
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Animal Welfare (Amendment) (EU Exit) Regulations 2019

Amendment of Council Regulation (EC) No 1255/97

2.—(1) Council Regulation (EC) No 1255/97 concerning Community criteria for control posts and amending the route plan referred to in the Annex to Directive 91/628/EEC is amended as follows.

(2) In Article 1(2), omit “Community”.

(3) In Article 2—

(a) the existing text is renumbered as paragraph 1;

(b) in the existing text, for “91/496/EEC and 91/628/EEC” substitute “and 91/496/EEC and Council Regulation (EC) No 1/2005 (other than the definitions of ‘competent authority’ in Article 2(6) of Council Directive 90/425/EEC and Article 2(f) of Council Regulation (EC) No 1/2005)”;

(c) after paragraph 1 (as renumbered), insert—

“2. For the purposes of this Regulation, the following definitions apply:

(a) ‘Appropriate Minister’ means:

(i) in relation to England, the Secretary of State;

(ii) in relation to Wales, the Welsh Ministers;

(iii) in relation to Scotland, the Scottish Ministers;

(iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

(b) ‘Competent authority’ means the authority responsible for carrying out veterinary checks or any authority to which it has delegated that responsibility.

(c) ‘Holding’ means an agricultural establishment or premises of a dealer situated in the United Kingdom where the following are held or regularly kept:

(i) animals, other than equidae, referred to in the legislation specified in Annexes A and B to Council Directive 90/425/EEC(1);

(ii) registered equidae, as defined in Article 2(e) of Commission Implementing Regulation (EU) 2015/262.

(d) ‘TARP Regulation’ means:

(i) in relation to England, the Trade in Animals and Related Products Regulation 2011(2);

(ii) in relation to Wales, the Trade in Animals and Related Products (Wales) Regulations 2011(3);

(1) OJ No L 224, 18.8.1990, p. 29, as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ No L 315, 19.11.2002, p. 14).

(2) S.I. 2011/1197, to which there are amendments not relevant to these Regulations.

(3) S.I. 2012/2379, to which there are amendments not relevant to these Regulations.

(iii) in relation to Scotland, the Trade in Animals and Related Products (Scotland) Regulations 2012⁽⁴⁾;

(iv) in relation to Northern Ireland, the Trade in Animals and Related Products Regulations (Northern Ireland) 2011⁽⁵⁾.

(e) ‘Third country’ means any country other than the British Islands or a member State.

3. For the purposes of this Regulation, Liechtenstein, Norway and Switzerland are treated as if they were member States.”.

(4) Article 3 is amended in accordance with paragraphs (5) to (9).

(5) In paragraph 1—

(a) in the first subparagraph—

(i) in the first sentence, for “competent authority” substitute “Appropriate Minister”;

(ii) omit the third sentence;

(b) omit the second subparagraph.

(6) In paragraph 2, for the words from “the Commission” to the end substitute “each Appropriate Minister in relation to their own territories. The Secretary of State shall maintain a central list of all control posts in the United Kingdom”.

(7) In paragraph 3—

(a) in the words before point (a)—

(i) for “Member States” substitute “The Appropriate Minister”;

(ii) before “competent”, in both places it occurs, insert “relevant”;

(iii) omit “as defined in Article 2(6) of [Directive 90/425/EEC](#)”;

(b) in point (a), for “Community” substitute “retained direct EU”;

(c) in point (c), for “Community rules” substitute “retained direct EU legislation”.

(8) In paragraph 4—

(a) for “A Member State” substitute “The Appropriate Minister”;

(b) for “Commission and the other Member States”, in both places it occurs, substitute “other Appropriate Ministers and the competent authorities”.

(9) In paragraph 5—

(a) for the words from the beginning to “1/2005,” substitute “The Appropriate Minister”;

(b) for “of the Commission” substitute “of the audit body”;

(c) for “that Regulation” substitute “Regulation [\(EC\) No 1/2005](#)”;

(d) for “Community” substitute “retained direct EU”.

(10) In Article 4—

(a) in paragraph 2—

(i) for “Member States” substitute “each Appropriate Minister in relation to their own territories”;

(ii) for the words from “defined in Article 2(o)” to “91/68/EEC” substitute “approved by a TARP Regulation”;

(b) in paragraph 3—

(4) [S.S.I. 2012/1197](#), to which there are amendments not relevant to these Regulations.

(5) [S.R. 2011 No. 438](#), to which there are amendments not relevant to these Regulations.

- (i) in point (a), for “Community” substitute “retained direct EU”;
- (ii) in point (b)(i)—
 - (aa) omit “Community”;
 - (bb) in the first paragraph, for “Annex A to [Directive 90/425/EEC](#)” substitute “Annex 2 to this Regulation”;
 - (cc) in the second paragraph, for “comply with the requirements of Article 4b(4) of [Directive 91/68/EEC](#)” substitute “that after leaving the holding of origin and before arrival at destination, transit was through only one approved assembly centre situated in the United Kingdom. Where the sheep and goats are for slaughter, the approved assembly centre may be substituted by an approved dealer’s premises situated in the United Kingdom”;
- (iii) in point (b)(ii), for “Article 2(1) of [Decision 93/444/EEC](#)” substitute “a TARP Regulation”;
- (c) omit paragraph 4.
- (11) In Article 5—
 - (a) in point (a), for “Community” substitute “retained direct EU”;
 - (b) in point (e), for “[Directive 93/119/EC](#)” substitute “Council Regulation (EC) No [1099/2009](#)”;
 - (c) in points (h) and (i), before “competent”, in both places it occurs, insert “relevant”.
- (12) In Article 6—
 - (a) in paragraph 1—
 - (i) in the first sentence—
 - (aa) before “competent” insert “relevant”;
 - (bb) omit “Annex II of”;
 - (ii) in the second sentence, for “Member States” substitute “The Appropriate Minister”;
 - (b) omit paragraph 2.
- (13) In Article 6b—
 - (a) in the first sentence, for “Member States” substitute “Appropriate Minister”;
 - (b) omit the second sentence.
- (14) In Article 7, omit the third paragraph.
- (15) In the Annex, in the heading—
 - (a) for “Annex” substitute “Annex 1”;
 - (b) omit “Community”
 - (c) in section B, paragraph 5, for “[Directive 90/667/EEC](#)” substitute “Regulation (EC) No [1069/2009](#)”.
- (16) After that Annex insert—

“ANNEX 2

RELEVANT VETERINARY LEGISLATION

This Annex lists the legislation relevant to Article 4:

- (a) the legislation which transposed the following:

- (i) Council [Directive 64/432/EEC](#) on animal health problems affecting intra-Community trade in bovine animals and swine(6);
 - (ii) Council [Directive 88/407/EEC](#) laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species(7);
 - (iii) Council [Directive 89/556/EEC](#) on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species(8)
 - (iv) Council [Directive 90/426/EEC](#) on the health policy conditions governing the movement of equidae and their import from third countries(9);
 - (v) Council [Directive 2009/156/EC](#) on animal health conditions governing the movement and importation from third countries of equidae(10);
 - (vi) Council [Directive 90/539/EEC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(11);
 - (vii) Council [Directive 2006/88/EC](#) on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals(12);
 - (viii) Council [Directive 91/68/EEC](#) on animal health conditions governing intra-Community trade in ovine and caprine animals(13);
 - (ix) Council [Directive 92/65/EEC](#) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I)(1) to [Directive 90/425/EEC](#)(14);
 - (x) Council [Directive 92/118/EEC](#) laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to [Directive 89/662/EEC](#) and, as regards pathogens, to [Directive 90/425/EEC](#)(15);
- (2) the following instruments:
- (a) Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations;
 - (b) Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption;

(6) OJ No P 121, 29.7.1964, p. 1977, as last amended by Commission Implementing Decision (EU) 2015/819 (OJ No L 129, 27.5.2015, p. 28).

(7) OJ No L 194, 22.7.1988, p. 10, as last amended by Commission Implementing Decision (EU) 2011/629 (OJ No L 247, 24.9.2011, p. 22).

(8) OJ No L 302, 19.10.1989, p. 1, as last amended by Council [Directive 2008/73/EC](#) (OJ No L 219, 14.8.2008, p.40).

(9) OJ No L 224, 18.8.1990, p.42, as last amended by Council [Directive 2009/156/EC](#) (OJ No L 192, 23.7.2010, p. 1).

(10) OJ No L 192, 23.7.2010, p. 1, as last amended by Commission Implementing Decision (EU) 2016/1840 (OJ No L 280, 18.10.2016, p. 33).

(11) OJ No L 303, 31.10.1990, p.6, as last amended by Council [Directive 2009/158/EC](#) (OJ No L 343, 22.12.2009, p.74).

(12) OJ No L 328, 24.11.2006, p.14, as last amended by Commission Implementing [Directive 2014/22/EU](#) (OJ L 44, 14.2.2014, p.45).

(13) OJ No L 46, 19.2.1991, p.19, as last amended by Commission Implementing Decision (EU) 2016/2002 (OJ No L 308, 16.11.2016, p.29).

(14) OJ No L 268, 14.9.1992, p.54, as last amended by Commission Implementing Decision (EU) 2017/2174 (OJ No L 306, 22.11.2017, p.28).

(15) OJ No L 62, 15.3.1993, p.49, as last amended by [Directive 2004/41/EC](#) (OJ No L 157, 30.4.2004, p. 407).

- (c) [Regulation \(EU\) 2016/429](#) of the European Parliament and of the Council on transmissible animal diseases.”.