
STATUTORY INSTRUMENTS

2019 No. 223

**The Invasive Non-native Species
(Amendment etc.) (EU Exit) Regulations 2019**

PART 3

Amendment of retained direct EU legislation

Amendment of Chapter 3 (early detection and rapid eradication)

7.—(1) Chapter 3 is amended as follows.

(2) In Article 14—

- (a) in paragraph 1, for “Member States” substitute “ the appropriate authority ”;
- (b) in paragraph 2—
 - (i) in point (a), for “the territory, including marine territorial waters, of the Member States” substitute “[^{F1}England and Wales]”;
 - (ii) in point (b), for “the territory or part of the territory of a Member State” substitute “[^{F1}England and Wales]”;
 - (iii) in point (c), after “set out in” insert “ retained EU law which transposed ”.

(3) In Article 15—

- (a) in paragraph 1, for “Member States” substitute “ the Secretary of State ”;
- (b) in paragraph 3, for the second sentence substitute “ In paragraphs 4 to 6 and 8, “the competent authority” means the authority responsible for carrying out the official controls mentioned in paragraph 2. ”;
- (c) in paragraph 4(a)—
 - (i) omit “referred to in paragraph 3 [^{F2}of this Article] ”;
 - ^{F3}(ii) after “Regulation (EC) No 882/2004 and” insert “ retained EU law which transposed ”;
 - (iii) for “points of entry in accordance with” substitute “ points of entry as defined in ”;
- (d) in paragraph 5—
 - (i) in point (b) omit “referred to in paragraph 3”;
 - (ii) in the second subparagraph, for “Member States” substitute “ The Secretary of State ”;

^{F4}(e) in paragraph 6, omit the words from “, except where” to the end;]

- (f) in paragraph 7, for “Member State” substitute “ The Secretary of States ”;
- (g) in paragraph 8, for the words from “the Commission” to “shall” substitute “ the Secretary of State, together with the competent authority, must ”.

(4) In Article 16—

- (a) in paragraph 1, for “Member States” substitute “ The appropriate authority ”;
- (b) in paragraph 2—
 - (i) for “Member States” substitute “ The appropriate authority ”;
 - (ii) for “the Commission” substitute “ [F5the] other responsible authorities ”;
 - (iii) omit “inform the other Member States”.
- (5) In Article 17—
 - (a) in paragraph 1, for “the Commission and inform the other Member States” substitute “ the other responsible authorities ”;
 - [F6(b) in paragraphs 1 and 2, for “Member States shall” substitute “ the appropriate authority must ”;
 - (c) in paragraphs 3 and 4, for “Member States shall” substitute “ The appropriate authority must ”;
 - (ca) in paragraph 3, for “Member States may” substitute “ The appropriate authority may ”;]
 - (d) in paragraph 4—
 - (i) for “the Commission”, in both places where it occurs, substitute “ the other responsible authorities ”;
 - (ii) omit the last sentence.
- (6) In Article 18—
 - (a) in paragraph 1—
 - (i) for “A Member State may” substitute “ The responsible authorities, acting jointly, may ”;
 - (ii) omit the second subparagraph;
 - (b) omit paragraphs 2 and 3;
 - (c) in paragraph 4—
 - (i) for “Member States”, in the first place where it occurs, substitute “ The appropriate authority ”;
 - (ii) for “Member States”, in the second place where it occurs, substitute “ parts of [F7Great Britain] ”;
 - (d) in paragraph 5—
 - (i) for the words from “the Commission” to “subparagraph of” substitute “ the responsible authorities decide not to make a decision referred to in ”;
 - (ii) for “the Member State concerned” substitute “ the appropriate authority ”;
 - (e) in paragraph 6, for the words “Commission does not reject a decision notified in accordance with the second paragraph of” substitute “ responsible authorities make a decision referred to in ”.

Textual Amendments

- F1** Words in reg. 7(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **6(6)(a)**
- F2** Words in reg. 7(3)(c)(i) inserted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **6(6)(b)**

- F3** Reg. 7(3)(c)(ii)(iii) substituted for reg. 7(3)(c)(ii) (31.12.2020 immediately before IP completion day) by The Animal Health, Alien Species in Aquaculture and Invasive Non-native Species (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/813), regs. 1, **2(3)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Reg. 7(3)(e) substituted (31.12.2020 immediately before IP completion day) by The Animal Health, Alien Species in Aquaculture and Invasive Non-native Species (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/813), regs. 1, **2(3)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in reg. 7(4)(b)(ii) inserted (31.12.2020 immediately before IP completion day) by The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(i), **6(6)(c)**
- F6** Reg. 7(5)(b)-(ca) substituted for reg. 7(5)(b)(c) (31.12.2020 immediately before IP completion day) by The Animal Health, Alien Species in Aquaculture and Invasive Non-native Species (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/813), regs. 1, **2(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in reg. 7(6)(c)(ii) substituted (31.12.2020 immediately before IP completion day) by The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(i), **6(6)(d)**

Commencement Information

- I1** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)(b)

Changes to legislation:

There are currently no known outstanding effects for the The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019, Section 7.