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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019

PART 4

Amendments to retained direct EU legislation on wildlife

**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**

**10.**—(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 3—

- (a) in paragraph 1, for the words from “the Commission” to the end substitute “the pelts originate from an approved country”;
- (b) at the end insert—

“4. In paragraph 1, “an approved country”, in relation to the pelts of any species (and goods incorporating such pelts), means a country listed in the Annex to the Council Decision in respect of that species.

5. Subject to paragraph 6, the Secretary of State may, by regulations, amend the Annex to the Council Decision by—

- (a) adding an entry;
- (b) amending an entry;
- (c) omitting an entry.

6. The Secretary of State may not add a country to the list of approved countries in the Annex to the Council Decision unless the Secretary of State is satisfied that, in that country—

- (a) there are adequate administrative or legislative provisions in force to prohibit the use of the leghold trap, or
- (b) the trapping methods used for the species specified in Annex 1 meet internationally agreed trapping standards.

7. In this Article, “the Council Decision” means Council Decision 97/602/EC concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/1991 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97.”.

(3) In Article 4, for the second paragraph substitute—

“The Secretary of State may, by regulations, amend Council Regulation (EC) No 35/97 laying down provision on the certification of pelts and goods covered by Regulation (EEC) No 3254/91.”.

(4) For Article 5 substitute—

*“Article 5*

1. Regulations made under this Regulation are to be made by statutory instrument.
2. A statutory instrument containing regulations made under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
3. Such regulations may 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)).”.