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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

**The Trade in Animals and Related Products (Amendment  
and Legislative Functions) Regulations 2022**

**PART 5**

**Modifications to EU Directives**

**Modifications to Directive 2009/156**

**21.**—(1) Directive 2009/156 is modified as follows.

(2) Article 1 is to be read as if “movement between Member States and” were omitted.

(3) Article 2 is to be read as if—

- (a) in point (c), in the definition of ‘registered equidae’, for the words from “as defined in Council Directive [90/427/EEC](#)” to “equidae” there were substituted “as mentioned in Article 2(e) of Regulation (EU) 2015/262(1), and”;
- (b) after point (c), there were inserted—
  - “(ca) ‘unregistered equidae’ means equidae other than those mentioned in paragraph (c);”;
- (c) in point (d), in the definition of “equidae for slaughter”, “, referred to in Article 7,” were omitted;
- (d) in point (f), in the definition of “Member State or third country free from African horse sickness”, “Member State or”, in both places where it occurs, were omitted;
- (e) in point (h), in the definition of “official veterinarian”, “Member State or of a” were omitted;
- (f) in point (i), in the definition of “temporary admission”, for “Community territory” there were substituted “Great Britain”;
- (g) after paragraph (i), there were inserted—
  - “(j) ‘approved marshalling centre’ means an assembly centre as defined in Article 2(2)(o) of Directive 64/432;
  - (k) ‘Regulation (EU) 2015/262’ means Commission Implementing Regulation (EU) 2015/262 laying down rules pursuant to Council Directives [90/427/EEC](#) and [2009/156/EC](#) as regards the methods for the identification of equidae;
  - (l) ‘Regulation (EU) 2018/659’ means Commission Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae(2).”.

(4) The title of Chapter 2 is to be read as if for that title there were substituted “General requirements for the purposes of Articles 13(2), 15(a) and 16(1)”.

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(1) EUR 2015/262, as amended by [S.I. 2019/591](#) and [2020/1388](#).

(2) EUR 2018/659, as amended by [S.I. 2020/1462](#) and [2022/735](#).

- (5) In Article 4—
- (a) in paragraph 1—
- (i) in the second sentence, after “Inspection” there were inserted “of registered equidae”;
- (ii) for the words from “In the case of registered equidae” to the end, there were substituted “Inspection of all other equidae must be carried out on the day of loading of the animals for dispatch to Great Britain”;
- (b) in paragraph 4(a)—
- (i) in the first subparagraph, for “Directive [90/427/EEC](#)” there were substituted “Regulation (EU) 2015/262”;
- (ii) in the second subparagraph, for the words from “shall be adopted” to the end there were substituted “is set out in Articles 34 to 36 of Regulation (EU) 2015/262, as from time to time supplemented by any procedures that may be adopted by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
- (c) in paragraph 4(b), for the words from “accordance with” to the end of that sentence there were substituted “Regulation (EU) 2015/262 and any new methods that may be established by the appropriate authority by regulations”;
- (d) in paragraph 5, in the second subparagraph, for “Commission” there were substituted “appropriate authority”;
- (e) in paragraph 6—
- (i) in the words before point (a), for the words from “Where a Member State draws up” to “from 1 July 2013 for Croatia” there were substituted “The appropriate authority may, by regulations or in accordance with a procedure set out by the appropriate authority by regulations, draw up a voluntary or compulsory programme for a disease to which equidae are susceptible”;
- (ii) point (h) were omitted;
- (iii) for the second subparagraph, there were substituted—
- “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out any additional guarantees, general or specific, which may be required for importation into Great Britain.”;
- (iv) the third subparagraph were omitted.
- (6) In Article 5—
- (a) in paragraph 1, for “Member State” there were substituted “third country”;
- (b) in paragraph 2, for “Member State” there were substituted “third country”;
- (c) in paragraph 3, for the words from “specified in” to the end there were substituted—
- “specified in—
- (a) in relation to England, the African Horse Sickness (England) Regulations 2012(3);
- (b) in relation to Scotland, the African Horse Sickness (Scotland) Order 2012(4).”;
- (d) in paragraph 4, for “Article 6(1)(d) of Directive [92/35/EEC](#)” there were substituted “the relevant provisions of the legislation referred to in paragraph 3”;

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(3) [S.I. 2012/2629](#), as amended by [S.I. 2018/1406](#).

(4) [S.S.I. 2012/178](#), as amended by [S.S.I. 2019/71](#).

- (e) in paragraph 5—
  - (i) in the words before point (a), for “Member State” there were substituted “third country”;
  - (ii) in point (a), for “in accordance with the procedure referred to in Article 21(3)” there were substituted “by the appropriate authority by regulations”;
  - (iii) in point (c), for the second subparagraph there were substituted “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out other monitoring methods.”.
- (7) Article 11 is to be read as if for “the Community” there were substituted “Great Britain”.
- (8) Article 12 is to be read as if—
  - (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “the Community” there were substituted “Great Britain”;
      - (bb) for the words from “to be drawn up” to the end of that sentence there were substituted “authorised by legislation in force in the relevant constituent territory of Great Britain. The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, draw up lists of third countries from which equidae may be imported.”;
    - (ii) in the second subparagraph, for “in accordance with the procedure referred to in Article 21(2)” there were substituted “by the appropriate authority by regulations”;
    - (iii) in the third subparagraph, “and from the Community” were omitted;
  - (b) paragraph 2—
    - (i) in point (a), for “the Community” there were substituted “Great Britain”;
    - (ii) in point (d), for “the Community” there were substituted “Great Britain”;
    - (iii) in point (f), for “Commission and the Member States” there were substituted “appropriate authority”;
    - (iv) in point (h)—
      - (aa) “Community” were omitted;
      - (bb) for “Commission” there were substituted “appropriate authority”;
  - (c) paragraph 3 were omitted.
- (9) Article 13 is to be read as if, in paragraph 2—
  - (a) in the words before point (a), for “In accordance with the procedure referred to in Article 21(2) it may be decided” there were substituted “The appropriate may, in accordance with a procedure set out by the appropriate authority by regulations, provide”;
  - (b) in point (b), for “the Community” there were substituted “Great Britain”.
- (10) Article 14 is to be read as if for “the Member State of destination” there were substituted “Great Britain”.
- (11) Article 15 is to be read as if—
  - (a) in the words before point (a), for “drawn up in accordance with” there were substituted “referred to in”;
  - (b) in point (a)—
    - (i) after “animal health requirements” there were inserted “in Regulation (EU) 2018/659 or any animal health requirements”;

- (ii) for “species in question,” there were substituted “species in question and”;
  - (iii) for “in accordance with the procedure referred to in Article 21(2)” there were substituted “by the appropriate authority by regulations”;
  - (c) in point (b)(ii)—
    - (i) in the first paragraph, for “recognised in accordance with the procedure referred to in Article 21(2)” there were substituted “authorised for use in Regulation 2018/659 or by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
    - (ii) for the second paragraph there were substituted—

“The appropriate may by regulations set out the categories of male equidae to which this requirement applies.”.
- (12) Article 16 is to be read as if—
- (a) in paragraph 1—
    - (i) in the words before point (a), for “health certificate”, in the first place where it occurs, there were substituted “relevant health certificate, in the form published by the appropriate authority from time to time,”;
    - (ii) in point (a), for “the Member State of destination” there were substituted “Great Britain”;
    - (iii) in point (b), for the words from “one of the official” to the end there were substituted “English”;
    - (iv) the last sentence were omitted;
  - (b) paragraph 2 were omitted.
- (13) Article 17 is to be read as if—
- (a) in paragraph 1—
    - (i) for “the Member State of destination” there were substituted “Great Britain”;
    - (ii) “as referred to in Article 7,” were omitted;
    - (iii) for “a period specified in the decisions to be adopted pursuant to Article 15” there were substituted “the period specified in Article 21 of Regulation (EU) 2018/659”;
  - (b) in paragraph 2—
    - (i) for “in accordance with the procedure referred to in Article 21(2)” there were substituted “by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
    - (ii) “of the Member State of destination” were omitted.
- (14) Article 19 is to be read as if—
- (a) for the words before point (a), there were substituted “The appropriate authority may by regulations set out a procedure to”;
  - (b) in point (a), for “it may be decided that” there were substituted “determine that”;
  - (c) in point (b)—
    - (i) at the beginning there were inserted “establish that,”;
    - (ii) in both places where it occurs, for “Community territory” there were substituted “Great Britain”;
    - (iii) “, shall be established” were omitted;
  - (d) in point (c)—

- (i) at the beginning there were inserted “determine that”;
- (ii) “shall be determined” were omitted;
- (e) in point (d)—
  - (i) at the beginning there were inserted “designate”;
  - (ii) for “may be designated and” there were substituted “and provide”;
  - (iii) for “Community” there were substituted “national”;
  - (iv) for “the Member States shall be provided for” there were substituted “Great Britain”.
- (15) Article 20 is to be read as if for the existing text there were substituted—

“**20.** The appropriate authority may by regulations modify Annexes 1 and 4, or amend the modifications made to any Annex to this Directive by Part 5 of the TARP (ALF) Regulations 2022.”.
- (16) In Annex 4, in Part B—
  - (a) in the words before point 1, in the fourth subparagraph, “the European Union Reference Laboratory or” were omitted;
  - (b) in point 2.1, in the first paragraph, the second and third sentences were omitted.