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STATUTORY INSTRUMENTS

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**2018 No. 1408**

**The Trade in Endangered Species of Wild Fauna  
and Flora (Amendment) (EU Exit) Regulations 2018**

**PART 3**

Amendment of retained direct EU legislation

**Amendment of Commission Regulation (EC) No 865/2006**

5.—(1) Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, is amended as follows.

(2) In Article 1—

(a) in point (4a)—

(i) omit “competent”, in the first place it occurs;

(ii) for “Member State concerned” substitute “United Kingdom”;

(b) in point (5), for “Community” in both places substitute “United Kingdom”.

(3) In Article 7(1), for “Community” substitute “United Kingdom”.

(4) In Article 8—

(a) in paragraph 1, in the second subparagraph, (beginning “In order to ensure”), for “national” substitute “United Kingdom” and omit “issuing”;

(b) in paragraph 2, for “Community” in both places substitute “United Kingdom”;

(c) in paragraph 3—

(i) in the first subparagraph (beginning “Management authorities shall”), for “Management authorities” substitute “The management authority”;

(ii) in the second subparagraph, (beginning “However, where”), omit “issuing”.

(5) In Article 11—

(a) in paragraph 3—

(i) in the second subparagraph, (beginning “The management authority”), omit “of the Member State in which the specimen is located”;

(ii) in the third subparagraph, (beginning “Where a transaction”)—

(aa) (in the first sentence), for “issuing Member State” substitute “United Kingdom”;

(bb) (in the second sentence), omit “in a Member State other than the issuing Member State, they shall be issued” and omit “and”;

(cc) (in the third sentence), omit “and the Member State(s) country in whose territory it is valid”;

- (b) in paragraph 5 omit “issuing”.
- (6) In Article 13(1), for “Community” substitute “United Kingdom”.
- (7) In Article 14—
  - (a) in the first subparagraph, (beginning “In the case of”), for “Community” in both places substitute “United Kingdom”;
  - (b) in the second subparagraph, (beginning “However, certificates of origin”), for “Union” in both places substitute “United Kingdom”.
- (8) In Article 15—
  - (a) in paragraph 1, omit “competent”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph (beginning “The derogation”)—
      - (aa) omit “competent” in the first place it occurs;
      - (bb) for “Member State” substitute “United Kingdom”;
    - (ii) in the second subparagraph (beginning “As regards specimens”)—
      - (aa) omit “competent”;
      - (bb) for “Member State” substitute “United Kingdom”;
  - (c) in paragraph 3, in the second subparagraph, (beginning “In the case of”), for “Community”, in each place it occurs, substitute “United Kingdom”.
- (9) In Article 16, and in the heading to that Article, for “Community” substitute “United Kingdom”.
- (10) In Article 17(1)(a), for “Member States” substitute “the management authority”.
- (11) In Article 18(1)—
  - (a) in point (a), for “each Member State” substitute “the management authority”;
  - (b) in point (b), for “Member States” substitute “the management authority”;
  - (c) in point (c), for “Member States” substitute “the management authority”, and omit “of the relevant Member State”.
- (12) In Article 19—
  - (a) in paragraph 1—
    - (i) in the first sentence, for “Member States” substitute “the Management Authority”;
    - (ii) in point (a), after “a competent scientific authority ” insert “of the United Kingdom”;
    - (iii) in point (b), for “each Member State” substitute “the management authority”;
    - (iv) in points (c) and (d), for “Member States” substitute “the management authority”;
  - (b) in paragraph 2, omit the words “and (5)”.
- (13) In Article 20—
  - (a) in paragraph 1, for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, omit “ of the Member State of destination”.
- (14) In Article 20a, for “Member States” substitute “The management authority”.
- (15) In Article 22, in the first subparagraph, (beginning “Without prejudice”), for “Community” substitute “United Kingdom”.
- (16) In Article 23, omit the second subparagraph, (beginning “The original import permit”).
- (17) In Article 24(1), for “Community” substitute “United Kingdom”.

- (18) In Article 25, omit the second subparagraph, (beginning “The original import permit”).
- (19) In Article 26—
- (a) in paragraph 1, for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, for “Member State in whose territory the specimens are located” substitute “United Kingdom”;
  - (c) in paragraph 6, for “another Member State” substitute “a third country”;
  - (d) in paragraph 8, for “a Member State” substitute “the United Kingdom”;
  - (e) in paragraph 9—
    - (i) for “Community” substitute “United Kingdom”;
    - (ii) for “another Member State” substitute “a third country”;
  - (f) in paragraph 10—
    - (i) for “a management authority”, in the first place it occurs, substitute “the management authority”;
    - (ii) for “another Member State” substitute “a third country”.
- (20) In Article 26a, for “Member States” substitute “The United Kingdom”.
- (21) In Article 28, omit the second subparagraph, (beginning “The copy for return”).
- (22) In Article 29, for “a Member State” substitute “the United Kingdom”.
- (23) In Article 30(1)—
- (a) in the first sentence, for “Member States” substitute “The management authority” and for “either” substitute “at least one”;
  - (b) after point (a) insert—
    - “(aa) they were—
      - (i) acquired in, or introduced into, a member State before the provisions relating to species listed in Appendices I, II or III to the Convention, or in Annex C to Regulation (EEC) No 3626/82, or in Annexes A, B and C to Regulation 338/97 (pre-exit) became applicable to them, and
      - (ii) were introduced into the United Kingdom before exit day; or”;
  - (c) in point (b)—
    - (aa) for “Community” substitute “United Kingdom”;
    - (bb) for “Regulation (EC) No 338/97” substitute “Regulation 338/97 (pre-exit)”.
- (24) In Article 32—
- (a) in paragraph 1, for “Community” substitute “United Kingdom”, and omit “of the Member State” to the end;
  - (b) in paragraph 2, omit “of the Member State of first destination”;
  - (c) in paragraph 3, for “a Member State” substitute “the United Kingdom”, and omit “of that Member State”.
- (25) In Article 33(1)—
- (a) in point (b), for “Member State” substitute “third country”;
  - (b) in point (c), for “each Member State” substitute “the third countries”.
- (26) In Article 34—
- (a) in paragraph 1, in the second subparagraph (beginning “Member States”), for “Member States” substitute “The management authority”;

- (b) in paragraph 2, omit the words from “of the Member State in which” to “first destination”.
- (27) In Article 35—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “In the case of” substitute “For”;
      - (bb) for “Article 32(1)” substitute “this Regulation, Regulation 338/97 (pre-exit), or the Convention”;
    - (ii) omit the second subparagraph, (beginning “The customs office shall”);
  - (b) omit paragraph 2.
- (28) In Article 37(1), for “Member States” substitute “The management authority”.
- (29) In Article 39—
- (a) in paragraph 1, for “Community” substitute “United Kingdom”, and omit the words “of the Member State” to the end;
  - (b) in paragraph 2, omit “of the Member State of first destination”;
  - (c) in paragraph 3—
    - (i) in the second subparagraph, (beginning “The specimen covered”), omit “of [Commission Regulation \(EC\) No 865/2006](#)”;
    - (ii) omit the fourth subparagraph, (beginning “This certificate shall in no way”);
  - (d) in paragraph 4, for “a Member State” substitute “the United Kingdom”, and omit “of that State”.
- (30) In Article 40(1)—
- (a) in point (a) for “Member State” substitute “country”;
  - (b) omit point (b).
- (31) In Article 41—
- (a) in paragraph 1, in the second subparagraph, (beginning “Member States”), for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, in the first subparagraph (beginning “The duly completed”), for the words from “a management authority of the Member State in” to “of first destination” substitute “the management authority”.
- (32) In Article 42—
- (a) in paragraph 1, omit the second subparagraph, (beginning “The customs office shall”);
  - (b) in paragraph 2, omit the second subparagraph (beginning “The customs office shall”).
- (33) In Article 44a, for “Member States” substitute “The management authority”.
- (34) In Article 44c—
- (a) in paragraph 1, for “Community” substitute “United Kingdom”, and omit the words “of the Member State” to the end;
  - (b) in paragraph 2, omit the words “of the Member State of first destination”.
- (35) In Article 44d(1), for “Community” substitute “United Kingdom”.
- (36) In Article 44e—
- (a) in paragraph 1, in the second subparagraph, (beginning “Member States”), for “Member States” substitute “The management authority”;

- (b) in paragraph 2, in the first subparagraph, for the words from “a management authority of the Member State” to “first destination” substitute “the management authority”.
- (37) In Article 44f(1)—
  - (a) omit the second subparagraph, (beginning “The customs office shall”);
  - (b) omit the third subparagraph, (beginning “However, at the time”).
- (38) In Article 44h(1), for “Member States” substitute “The management authority”.
- (39) In Article 44j, omit paragraph 1.
- (40) In Article 44k—
  - (a) in point (b), for “Member State in which it is registered” substitute “United Kingdom”;
  - (b) in point (c), for “applicant’s State of usual residence” substitute “United Kingdom”.
- (41) In Article 44l—
  - (a) in paragraph 1, in the second subparagraph, (beginning “Member States”), for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, for “a management authority of the Member State of usual residence of the applicant” substitute “the management authority”.
- (42) In Article 44m—
  - (a) in the first subparagraph, (beginning “In the case of”), for “Union” substitute “United Kingdom”;
  - (b) omit the second subparagraph, (beginning “The customs office shall”).
- (43) In Article 44p, and in the heading to that Article, for “Union” in both places substitute “United Kingdom”.
- (44) Omit Article 45.
- (45) In the heading to Chapter X, (beginning “Certificates Provided For”), omit “5(2)(b)”.
- (46) In Article 46, omit “5(2)(b),” and omit “of the Member State in which the specimens are located,”.
- (47) In Article 47—
  - (a) in the heading to that Article, for “Article 5(2)(b),” substitute “Article 5”;
  - (b) in the first sentence (beginning “The certificates provided for”), for “Article 5(2)(b),” substitute “Article 5”;
  - (c) in point (1), for “Member State of origin” substitute “United Kingdom”;
  - (d) in point (2), for “Member State where the recovery took place” substitute “United Kingdom”;
  - (e) in point (3), for “Community” substitute “United Kingdom after exit day”;
  - (f) after point (3) insert—
    - “(3A) they were acquired in, or introduced into the United Kingdom before exit day, in accordance with Regulation 338/97 (pre-exit);”;
  - (g) in point (4), for “Community” substitute “United Kingdom”;
  - (h) in point (5) for “Community” substitute “United Kingdom”;
  - (i) in point (6)—
    - (i) for “(3)” substitute “(3A)”;
    - (ii) after “applicable in that Member State” insert “, and were introduced into the United Kingdom before exit day”.

- (48) In Article 48—
- (a) in paragraph 1—
    - (i) for point (a) substitute—
      - “(a) they were—
        - (i) acquired in, or introduced into, a member State before the provisions relating to species listed in Annex A to Regulation 338/97 (pre-exit), or in Appendix I to the Convention, or in Annex C1 to Regulation (EEC) No 3626/82 became applicable to them; and
        - (ii) introduced into the United Kingdom before exit day;”;
    - (b) after point (a) insert—
      - “(aa) they were acquired in, or introduced into the United Kingdom before the provisions relating to species listed in Annex A to Regulation 338/97 (pre-exit), or in Appendix I to the Convention, or in Annex C1 to Regulation (EEC) No 3626/82 became applicable to them;”;
      - (i) in point (b), for “a Member State” substitute “the United Kingdom”, and for “that Member State” substitute “the United Kingdom”;
    - (c) in paragraph 2, omit “competent” and “of a Member State”.
- (49) In Article 50—
- (a) in paragraph 1, in the second subparagraph, (beginning “Member States”), for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, for “a management authority of the Member State in which the specimens are located” substitute “the management authority”.
- (50) In Article 51—
- (a) in paragraph 1, in the second subparagraph, (beginning “For the purposes of point (b)”), for “another Member State” substitute “a third country”;
  - (b) in paragraph 2, omit “issuing the certificate”;
  - (c) omit paragraph 4.
- (51) In Article 52(2)—
- (a) in the first subparagraph (beginning “A registration number”), omit “of the Member State in which they are located”;
  - (b) in the second subparagraph (beginning “That registration number”), for “Member State concerned” substitute “United Kingdom”.
- (52) In Article 53(1) for “Community”, in both places, substitute “United Kingdom”.
- (53) In Article 54, in the first sentence (beginning “Without prejudice”), for “Member State” substitute “United Kingdom”.
- (54) In Article 56(1)—
- (a) for “a competent management authority” substitute “the management authority”;
  - (b) for “a competent scientific authority” substitute “the competent scientific authority”;
  - (c) omit “of the Member State concerned”.
- (55) In Article 57—
- (a) in the heading, and in paragraphs 1(b), 2, and 5, for “Community” substitute “United Kingdom”;

- (b) in paragraph 3—
  - (i) in the first subparagraph, (beginning “The first introduction”), for “Community” substitute “United Kingdom”;
  - (ii) omit the second subparagraph (beginning “Customs shall forward”);
- (c) in paragraph 3a, for “Union” substitute “United Kingdom”;
- (d) in paragraph 4—
  - (i) in the first sentence, for “Community” in both places substitute “United Kingdom”;
  - (ii) in points (a) and (c), for “Community” substitute “United Kingdom”.
- (56) In Article 58—
  - (a) in the heading, and in paragraph 1(b), for “Community” substitute “United Kingdom”;
  - (b) in paragraph 3, in the first sentence, and in points (a) and (c), in each place occurring, for “Community” substitute “United Kingdom”;
  - (c) in paragraph 3a, for “Union” substitute “United Kingdom” and for “State” substitute “country”.
- (57) In Article 58a—
  - (a) in the heading, for “Union” substitute “United Kingdom”;
  - (b) in paragraph 1—
    - (i) in the first subparagraph (beginning “Commercial activities”), for “Union” substitute “United Kingdom”, and for “a Member State” substitute “the United Kingdom”;
    - (ii) in point (a), for “Union” substitute “United Kingdom”;
    - (iii) in point (b), for “Member State concerned” substitute “United Kingdom” and for “Union” substitute “United Kingdom”;
  - (c) in paragraph 2, for “Union”, in both places occurring, substitute “United Kingdom”.
- (58) In Article 59—
  - (a) in paragraphs 1, 1a, and 5, omit “competent”;
  - (b) in paragraphs 2 and 3, omit “competent” the first time it occurs;
  - (c) in paragraph 4, omit “competent” and for “Member State” substitute “third country”.
- (59) In Article 60, in the first sentence, (beginning “Without prejudice”)—
  - (a) for “a management authority” substitute “the management authority”;
  - (b) for “a scientific authority” substitute “the scientific authority”.
- (60) In Article 63—
  - (a) in paragraph 1, for “a Member State” substitute “the United Kingdom”;
  - (b) in paragraph 2, for “a Member State” substitute “the United Kingdom”, and for “Community” substitute “United Kingdom”.
- (61) In Article 64—
  - (a) in the heading, for “Community” substitute “United Kingdom”;
  - (b) in paragraph 1(e), for “Community” in both places occurring substitute “United Kingdom”.
- (62) In Article 66—
  - (a) in paragraphs 2, 3 and 4, omit “competent”;
  - (b) in paragraph 5, for “Community” substitute “United Kingdom”;

- (c) in paragraph 7—
- (i) in the first subparagraph (beginning “Only those processing”)—
    - (aa) omit “of a Member State”;
    - (bb) omit “or intra-Community trade”;
    - (cc) after “for export” insert “or”;
  - (ii) in the fourth subparagraph (beginning “The list of facilities”), omit “and to the Commission”.
- (63) In Article 67, for “Community” substitute “United Kingdom”.
- (64) In Article 68(1), for “Member State” (in the first place it occurs) substitute “United Kingdom”, and for “other Member States” substitute “third countries”.
- (65) In Article 69—
- (a) in paragraph 1—
    - (i) in the first subparagraph, (beginning “Member States shall collect data”)—
      - (aa) for “Member States” substitute “The Secretary of State”;
      - (bb) for “Community” substitute “United Kingdom”;
      - (cc) for “their management authorities” substitute “the management authority”;
      - (dd) omit the words from “, irrespective of the” to the end;
    - (ii) in the second subparagraph, (beginning “Member States shall, in compliance with”)—
      - (aa) for “Member States” substitute “The Secretary of State”;
      - (bb) for “Article 15(4)(a)” substitute “Article 15(4)(b)”;
      - (cc) for “report” substitute “publish”;
      - (dd) omit the words from “to the Commission” to “computerised form and”;
  - (b) in paragraph 2(b) for “Community” substitute “United Kingdom”;
  - (c) in paragraph 3, for “Member States” substitute “the Secretary of State”, and for “Community” substitute “United Kingdom”;
  - (d) for paragraph 4, substitute—
 

“4. The Secretary of State shall publish the information referred to in paragraphs 1, 2 and 3 when reporting that information under the Convention, to the Convention Secretariat.”;
  - (e) in paragraph 5—
    - (i) in the first subparagraph (beginning “The information referred”), for “Article 15(4)(c)” substitute “Article 15(4)(d)”;
    - (ii) in the second subparagraph (beginning “In addition”), for “Member States” substitute “The Secretary of State”, and after “shall” insert “publish a”;
  - (f) for paragraph 6, substitute—
 

“6. The Secretary of State shall publish the information referred to in paragraph 5 when reporting that information under the Convention to the Convention Secretariat.”.
- (66) Omit Article 70.
- (67) In Article 71—
- (a) in paragraph 1, for “Member States” substitute “the management authority”;
  - (b) in paragraph 2, omit “competent” and “of the Member State”;



- (c) in paragraph 4(c), for “Community” substitute “United Kingdom”.
- (68) In Article 72, omit paragraph 3.
- (69) Omit Articles 73, 74 and 75.
- (70) Omit—
  - (a) the words “This Regulation shall be binding” to the end;
  - (b) “Done at Brussels, 4 May 2006.”;
  - (c) the signature text.