx canadensis Martes americana

**Changes to legislation:** There are currently no known outstanding effects for the The Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

	Martes pennanti Martes zibellina Mustela erminea Ondatra zibethicus Procyon lotor Taxidea taxus
Mexico	Canis lupus Canis latrans Castor canadensis Felis rufus Ondatra zibethicus Procyon lotor Taxidea taxus
Moldova	Canis lupus Mustela erminea
Nicaragua	Procyon lotor
Norway	Canis lupus Mustela erminea Ondatra zibethicus
Pakistan	Canis lupus Mustela erminea
Panama	Procyon lotor
Russian Federation	Canis lupus Martes zibellina Mustela erminea Ondatra zibethicus Procyon lotor
Turkey	Canis lupus
United States of America	Canis latrans Canis lupus Castor canadensis Felis rufus Lutra canadensis Lynx canadensis Martes americana Martes pennanti Mustela erminea Ondatra zibethicus Procyon lotor Taxidea taxus”

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**Changes to legislation:** There are currently no known outstanding effects for the The Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

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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 the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) in order to address failures of EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

The deficiencies identified are of a kind referred to in section 8(2)(a) (provisions which have no practical application in relation to the UK or are otherwise redundant or substantially redundant, 8(2)(d) (provisions for, or in connection with, arrangements which involve the EU or are otherwise dependent on the UK's membership of the EU and which no longer exist or are no longer appropriate) and 8(2)(g) (EU references which are no longer appropriate) of the 2018 Act.

The Regulations make amendments to retained direct EU legislation concerning the use of leghold traps and the import of pelts and manufactured goods of certain wild animal species. Part 2 amends retained direct EU legislation and Part 3 revokes tertiary retained direct EU legislation. An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.



**Changes to legislation:**

There are currently no known outstanding effects for the The Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit) Regulations 2019.