
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020

PART 3

Amendments to EU delegated and implementing acts

Amendments to Commission Implementing Regulation (EU) 2019/1013 on prior notification of consignments of certain categories of animals and goods entering the Union

30.—(1) Commission Implementing Regulation (EU) 2019/1013 on prior notification of consignments of certain categories of animals and goods entering the Union is amended as follows.

(2) In Article 1—

(a) in paragraph 1, for “into the Union” substitute “in Great Britain from a third country”;

(b) after paragraph 3, insert—

“**4.** In this Article, ‘first arrival’ and ‘third country’ have the meanings given in Article 3 of Regulation (EU) 2017/625**(1)**.”.

(3) After Article 2, insert—

“Article 3

Derogations and modifications: animals and goods entering Great Britain from a relevant third country

1. This Regulation applies subject to the derogations and modifications specified in Annex 6 to Regulation (EU) 2017/625**(2)** during the transitional staging period, in relation to relevant goods entering Great Britain from a relevant third country.

2. In this Article ‘transitional staging period’, ‘relevant goods’ and ‘relevant third country’ have the meanings given in Annex 6 to that Regulation.”.

(4) In the words following Article 2, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Amendments to Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the

(1) The definitions of ‘first arrival’ and ‘third country’ in Article 3 of Regulation (EU) 2017/625 are inserted by regulation 3 of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

(2) Annex 6 to Regulation (EU) 2017/625 is inserted by regulation 29(4) of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020.

Common Health Entry Document accompanying consignments of animals and goods to their destination

31.—(1) Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination is amended as follows.

(2) For Article 2 substitute—

“Article 2

Definitions

For the purposes of this Regulation—

- (a) ‘the appropriate computerised information management system’ is the system for official controls referred to in Article 131 of Regulation (EU) 2017/625;
 - (b) ‘place of destination’ means the place where the consignment is delivered for final unloading, as stated in the CHED;
 - (c) ‘TCBTA’ means the Taxation (Cross-border Trade) Act 2018(3).”.
- (3) In Article 4—
- (a) in point (b), for the words from “Article 163” to the end substitute “paragraph 7(1)(b) and (2) of Schedule 1 to the TCBTA and public notices given under those provisions, as amended from time to time,”;
 - (b) in point (c)—
 - (i) for “communicate to the IMSOC” substitute “record in the appropriate computerised information management system”;
 - (ii) for the words from “points (a) and (b)” to the end substitute “section 3(4)(a) and (b) of, and Parts 2 and 3 of Schedule 2 to, the TCBTA.”.
- (4) In Article 5(1)—
- (a) in points (b) and (f), for “IMSOC” substitute “appropriate computerised information management system”;
 - (b) in point (e), for the words from “Article 163” to the end substitute “paragraph 7(1)(b) and (2) of Schedule 1 to the TCBTA,”;
 - (c) in point (f), for the words from “points (a) and (b)” to the end substitute “section 3(4)(a) and (b) of, and Parts 2 and 3 of Schedule 2 to, the TCBTA.”.
- (5) In Article 6—
- (a) in point (b), for the words from “Article 163” to the end substitute “paragraph 7(1)(b) and (2) of Schedule 1 to the TCBTA,”;
 - (b) in point (c)—
 - (i) for “communicate to the IMSOC” substitute “record in the appropriate computerised information management system”;
 - (ii) for the words from “points (a) and (b)” to the end substitute “section 3(4)(a) and (b) of, and Parts 2 and 3 of Schedule 2 to, the TCBTA.”.
- (6) In Article 7—
- (a) in the third subparagraph, omit “in each Member State” and “in that Member State”;

(b) omit the fourth subparagraph.

(7) In the words following Article 7, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(8) After Article 7, insert—

“Article 8

*Derogations and modifications: animals and goods
entering Great Britain from a relevant third country*

1. This Regulation applies subject to the derogations and modifications specified in Annex 6 to Regulation (EU) 2017/625(4) during the transitional staging period in relation to relevant goods entering Great Britain from a relevant third country.

2. In this Article ‘transitional staging period’, ‘relevant goods’ and ‘relevant third country’ have the meanings given in Annex 6 to that Regulation.”.

Amendments to Commission Delegated Regulation (EU) 2019/1666 Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union

32.—(1) Commission Delegated Regulation (EU) 2019/1666 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union is amended as follows.

(2) In the heading to Article 1, after “matter” insert “, definitions”.

(3) In Article 1—

(a) the existing text becomes paragraph 1;

(b) for “the Union”, in both places where it occurs, substitute “Great Britain”;

(c) after “arrival”, in the first place where it occurs, insert “from a third country”;

(d) for “Union legislation” substitute “legislation in force in the relevant constituent territory of Great Britain”;

(e) at the end of Article 1, add a new paragraph—

“2. For the purposes of this Regulation—

‘third country’ has the meaning given in Article 3(2D) of Regulation (EU) 2017/625(5);

‘the appropriate computerised information management system’ is the system for official controls referred to in Article 131 of Regulation (EU) 2017/625.”.

(4) In the heading to Article 2, for “the Union” substitute “Great Britain from a third country”.

(5) In Article 2—

(a) in paragraph 1, for “the Union” substitute “Great Britain from a third country”;

(b) in paragraph 3, omit “(‘IMSOC’)”.

(4) Annex 6 to Regulation (EU) 2017/625 is inserted by regulation 29(4) of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

(5) The definition of ‘third country’ in Article 3 of Regulation (EU) 2017/625 is inserted by regulation 3 of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

(6) In Article 3(2), for “IMSOC” substitute “the appropriate computerised information management system”.

(7) After Article 3, insert—

“Article 3A

*Derogations and modifications: relevant goods
entering Great Britain from a relevant third country*

1. This Regulation applies subject to the derogations and modifications specified in Annex 6 to Regulation (EU) 2017/625(6) and in paragraph 3 of this Article during the transitional staging period, in relation to relevant goods entering Great Britain from a relevant third country.

2. In this Article ‘transitional staging period’, ‘relevant goods’ and ‘relevant third country’ have the meanings given in Annex 6 to that Regulation.

3. This Regulation applies with the following derogations and modifications—

(a) omit Article 2;

(b) in Article 3—

(i) omit paragraph 2;

(ii) in paragraph 3, for “shall” substitute “may”;

(iii) omit paragraphs 4 and 5.”.

(8) In the words following Article 4, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Amendments to Commission Implementing Regulation (EU) 2019/1873 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products

33.—(1) Commission Implementing Regulation (EU) 2019/1873 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products is amended as follows.

(2) In Article 1, for “the Union” substitute “Great Britain, from a third country,”.

(3) For Article 2 substitute—

“Article 2

Definitions

For the purposes of this Regulation—

(a) ‘the appropriate computerised information management system’ is the system for official controls referred to in Article 131 of Regulation (EU) 2017/625(7);

(b) ‘the establishment of origin’ means the establishment of origin in a third country, including third country vessels, appearing on lists drawn up regarding the export of products of animal origin, germinal products, animal by-products and composite products to Great

(6) Annex 6 to Regulation (EU) 2017/625 is inserted by regulation 29(4) of those Regulations.

(7) Article 131 was amended by regulation 24(2) of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

- Britain, in accordance with the legislation in force in the relevant constituent territory of Great Britain;
- (b) ‘third country’ has the meaning given in Article 3(2D) of Regulation (EU) 2017/625⁽⁸⁾.”.
- (4) In Article 3—
- (a) for paragraph 1 substitute—
- “1. When notifying other competent authorities of a decision to perform intensified official controls made in accordance with Article 65(5) of Regulation (EU) 2017/625 through the appropriate computerised information management system, the competent authority making the decision must indicate—
- (a) the establishment of origin;
- (b) the category of goods, including their description and code from the classification system applicable in the United Kingdom, as amended from time to time, whether established and maintained pursuant to section 8(1) of the Taxation (Cross-border Trade) Act 2018⁽⁹⁾ or under any other enactment; and
- (c) the infringement which has occasioned the decision to perform intensified official controls.”;
- (b) in paragraph 2—
- (i) in the opening words, for “Commission shall assess” substitute “notified competent authorities must assess and endeavour to agree”;
- (ii) in point (d), for the words from “adopted”, in the first place where it occurs, to “with”, in the second place where it occurs, substitute “under Article 261 of Regulation (EU) 2016/429 or to special measures under”;
- (c) in paragraph 3—
- (i) for “Commission” substitute “notifying competent authority”;
- (ii) for “IMSOC” substitute “appropriate computerised information management system”;
- (d) in paragraph 4, for “Member States” substitute “constituent territories of Great Britain”.
- (5) In Article 4—
- (a) in paragraph 1—
- (i) for “all Member States” substitute “Great Britain”;
- (ii) for “IMSOC” substitute “appropriate computerised information management system”;
- (b) in paragraph 2, for the words from “Combined Nomenclature” to the end, substitute “classification system applicable in Great Britain, as amended from time to time, whether established and maintained pursuant to section 8(1) of the Taxation (Cross-border) Trade Act 2018 or under any other enactment”;
- (c) in paragraph 4, for “IMSOC” substitute “appropriate computerised information management system”.
- (6) In Article 5—
- (a) in paragraph 1—
- (i) for “the Union” substitute “Great Britain”;

⁽⁸⁾ The definition of ‘third country’ was inserted by regulation 3(2) of those Regulations.

⁽⁹⁾ 2018 c. 22.

- (ii) for “Commission” substitute “the competent authority in the relevant constituent territory of Great Britain, or, where there is more than one competent authority dealing with the infringements, one of those authorities”;
- (b) in paragraph 2—
 - (i) in the opening words, for “Commission” substitute “competent authority making the request in accordance with paragraph 1”;
 - (ii) in point (b), for “Member States” substitute “constituent territories of Great Britain”.
- (7) In Article 6—
 - (a) in paragraph 1—
 - (i) in point (a), for the words from “Commission” to “IMSOC” substitute “other competent authorities of its decision, through the appropriate computerised information management system,”;
 - (ii) in point (b)—
 - (aa) for “IMSOC” substitute “appropriate computerised information management system”;
 - (bb) for “Member States” substitute “constituent territories of Great Britain”.
 - (b) in paragraph 2—
 - (i) in the opening words, for “the Commission” substitute “a competent authority”;
 - (ii) in point (a)—
 - (aa) for “IMSOC” substitute “appropriate computerised information management system”;
 - (bb) for “Member States” substitute “constituent territories of Great Britain”.
- (8) In Article 8—
 - (a) in paragraph 1, for “into the Union” substitute “to Great Britain”;
 - (b) in paragraph 2, for “IMSOC” substitute “appropriate computerised information management system”.
- (9) In the words following Article 9, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Amendments to Commission Implementing Regulation (EU) 2019/2007 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts

34.—(1) Commission Implementing Regulation (EU) 2019/2007 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts is amended as follows.

(2) In the words following Article 5, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Amendments to Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts,

specific controls on passengers' personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market

35.—(1) Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers' personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market is amended as follows.

- (2) In Article 2—
- (a) in point (2), for “IMSOC” substitute “the appropriate computerised information management system”;
 - (b) after point (8), insert—
 - “(9) ‘entry into Great Britain’ or ‘entering Great Britain’ has the meaning given in Article 2(40) of Regulation (EU) 2017/625(10);
 - (10) ‘third country’ has the meaning given in Article 3(2D) of Regulation (EU) 2017/625(11);”;
- (3) In Article 3(1)(b)—
- (a) for “the Union” substitute “Great Britain”;
 - (b) for “Member State” substitute “constituent territory of Great Britain”.
- (4) In Article 4—
- (a) in paragraph 1—
 - (i) in point (a)—
 - (aa) for “Member State of destination” substitute “constituent territory of destination in Great Britain”;
 - (bb) for “the Union” substitute “Great Britain”;
 - (ii) omit point (c);
 - (b) omit paragraph 2.
- (5) In Article 5(3), for “IMSOC” in both places where it occurs, substitute “appropriate computerised information management system”.
- (6) In Article 6(1)(b) for “on Union territory” substitute “in Great Britain”.
- (7) In Article 8(1)—
- (a) for “the Union”, in the first place where it occurs, substitute “Great Britain”;
 - (b) for the words from “at least” to “Union” substitute “English and may also be in Welsh”.
- (8) In Article 9(1), for “the Union” substitute “Great Britain”.
- (9) In Article 10(2), for “Member States” substitute “The competent authority”.
- (10) In Article 11—
- (a) in the opening words, for “the Union” substitute “Great Britain”;
 - (b) in point (b)(i), for “Member States” substitute “the appropriate authority”;
 - (c) in point (c), for “the Union” substitute “Great Britain”.
- (11) In Article 12(1)—

(10) The definitions of ‘entry into Great Britain’ and ‘entering Great Britain’ in Article 3 of Regulation (EU) 2017/625 are inserted by regulation 3 of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

(11) The definition of ‘third country’ was inserted by regulation 3(2) of those Regulations.

- (a) for “the Union”, in the first place where it occurs, substitute “Great Britain”;
 - (b) for the words from “at least” to “Union”, in the second place where it occurs, substitute “in English and may also be in Welsh”.
- (12) After Article 12, insert—

“Article 12A

Derogations and modifications: relevant goods entering Great Britain from a relevant third country

1. This Regulation applies subject to the derogations and modifications specified in Annex 6 to Regulation (EU) 2017/625(12) and in paragraph 3 of this Article during the transitional staging period, in relation to relevant goods entering Great Britain from a relevant third country.
 2. In this Article ‘transitional staging period’, ‘relevant goods’ and ‘relevant third country’ have the meanings given in Annex 6 to that Regulation.
 3. Article 7 of this Regulation applies with the following derogations and modifications—
 - (a) after “and which are” insert “relevant goods arriving from a relevant third country”;
 - (b) omit the words from “provided that” to the end.”.
- (13) In the words following Article 15, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- (14) In Annex 2, in each model poster, for “the European Union”, in each place where it occurs, substitute “Great Britain”.
- (15) In Annex 3—
- (a) for “the EU”, in each place where it occurs and unless otherwise indicated in this paragraph substitute “Great Britain”;
 - (b) in the opening words—
 - (i) for “the European Union (EU)” substitute “Great Britain”;
 - (ii) omit the words from “These procedures” to “Switzerland”;
 - (c) in point 6—
 - (i) for “official EU” substitute “appropriate”;
 - (ii) for “a EU border” substitute “a border”.
- (16) In Annex 4, in the model poster, for “the EU” substitute “Great Britain”.

Amendments to Commission Implementing Regulation (EU) 2019/2129 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union

- 36.—(1) Commission Implementing Regulation (EU) 2019/2129 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union is amended as follows.
- (2) In Article 2—
- (a) for paragraph 2, substitute—

(12) Annex 6 to Regulation (EU) 2017/625 is inserted by regulation 29(4) of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020.

“2. The ‘appropriate computerised information management system’ is the system for or official controls referred to in Article 131 of Regulation (EU) 2017/625;

3. ‘the appropriate authority’ has the meaning given in Article 3 of Regulation (EU) 2017/625.”.

(3) In Article 3(1)(a), for “IMSOC” substitute “appropriate computerised information management system”;

(4) In Article 4, for paragraph 2 substitute—

“2. In a case where an agreement of equivalence between Great Britain and a third country or between the United Kingdom and a third country has been or is concluded, physical checks must be carried out in accordance with any provisions governing frequency rates under that agreement.”.

(5) In Article 5—

(a) in paragraph 2(a), for “Commission” substitute “appropriate authority”;

(b) in paragraph 3, for “IMSOC” substitute “appropriate computerised information management system”;

(c) in paragraph 5—

(i) for “Commission” substitute “appropriate authority”;

(ii) for “IMSOC” substitute “appropriate computerised information management system”.

(6) After Article 7—

(a) in the words following Article 7, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(b) insert—

“Article 8

Derogations and modifications: relevant goods entering Great Britain from a relevant third country

1. This Regulation applies subject to the derogations and modifications specified in Annex 6 to Regulation (EU) 2017/625(13) and in paragraph 3 of this Article during the transitional staging period, in relation to relevant goods entering Great Britain from a relevant third country.

2. In this Article ‘appropriate frequency rate’, ‘transitional staging period’, ‘relevant goods’ and ‘relevant third country’ have the meanings given in Annex 6 to Regulation (EU) 2017/625.

3. For Article 5, substitute—

(13) Annex 6 to Regulation (EU) 2017/625 is inserted by regulation 29(4) of the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

“Article 5

Modification of frequency rates for identity checks and physical checks performed on relevant goods from relevant third countries

1. In relation to relevant goods entering Great Britain from a relevant third country during the transitional staging period, identity and physical checks must be carried out at the appropriate frequency rate.

2. In this Article ‘appropriate frequency rate’ has the meaning given in Annex 6 to Regulation (EU) 2017/625.’.’.

(7) Omit Annex 2.

Amendments to Commission Implementing Regulation (EU) 2019/2130 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts

37.—(1) Commission Implementing Regulation (EU) 2019/2130 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts is amended as follows.

(2) In Article 2(2)—

- (a) in the opening words, omit “(IMSOC)”;
- (b) in point (b), for “implementing acts” substitute “the rules contained in implementing acts, in regulations made by the appropriate authority or published online by the appropriate authority”.

(3) In Article 3(4)(a) and (b), for “Union legislation” substitute “legislation in force in the relevant constituent territory of Great Britain”.

(4) In Article 4(4), for “into the Union” substitute “to Great Britain from a third country”.

(5) In Article 5—

- (a) in paragraph 1(b), for “Union legislation” substitute “legislation in force in the relevant constituent territory of Great Britain”;
- (b) in paragraphs 3 and 4—
 - (i) for “into the Union” substitute “in Great Britain”;
 - (ii) for “enter the Union” substitute “enter Great Britain”.

(6) In Article 6(2), omit the words from “in respect of” to the end.

(7) After Article 7—

- (a) omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- (b) insert—

“Article 8

Derogations and modifications: relevant goods entering Great Britain from a relevant third country

1. This Regulation applies subject to the derogations and modifications specified in Annex 6 to Regulation (EU) 2017/625 during the transitional staging period, in relation to relevant goods entering Great Britain from a relevant third country.

2. In this Article ‘transitional staging period’, ‘relevant goods’ and ‘relevant third country’ have the meanings given in Annex 6 to that Regulation.”.

(8) In Annex 1, in section 3, in point 1(b), omit “Union”.

(9) In Annex 2, in point 1(b), omit “Union”.

(10) In Annex 3—

(a) in point 4(c), after “listed in” insert “relevant legislation in force in the relevant constituent territory of Great Britain”;

(b) in paragraph 6—

(i) in point (a)—

(aa) for “Union quarantine pests” substitute “GB quarantine pests, which has the meaning given in Article 4 of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants⁽¹⁴⁾”;

(bb) for “Member States” substitute “competent authorities”;

(ii) in point (c), for “IMSOC” substitute “appropriate computerised information management system”.

Amendments to Commission Implementing Regulation (EU) 2020/466 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States’ control systems due to coronavirus disease (COVID-19)

38.—(1) Commission Implementing Regulation (EU) 2020/466 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States’ control systems due to coronavirus disease (COVID-19) is amended as follows.

(2) In Article 1, for “Member States’ control systems” substitute “control systems in Great Britain”.

(3) For Article 2, substitute—

“Article 2

Competent authorities intending to apply the temporary measures laid down in this Regulation must publish online the list of measures taken to remedy their difficulties in carrying out official controls and other official activities in accordance with Regulation (EU) 2017/625.”.

(4) In Article 4—

(14) The definition of “GB quarantine pest” is inserted by regulation 24 of the Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/xxxx).

- (a) in paragraph 1(b), for “TRACES” substitute “the appropriate computerised information management system”;
- (b) after paragraph 2, insert—
 - “3. ‘the appropriate computerised information management system’ is the system for official controls referred to in Article 131 of Regulation (EU) 2017/625.”.
- (5) In the words following Article 6, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.