
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Trade in Animals and Related Products
(Amendment) (EU Exit) Regulations 2019**

PART 3

Amendment of secondary legislation that applies in England

The Trade in Animals and Related Products Regulations 2011

8.—(1) The Trade in Animals and Related Products Regulations 2011⁽¹⁾ are amended as follows.

(2) In regulation 2(1), after the definition of “product” insert—

““third country” means any country other than the British Islands or a member State.”.

(3) In regulation 4, for “between member States” substitute “with member States in accordance with such agreements”.

(4) In Part 2, in the heading, for “Movement between member” substitute “Import from member”.

(5) In regulation 5—

- (a) for the heading substitute “Import of animals and genetic material from member States”;
- (b) in paragraph (1), for the words from “consigned” to the end substitute “brought into England from a member State unless it is accompanied by a relevant completed and signed health certificate for that animal or genetic material”.

(6) Omit regulation 6.

(7) In regulation 7—

- (a) in the heading, for “between member States” substitute “into England”;
- (b) omit paragraph (1);
- (c) in paragraph (2)—
 - (i) for “another” substitute “a”;
 - (ii) after the words “Secretary of State” insert “via the system for the notification of imports that in the United Kingdom replaces the EU Traces system”.

(8) In regulation 11—

- (a) in paragraph (1), for “European Commission” substitute “Secretary of State”;
- (b) in paragraph (4)—
 - (i) omit the words from “set out” to “third countries”;
 - (ii) omit the words from “and must inform” to “reason”.

(9) In regulation 12(4), after “approval” insert “by the Secretary of State”.

(10) In regulation 14—

⁽¹⁾ S.I. 2011/1197, amended by S.I. 2012/2897, 2013/2996, 2014/3158, 2018/575, 1037.

- (a) in paragraph (1), after “post” insert “via the system for the notification of imports that in the United Kingdom replaces the EU Traces system”;
 - (b) in paragraph (2), after “post” insert “via the system for the notification of imports that in the United Kingdom replaces the EU Traces system”;
 - (c) in paragraph (4), for “another” substitute “a”.
- (11) In regulation 15—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), the reference to Article 4 of Council [Directive 97/78/EC](#)(2) is to be read as if for references to “Community legislation” there were substituted “retained EU law”;
 - (ii) in sub-paragraph (b), the reference to Article 4 of Council [Directive 91/496/EEC](#)(3) is to be read as if—
 - (aa) in paragraph 1, for “Member States” there were substituted “The Secretary of State”;
 - (bb) in paragraph 1, in the second indent, the words from “at Community level” to the end of the indent were to be omitted;
 - (cc) in paragraph 1, in the third indent, and in paragraph 2(b) for “Community rules” there were substituted “retained EU law”;
 - (dd) in paragraph 1, in the last indent, the words from “through” to the end of the indent were to be omitted;
 - (ee) in paragraph 2(d), the words “For the purposes of” to “his direction” were omitted;
 - (ff) paragraph 5 were omitted;
 - (b) in paragraph (4)—
 - (i) in sub-paragraph (a), for the words from “the lists” to the end substitute “a list of approved third countries, or where imports from that territory are otherwise prohibited”;
 - (ii) in sub-paragraphs (b), (c) and (e), for “legislation of the European Union” substitute “retained EU law”.
- (12) In regulation 17, in the words before paragraph (a)—
- (a) omit “box 30, 31, 33 or 34 of”;
 - (b) for “the European Union” substitute “England”.
- (13) In regulation 18—
- (a) in paragraph (2), for “European Union” substitute “United Kingdom”;
 - (b) omit paragraph (4).
- (14) In regulation 20(1)(b), for “outside the European Union” substitute “to a third country”.
- (15) For regulation 22(1) substitute—
- “(1) If veterinary checks reveal that third country products are implicated in serious or repeated infringements of any import requirement, or where those checks reveal that maximum residue levels have been exceeded, the Secretary of State may apply this regulation to subsequent similar products brought into England from a particular third

(2) OJ No L 024, 30.1.1998, p. 9, as last amended by Council [Directive 2013/20/EU](#) (OJ No L 158, 10.6.2013, p. 234).

(3) OJ No L 268, 24.9.1991, p. 56, as last amended by Council [Directive 2009/156/EC](#) (OJ No L 192, 23.7.2010, p. 1).

country, part of a third country or a particular establishment until satisfied that further infringements are no longer recurring.”.

- (16) In regulation 23—
- (a) in paragraph (1)(c), omit “, outside the European Union”;
 - (b) in paragraph (3)(b), omit “outside the European Union”.
- (17) In regulation 27—
- (a) in paragraph (1), in the words before sub-paragraph (a), for “European Union” substitute “United Kingdom”;
 - (b) in paragraph (3)(a), omit “in the member State”.
- (18) In regulation 33(2), omit “, including any representative of the European Commission”.
- (19) In regulation 35—
- (a) in the heading and paragraph (1), in the words before sub-paragraph (a), for “another” substitute “a”;
 - (b) for paragraph (2)(c) substitute—
 - “(c) returning the animals or genetic material to the member State of despatch, with the authorisation of its competent authority, and following prior notification to any member State of transit.”.
- (20) In regulation 39, in the table—
- (a) in column 1, omit “regulation 6(5)” and the corresponding entry in column 2;
 - (b) in column 1, omit “regulation 6(6)” and the corresponding entry in column 2.
- (21) Schedule 2 is amended in accordance with paragraphs (22) to (23).
- (22) In Part 1—
- (a) in the heading, for “trade between” substitute “imports from”;
 - (b) in paragraph 2(1), for “between” substitute “from”;
 - (c) omit paragraph 3;
 - (d) in paragraph 4, in the words before sub-paragraph (a), omit “relating to trade between member States”;
 - (e) in paragraph 5—
 - (i) for sub-paragraph (1) substitute—

“(1) No person may import an ape (simia and prosimian) unless it comes from a centre approved by the competent authority of a member State and is destined for a centre approved by the Secretary of State in accordance with Council [Directive 92/65/EEC](#) (“the Balai Directive”). But the Secretary of State may authorise in writing an approved body to acquire an ape from an individual.”;
 - (ii) in sub-paragraph (2), at the end insert “(with references in Article 13 to a member State of destination to be read as a reference to England, a reference to a competent authority of a member state to be read as the Secretary of State, and paragraphs 2(d) and (e) being omitted)”;
 - (iii) in sub-paragraph (3), at the end insert “(with references in point 6 of Annex C to the competent authority to be read as a reference to the Secretary of State, references to Community legislation to be read as a reference to retained EU law, and paragraph (d) being omitted)”;

- (iv) in sub-paragraph (4), for the words from “between member” to the end substitute “in ova and embryos of the ovine, caprine and equine species and semen of the ovine, caprine and equine species and of swine”;
- (v) omit sub-paragraph (5);
- (f) for paragraph 6(3) substitute—
 - “(3) No person may contravene Article 10(1) of that Commission Regulation (notification of movement).”;
- (g) for paragraph 7 substitute—
 - “7. No person may import into England an animal by-product to which Article 48 of Regulation (EC) No 1069/2009 applies unless it is imported in accordance with that Article.”.
- (23) In Part 2—
 - (a) in paragraph 9, before “Commission” insert “the import of certain birds and quarantine conditions for the purpose of”;
 - (b) for paragraph 10 substitute—
 - “(10) When a registered horse is imported temporarily from a third country, the provisions of Section 7 of Commission Implementing Regulation (EU) 2018/659 apply.”.
- (24) In Schedule 3, in paragraph 5—
 - (a) in the heading, for “member State” substitute “part of the United Kingdom”;
 - (b) after “products” insert “from a third country”;
 - (c) omit “another member State or”.