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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

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

PART 2

Amendments to retained direct EU legislation on the environment

**Council Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community**

**3.—**(1) Council Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community is amended as follows.

(2) In Article 4(2)—

(a) in the first subparagraph—

(i) for “Commission” substitute “Secretary of State”;

(ii) for the words from “adopt” to the end substitute “by regulations approve any such scheme”;

(b) in the second subparagraph, for “Commission” substitute “Secretary of State”.

(3) For Article 5(9) substitute—

“**9.** The Secretary of State may, by regulations, make provision—

(a) for the information to be produced in a licence,

(b) for the form of such a licence, and

(c) in relation to the acceptance and verification of licences, including in relation to the inspection of shipments<sup>(1)</sup>.”.

(4) In Article 10—

(a) for paragraph 1 substitute—

“**1.** The Secretary of State may, by regulations, insert an Annex 1 into this Regulation listing the partner countries and their designated licensing authorities.”;

(b) in paragraphs 2 and 3—

(i) in the first sentence, for the words from “Commission” to “11a to” substitute “Secretary of State may, by regulations.”;

(ii) in the second sentence, for “In adopting those amendments, the Commission” substitute “When making regulations under this paragraph, the Secretary of State”.

(5) Omit Article 11.

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(1) Equivalent provision is set out in [Commission Regulation \(EC\) No 1024/2008](#) laying down detailed measures for the implementation of Council Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community.

(6) For Article 11a substitute—

*“Article 11a*

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—
  - (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));
  - (b) make different provision for different purposes.”.