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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 473**

**The Invasive Non-native Species (EU Exit)  
(Scotland) (Amendment etc.) Regulations 2020**

**PART 1**

**Amendment of the Invasive Alien Species Regulation**

**Amendment of Chapter 6 (final provisions) of the Invasive Alien Species Regulation**

- 8.—**(1) Chapter 6 of the Invasive Alien Species Regulation is amended as follows.
- (2) In Article 24—
- (a) in paragraph 1—
- (i) in the first sentence—
- (aa) for “2019” substitute “2025”,
- (bb) for “Member States” substitute “the Scottish Ministers”,
- (cc) for “transmit to the Commission” substitute “publish”,
- (ii) in point (a) omit “and of the official control system on alien species entering the Union pursuant to Article 15”,
- (iii) in point (b) omit “or regional concern”,
- (iv) omit point (c),
- (v) in point (e), for “the entire national territory” substitute “Scotland”,
- (b) omit paragraph 2,
- (c) in paragraph 3—
- (i) for “Commission” substitute “Scottish Ministers”,
- (ii) in the first sentence, for the words from “submit a report to the European Parliament and to the Council” to the end of the sentence substitute “publish a report”,
- (iii) for “the Union” substitute “Great Britain”,
- (iv) in the second sentence—
- (aa) omit the words from “the effectiveness” to “concern”,
- (bb) omit the words from “and whether further harmonisation” to the end,
- (d) omit paragraph 4.
- (3) Omit Article 25.
- (4) In Article 26—
- (a) the existing text becomes paragraph 1,
- (b) for “Member States” and “the Member States” substitute “the Scottish Ministers”,
- (c) after paragraph 1, insert—

“2. For the purposes of this Article, the reference to Article 2(3) of [Directive 2003/35/EC](#) is to be read as if references in that Article 2(3) to “Member States” included Great Britain.”.

(5) In Article 27—

(a) in paragraph 1—

(i) for “Commission” substitute “Scottish Ministers”,

(ii) for “a committee” substitute “the committee constituted under Article 27 of the UK Invasive Alien Species Regulation.”

(iii) omit the second sentence.

(b) for paragraph 2 substitute—

“2. In this Article and Article 28 ‘the UK Invasive Alien Species Regulation’ means Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species as amended by the Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019(1),”

(c) omit paragraph 3.

(6) In Article 28—

(a) for “Commission”, in both places it occurs, substitute “Scottish Ministers”,

(b) omit “appointed by the Member States”,

(c) after “Articles 4, 5,” insert “9,”,

(d) for the last sentence substitute “The scientific forum is established by Article 28 of the UK Invasive Alien Species Regulation as amended by the Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019”.

(7) Omit Articles 29 and 30.

(8) In Article 31—

(a) in paragraph 2—

(i) for “Competent authorities” substitute “The Scottish Ministers”,

(ii) for “Member States” substitute “the Scottish Ministers”,

(b) in paragraph 3, for “Member States” substitute “The Scottish Ministers”,

(c) in paragraph 4, for “Member States” substitute “the Scottish Ministers”.

(9) In Article 32, in paragraph 3, for “Member State” substitute “Scottish Ministers”.

(10) After Article 32, insert—

*“Article 32B*

***Regulations by the Scottish Ministers***

1. Regulations under Articles 4 and 10 are subject to the negative procedure.

2. Regulations may—

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(1) [S.I. 2019/223](#), amended by [S.I. 2019/813](#) and [S.I. 2020/1590](#). [S.I. 2019/223](#) comes into force on IP completion day by virtue of paragraph 1 of schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c.1). [S.I. 2019/223](#) (as amended) extends to Scotland and makes amendments to Articles 27 and 28 of the Invasive Alien Species Regulation to make provision for Scottish Ministers to appoint members to the Committee and ensure the participation of members of the scientific community in the Scientific Forum.

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments),
  - (b) make different provision for different purposes.”
- (11) Omit Article 33.