

**2019 No. 591**

**EXITING THE EUROPEAN UNION**

**ANIMALS**

**The Equine (Records, Identification and Movement)  
(Amendment) (EU Exit) Regulations 2019**

*Made* - - - - *14th March 2019*

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

In accordance with paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**PART 1**

**Introductory**

**Citation and commencement**

1. These Regulations may be cited as the Equine (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

**PART 2**

**Amendments to Commission Implementing Regulation (EU) No 2015/262**

**Amendments to Commission Implementing Regulation (EU) No 2015/262**

2. Commission Implementing Regulation (EU) No 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 (Equine Passport Regulation) is amended as follows.

**Amendments to Article 1**

3. In Article 1(1)—

- (a) in point (a), for “Union” substitute “United Kingdom”;
- (b) in point (b), for the words from “Union” to the end substitute “United Kingdom, in accordance with the procedure referred to in section 3(3) of the Taxation (Cross-border Trade) Act 2018(a)”.

## Amendments to Article 2

### 4. In Article 2—

- (a) for point (e)(i) (together with the following “or”) substitute—
  - “(i) entered or registered and eligible for entry in a studbook, in accordance with the rules laid down by Articles 4(3), 19(4), 30(9) and (10), 32, 33 and 34(1)(c) of, and Annex 1, Part 1 of Annex 2 and Annex 5 to—
  - in relation to the United Kingdom, Regulation 2016/1012 of the European Parliament and of the Council”,
  - in relation to member States, Regulation (EU) 2016/1012 of the European Parliament and of the Council(b) as it has effect in EU law, as amended from time to time, and identified by means of an identification document issued by a competent authority, or”;
- (b) in point (f)(i)—
  - (i) after “recognised”, insert “by the appropriate authority or”;
  - (ii) after “agency of”, insert “the United Kingdom or of”;
- (c) in point (h), for the words from “either” to the end substitute “to the slaughterhouse for slaughter, either directly or through an approved marshalling centre, referred to in—
  - (i) Article 2(b) of Council Regulation 1/2005/EC, or
  - (ii) in relation to intended slaughter in a member State, Council Regulation 1/2005/EC, as that Regulation has effect in EU law, as amended from time to time(c);”;
- (d) for point (i) substitute—
  - “(i) ‘competent authority’ means—
    - (i) in the United Kingdom, the appropriate authority or any other authority to which the competence of that authority has been conferred, including an official veterinarian;
    - (ii) in a member State, the central authority of the member State competent for the organisation of official controls or any other authority to which that competence has been conferred, including the competent authority referred to in point (h) of Article 2 of Directive 2009/156/EC, as amended from time to time (‘the EU Directive’)(d);”;
- (e) for point (j) substitute—
  - “(j) ‘zootechnical authority’ means—
    - (i) in the United Kingdom, the appropriate authority or any other authority to which the competence of that authority has been conferred, including any organisation or association which maintains or establishes a stud-book;

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(a) 2018 c. 22.

(b) OJ No L 171, 29.6.2016, p 66.

(c) OJ No L 3, 5.1.2005, p 1.

(d) OJ No L 192, 23.7.2010, p 1, as last amended by Commission Implementing Decision (EU) 2016/1840 (OJ No L 280, 18.10.16, p 33).

- (ii) in a member State, the central authority competent for the implementation of Council Directive 90/427/EEC(a), as amended from time to time, or any authority to which that competence has been conferred, including the authorities referred to in Article 2(1) of Commission Decision 92/353/EEC, as that Decision has effect in EU law, as amended from time to time(b);”;
- (f) for point (k) substitute—
  - “(k) ‘temporary admission’ means the status of a registered horse coming from a third country and admitted into the United Kingdom for a period of days pursuant to—
    - (i) Article 3(1)(a) of Regulation 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae;
    - (ii) a Decision adopted in accordance with Article 19(b) of the EU Directive;”;
- (g) in point (l), after “the Union” insert “or the United Kingdom”;
- (h) in point (r), after “designated by” insert “a competent authority of the United Kingdom,”;
- (i) in point (t), at the end, insert “or, in the United Kingdom, the veterinary surgeon referred to in Schedule 4 to the Veterinary Medicines Regulations 2013(c);”;
- (j) after point (t) , insert—
  - “(u) ‘third country’ means a country other than a member State;
  - (v) ‘constituent territory of the United Kingdom free of African horse sickness’ means a constituent territory of the United Kingdom in which—
    - (i) there has been no clinical, serological (in unvaccinated equidae) or epidemiological evidence of African horse sickness on the territory concerned in the previous 2 years, and
    - (ii) there have been no vaccinations against that disease during the previous 12 months;
  - (w) ‘constituent territory of the United Kingdom’ means England, Wales, Scotland, or Northern Ireland;
  - (x) ‘appropriate authority’ means—
    - (i) in relation to England, the Secretary of State;
    - (ii) in relation to Scotland, the Scottish Ministers;
    - (iii) in relation to Wales, the Welsh Ministers;
    - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
  - (y) ‘the EU Regulation’ means Commission Implementing Regulation (EU) 2015/262(d), as that Regulation has effect in EU law, as amended from time to time.”.

### Amendments to Article 3

#### 5. In Article 3—

- (a) in paragraph 1, for the words from “one of” to “882/2004” substitute “the United Kingdom”;
- (b) omit paragraph 3;
- (c) in paragraph 4, for “Member States” substitute “The appropriate authority”.

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(a) OJ No L 224, 18.8.1990, p 5, as repealed by Regulation (EU) 2016/1012 (OJ No L 171, 29.6.2016, p 66.). References to Council Directive 90/427 (other than to Article 8(1), which continues to have effect by virtue of Article 64(3) of that Regulation) are to take effect as references to that Regulation by virtue of Article 64 of that Regulation.

(b) OJ No L 192, 11.7.1992, p 63.

(c) S.I. 2013/2033.

(d) OJ No L 59, 3.3.2015, p 1.

#### **Amendments to Article 4**

**6.**—(1) In Article 4—

- (a) in the heading and in paragraph 1, for “Union” substitute “United Kingdom”;
- (b) in paragraph 2—
  - (i) in point (a)—
    - (aa) for points (i) and (ii) substitute—
      - “(i) Article 9 of this Regulation or of the EU Regulation, for equidae born in the United Kingdom or the Union; or
      - (ii) Article 14 of this Regulation or of the EU Regulation, for equidae imported into the United Kingdom or the Union;”;
    - (bb) in point (iii), after “30” insert “of this Regulation or of the EU Regulation,”;
    - (cc) in point (iv), after “Article 32” insert “of this Regulation or of the EU Regulation,”;
  - (ii) in point (b)—
    - (aa) in point (i), after “Article 24” insert “of this Regulation or of the EU Regulation”;
    - (bb) in point (ii), after “Article 26(2)” insert “of the EU Regulation”.

#### **Amendments to Chapter 2**

- 7.** In the title of Chapter 2, at the end, insert “or the United Kingdom”.

#### **Amendments to Article 5**

**8.** In Article 5—

- (a) in the heading, for “Union” substitute “United Kingdom”;
- (b) in paragraph 1—
  - (i) for point (a) substitute—
    - “(a) for registered equidae (referred to in point of Article 2(e)(i))—
      - (i) by an organisation or association officially approved or recognised in accordance with Article 2(1) of Commission Decision 92/353/EEC, as that Decision has effect in EU law, as amended from time to time,
      - (ii) by an official agency in a member State,
      - (iii) by an organisation or association officially approved or recognised in accordance with Article 2(1) of Commission Decision 92/353/EEC,
      - (iv) by an official agency in the United Kingdom,  
which manages the studbook in which the equine animal has been entered or has been registered and is eligible for entry;”;
- (c) in point (b), after “Member State” insert “or constituent territory of the United Kingdom”.

#### **Amendments to Article 6**

**9.** In Article 6—

- (a) in paragraph 1—
  - (i) for “Member States”, in the first place where it occurs substitute “The appropriate authority”;
  - (ii) omit “the other”, in the first place where it occurs;
- (b) in paragraph 2(c), omit the words from the beginning to “and”;

(c) for paragraph 3 substitute—

“3. The appropriate authority must make the information in the list provided for in paragraph 1 available on a website which must be directly accessible to member States, the public and issuing bodies.”.

#### **Amendments to Article 7**

**10.** In Article 7, in the heading and in paragraph 1, for “Union” substitute “United Kingdom”.

#### **Amendment to Article 8**

**11.** In the heading to Article 8, for “Union” substitute “United Kingdom”.

#### **Amendments to Article 9**

**12.** In Article 9—

- (a) in the heading, for “Union” substitute “United Kingdom”;
- (b) in paragraph 2, for “Article 5(1)(a)” substitute “Article 5(1)(a)(iii) and (iv)”.

#### **Amendments to Article 10**

**13.** In Article 10—

- (a) in paragraph 1(a), omit the words from “, or an equivalent” to the end;
- (b) in paragraph 3(b), omit the words from “or an authorised” to the end.

#### **Amendments to Article 11**

**14.** In Article 11—

- (a) in the heading, for “Union” substitute “United Kingdom”;
- (b) for paragraph 1 substitute—

“1. Keepers must submit an application for identification documents for equidae born in the United Kingdom to the appropriate issuing body in the United Kingdom, and must provide all information necessary to comply with this Regulation.”;

- (c) in paragraph 2—
  - (i) for “Member States”, substitute “The competent authority”;
  - (ii) omit “and Article 13(1)”;
- (d) in paragraph 3, for the words from “other than” to the end substitute “, rather than in the United Kingdom”.

#### **Amendments to Article 12**

**15.** In Article 12—

- (a) in the heading, for “Union” substitute “United Kingdom”;
- (b) in paragraph 1—
  - (i) for “Union” substitute “United Kingdom”;
  - (ii) omit “or in accordance with Article 26(2)”;
- (c) omit paragraph 2;
- (d) in paragraph 3—
  - (i) in the words before point (a), for “paragraphs 1 and 2” substitute “paragraph 1”;
  - (ii) in point (b), for “Article 5(1)(a)” substitute “Article 5(1)(a)(iii) and (iv)”.

### **Omission of Article 13**

16. Omit Article 13.

### **Amendment to Chapter 3**

17. In the heading of Chapter 3, for “Union” substitute “United Kingdom from a third country”.

### **Amendments to Article 14**

18. In Article 14—

- (a) for “Union” substitute “the United Kingdom from a third country”;
- (b) for point (a)(i) substitute—
  - “(i) in the case of registered equidae, by a body in a third country, included in the list provided for in—
    - Article 34 of Regulation 2016/1012 of the European Parliament and of the Council, as it has effect in the EU law, as amended from time to time;
    - Annex 1 to Regulation 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae;”.

### **Amendments to Article 15**

19. In Article 15—

- (a) in the heading, for “Union” substitute “United Kingdom from a third country”;
- (b) in paragraph 1—
  - (i) in the words before point (a)—
    - (aa) for “Article 5(1)” substitute “Article 5(1)(a)(iii) and (iv) and (b)”;
    - (bb) for “Article 5(16)(a) of Regulation (EU) No 952/2013” substitute “section 3(3) of the Taxation (Cross-Border Trade) Act 2018”;
  - (ii) in point (a), for “Union” substitute “United Kingdom”;
  - (iii) in point (b), for the words from “a Decision” to the end, substitute “the procedure referred to in Article 19 of Regulation 2018/659;”;
- (c) in paragraph 3, for “Directive 90/427/EEC” substitute “this Regulation”.

### **Insertion of new Article 15A**

20. After Article 15, insert—

#### *“Article 15A*

#### **Identification of equidae for purposes of travel to the European Union**

1. On an application made in accordance with paragraph 3, the competent authority may issue an EU travel identification document for the purposes of exporting an equine animal from the United Kingdom to the Union (whether or not for a temporary period).
2. An EU travel identification document may be issued where—
  - (a) the equine animal does not fall within the categories referred to in Article 14(a)(i) or (ii);
  - (b) at the date of the application, the equine animal is identified by a valid single identification document in accordance with Article 9, 14, 29, 30 or 32, and
  - (c) that identification document was issued by an issuing body referred to in Article 5(1)(c)(ii).

3. An application to the competent authority for an EU travel identification document must be—

- (a) made by the owner or keeper of the equine animal, and
- (b) accompanied by the identification document referred to in paragraph 2(b).”.

#### **Amendment to Article 16**

**21.** In Article 16(1)(a), after “issued”, insert “(by an issuing body either in the United Kingdom or in a member State)”.

#### **Amendments to Article 17**

**22.** In Article 17—

- (a) in paragraph 1(b) and (c) and 2, after “Article 21”, insert “of the EU Regulation”;
- (b) in paragraph 3, after “Union”, insert “or the United Kingdom”.

#### **Amendments to Article 18**

**23.** In Article 18—

- (a) for paragraph 3 substitute—

“3. The minimum qualification required for the intervention provided for in paragraph 2 is that the person implanting the transponder into the equine animal is a current and registered member of the Royal College of Veterinary Surgeons or of an equivalent professional body in a member State.”;

- (b) in paragraphs 4 and 5(b), after “Article 21”, insert “of the EU Regulation”.

#### **Amendments to Article 19**

**24.** In Article 19—

- (a) in paragraph 1, for “Member States” substitute “The appropriate authority”;
- (b) for paragraph 2 substitute—

“2. The rules laid down in accordance with paragraph 1 must not compromise the system of identification for registered equine animals laid down (in accordance with Article 19(1) of the EU Regulation, by issuing bodies in member States).”.

#### **Omission of Article 21**

**25.** Omit Article 21.

#### **Amendment to Article 22**

**26.** In Article 22(1)(a), after “Article 21” insert “of the EU Regulation”.

#### **Amendment to Article 23**

**27.** In Article 23(2)(b)(i), for “a Member State” substitute “the United Kingdom”.

#### **Amendments to Article 24**

**28.** In Article 24—

- (a) in paragraph 1, for “the same Member State” substitute “the United Kingdom”;
- (b) in paragraph 3—

- (i) for “another Member”, in both places where it occurs, substitute “a member”;
- (ii) at the end, insert “and by an EU travel identification document issued in accordance with Article 15A”.

#### **Amendments to Article 25**

##### **29.** In Article 25—

- (a) in paragraph 1, for “the same Member State” substitute “the United Kingdom”;
- (b) for paragraph 2 substitute—

“2. Paragraph 1 also applies in relation to the transportation of registered equidae or equidae for breeding and production within the United Kingdom in circumstances where those equidae have entered the United Kingdom from a member State.”.

#### **Amendments to Article 26**

##### **30.** In Article 26—

- (a) after paragraph 1, insert—

“1A. Where an EU travel identification document has been issued in accordance with Article 15A in respect of an equine animal, in addition to the document specified in paragraph 1(b) or (c), the EU travel identification document must also accompany that animal while it is being moved or transported to the slaughterhouse.”;

- (b) omit paragraphs 2 and 3.

#### **Amendments to Article 27**

##### **31.** In Article 27—

- (a) in paragraph 1—
  - (i) in point (b), omit the words from “or mark” to the end of point (b);
  - (ii) in point (d), for the words from “, where required” to the end substitute “of the equine animal.”;
- (b) in paragraph 2—
  - (i) in the words before point (a), for “Member State” substitute “constituent territory of the United Kingdom”;
  - (ii) in point (a), for “Member State where the holding is located” substitute “United Kingdom”;
  - (iii) in point (b), in the words before point (i), for the words from “Member State where” to “Member” substitute “United Kingdom from a member”;
  - (iv) in points (b)(ii) and (iii), for “Member State”, substitute “United Kingdom”;
- (c) in paragraph 3—
  - (i) in point (a)(ii), for the words from “Member State” to “located” substitute “United Kingdom”;
  - (ii) for point (c) substitute—

“(c) with the competent authority of the constituent territory where the holding of the equine animal is located or with any of the issuing bodies designated in accordance with this Regulation by that competent authority.”.

#### **Amendment to Article 28**

**32.** In Article 28(c), omit the words from “, where the change of ownership is required” to the end.



### **Amendments to Article 29**

#### **33. In Article 29—**

- (a) in paragraph 1—
  - (i) in the words before point (a), for “Article 5(1)” substitute “Article 5(1)(a)(iii) or (iv), (b) or (c)”;
  - (ii) in point (a), after “Article 21” insert “of the EU Regulation”;
- (b) in paragraph 2—
  - (i) in the words before point (a), for “in Article 5(1)” substitute “in that paragraph”;
  - (ii) in point (a), omit the words from “or an authorised” to the end;
- (c) in paragraph 4—
  - (i) for “Article 5(1)”, in the first place where it occurs, substitute “paragraph 1”;
  - (ii) for the words from “Article 5(1)”, in the second place it occurs, to the end substitute “paragraph 1 in the constituent territory of the United Kingdom where the holding of the equine animal is located.”.

### **Amendments to Article 30**

#### **34. In Article 30—**

- (a) in the heading, for “Union” substitute “United Kingdom”;
- (b) in point (b), for “Member State”, in both places it occurs, substitute “constituent territory of the United Kingdom”.

### **Amendments to Article 32**

#### **35. In Article 32—**

- (a) in paragraph 1, in the words before point (a) and in point (a)(ii), for “Article 5(1)” substitute “Article 5(1)(a)(iii) or (iv), (b) or (c)”;
- (b) in paragraph 2(a), omit the words from “or apply” to the end.

### **Amendments to Article 33**

#### **36. In Article 33—**

- (a) the existing paragraph becomes paragraph 1;
- (b) in that paragraph—
  - (i) in point (a), for “Directive 2009/156/EC” substitute “the EU Directive”;
  - (ii) for point (b) substitute—
    - “(b) situated in—
      - (i) a member State that is not a member State free of African horse sickness or in a part of the territory of a member State that is considered, in accordance with Article 5(2) of the EU Directive, as infected with African horse sickness;
      - (ii) a constituent territory of the United Kingdom that is not free of African horse sickness.”;
- (c) after point (b), insert—
  - “(c) subject to a declaration made by the appropriate authority, the Food Standards Agency(a) or Food Standards Scotland(b), in accordance with regulation 29(2) of the

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(a) The Food Standards Agency was established by the Food Standards Act 1999 (c. 28).

(b) Food Standards Scotland was established by the Food (Scotland) Act 2015 (asp. 1).

Trade in Animals and Related Products Regulations 2011<sup>(a)</sup> or equivalent legislation in force in Scotland, Wales or Northern Ireland<sup>(b)</sup>;

(d) subject to an order under section 1 of the Animal Health Act 1981<sup>(c)</sup> preventing the introduction into or spreading of disease within Great Britain or any of the constituent territories of the United Kingdom, or under the equivalent legislation in force in Northern Ireland<sup>(d)</sup>.

2. For the purposes of paragraph 1(b)(ii), a constituent territory of the United Kingdom is not free of African horse sickness if—

(a) clinical, serological (in unvaccinated animals) or epidemiological evidence has revealed the presence of African horse sickness in that constituent territory of the United Kingdom in the past two years;

(b) vaccination against African horse sickness has been carried out in that constituent territory of the United Kingdom in the past 12 months.”.

### **Amendment to Article 34**

**37.** In Article 34—

(a) in paragraph 1(c)(i) and (ii), for the words from “or through” to “Article 36(2)” substitute “or, where the issuing body is in a member State, either directly or through the contact point referred to in Article 36(2) of the EU Regulation”;

(b) in paragraph 2(a)—

(i) in point (i), for “the second subparagraph of Article 4(4)(a) of Directive 2009/156/EC” substitute “animal health legislation in force in the constituent territory of the United Kingdom”;

(ii) in point (ii), for “in accordance with Article 7(3) of Directive 2009/156/EC” substitute “must record the identification number or identification document number of the slaughtered animal and, if requested to do so by the competent authority of the constituent territory of the United Kingdom where the animal was slaughtered, must forward to that competent authority an attestation to the effect that the animal has been slaughtered”.

### **Amendments to Article 36**

**38.—(1)** In Article 36—

(a) in the heading, omit “Obligations of Member States to ensure”;

(b) for paragraphs 1 to 3 substitute—

“1. A competent authority of a constituent territory of the United Kingdom may issue guidance on procedure and time limits for returning the invalidated identification document to the issuing body in accordance with Article 34(1)(c)(ii).

2. The contact point for receiving the attestation of destruction of the identification document referred to in Article 34(1)(c)(i) of the EU Regulation, or the identification documents referred to in Article 34(1)(c)(ii) of the EU Regulation, is—

(a) in England, Wales and Northern Ireland, the Food Standards Agency<sup>(e)</sup>;

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(a) S.I. 2011/1197.

(b) Regulation 29(2) of the Trade in Animals and Related Products (Wales) Regulations 2011 (S.I. 2011/2379); regulation 25(2) of the Trade in Animals and Related Products (Scotland) Regulations 2011 (S.S.I. 2012/177); regulation 29(2) of the Trade in Animals and Related Products Regulation (Northern Ireland) Regulations 2011 (S.R. 2011 No. 438).

(c) 1981 c. 22.

(d) The Diseases of Animals (Northern Ireland) Order 1981 (S.I. 1981/1115 (N.I. 22)).

(e) In England, Wales and Northern Ireland, the contact point referred to in Article 36(2) is the Food Standards Agency (see regulations 2(1) and 3 of, and Schedules 4 and 5 to, the Official Feed and Food Controls (England) Regulations (S.I. 2009/3255); regulations 2(1) and 3 of, and Schedules 4 and 5 to, the Official Feed and Food Controls (Wales) Regulations

(b) in Scotland, Food Standards Scotland(a).

3. The appropriate authority must make details of the contact point referred to in paragraph 2 available to member States and to the public on the website referred to in Article 6(1).”.

### **Amendments to Article 37**

**39.** In Article 37—

- (a) in paragraph 1(b), for “Article 10(2) of Directive 2001/82/EC” substitute “regulation 8(b) of, and Schedule 4 to, the 2013 Regulations”.
- (b) in paragraph 2, in the words before point (a), for the words from “in accordance”, in the first place it occurs, to “2001/82/EC” substitute “with a medicinal product administered in accordance with a provision specified in paragraph 3A, the veterinarian responsible for treating the equine animal”;
- (c) in paragraph 3, in the words before point (a), for the words from “as referred” to “Article 10(2) of Directive 2001/82/EC” substitute “for treating the equine animal in accordance with regulation 8(b) of, and Schedule 4 to, the 2013 Regulations shall ensure that”;
- (d) after paragraph 3 insert—

“3A. The provisions specified in this paragraph are—

- (a) regulation 8(b) of, and Schedule 4 to, the 2013 Regulations;
- (b) Commission Regulation (EU) 1950/2006.”;
- (e) in paragraph 4, for “Member State” substitute “constituent territory of the United Kingdom”;
- (f) omit paragraph 5;
- (g) in paragraph 6, for “Article 10(3) of Directive 2001/82/EC” substitute “Schedule 4 to the 2013 Regulations”;
- (h) after paragraph 6 insert—

“7. In this Article, ‘the 2013 Regulations’ means the Veterinary Medicines Regulations 2013.”.

### **Amendment to Article 38**

**40.** In Article 38—

- (a) in paragraph 3, in the words before point (a), for “Member State” substitute “constituent territory of the United Kingdom or in the member State”;
- (b) after paragraph 3 insert—

“4. Where an EU travel identification document has been issued in respect of an equine animal, the competent authority issuing the document must communicate the information specified in paragraph 1, and the fact that an EU travel identification document has been issued, to the central database for the appropriate constituent territory of the United Kingdom, established in accordance with Article 39.”.

### **Amendments to Article 39**

**41.** In Article 39—

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(S.I 2009/3376)); regulations 2(1) and 3 of, and Schedules 4 and 5 to, the Official Feed and Food Controls (Northern Ireland) Regulations (S.R. 2009/427)).

(a) In Scotland, the contact point is Food Standards Scotland (see regulations 2(1) and 3 of, and Schedules 4 and 5 to, the Official Feed and Food Controls (Scotland) Regulations (S.S.I. 2009/446)).

- (a) in paragraph 1, for “Member States” substitute “The appropriate authority”;
- (b) in paragraph 2—
  - (i) in the words before point (a), for “those Member States that have” substitute “a constituent territory of the United Kingdom which has”;
  - (ii) in point (a), for “accordance with Article 40” substitute “the other constituent territories of the United Kingdom and in member States”;
- (c) for paragraph 3 substitute—

“3. The appropriate authority must make the name, address and contact details of the central database of a constituent territory available to member States, the other constituent territories of the United Kingdom and to the public.”.

#### **Amendments to Article 40**

##### **42.** In Article 40—

- (a) in paragraph 1, for “Each Member State” substitute “The appropriate authority”;
- (b) in paragraph 2—
  - (i) in the words before point (a), for the words from “Member States” to “89/608/EC” substitute “The appropriate authority shall ensure cooperation with member States and with the other constituent territories of the United Kingdom in the operation of the territory’s central database”;
  - (ii) in point (a), for “Member State” substitute “member State or the constituent territory of the United Kingdom”;
  - (iii) in point (b), for “other Member States” substitute “member States and of the other constituent territories of the United Kingdom”.

#### **Omission of Article 41**

##### **43.** Omit Article 41.

#### **Amendment of Article 42**

##### **44.** In Article 42—

- (a) for the heading, substitute “References to repealed Regulation”;
- (b) omit the first paragraph;
- (c) in the second paragraph, for “the repealed Regulation” substitute “Regulation (EC) No 504/2008”.

#### **Amendments to Article 43**

##### **45.** In Article 43—

- (a) in paragraph 2, for “Union or imported into the Union” substitute “United Kingdom or imported into the United Kingdom”;
- (b) omit paragraphs 3 and 4.

#### **Revocation of final provision**

##### **46.** After Article 44, omit the words from “This Regulation” to “all Member States”.

#### **Amendments to Annex 1**

##### **47.—**(1) Annex 1 is amended as follows.

##### (2) In Part 1—

- (a) omit the French text;
- (b) in paragraph 1, for the words from “in French” to the end substitute “in English, and may also contain other languages”;
- (c) in paragraph 2(3), for “the second subparagraph of Article 4(4)(a) of Directive 2009/156/EC” substitute “animal health legislation in force in the constituent territory of the United Kingdom”;
- (d) in paragraph 3(10), for “on the territory of a Member State” substitute “within the United Kingdom”;
- (e) in section 2—
  - (i) in Part 2, for the words from “Article 6(3)” to “Article 10(2) of that Directive” substitute “regulation 8 of, and Schedule 4 to, the Veterinary Medicines Regulations 2013 or authorised in accordance with Commission Regulation 122/2013”;
  - (ii) in Part 3, for the sentence beginning “Without prejudice” substitute—
 

“Without prejudice to any other food or product safety legislation in effect in the United Kingdom, the equine animal may be subject to treatment in accordance with Commission Regulation 122/2013 with the condition that the equine animal so treated may only be slaughtered for human consumption after the end of the general withdrawal period of 6 months following the date of last administration of a substance listed in Commission Regulation 122/2013.”;
  - (iii) in the table headed “medication record”, in the first and third columns, in the first paragraph, for “Article 10(3) of Directive 2001/82/EC” substitute “Commission Regulation 122/2013”;
- (f) in section 10—
  - (i) in the heading, “Basic health conditions”, omit “(Article 4(4)(a) of Directive 2009/156/EC)”;
  - (ii) in the second heading, for “not valid to enter the European Union” substitute “only valid to enter the United Kingdom from a member State”;
  - (iii) in the first paragraph, in the words before point (a), for “on the territory” to “Union” substitute “from a member State to the territory of the United Kingdom”.

## PART 3

### Amendments to Commission Decisions

#### **Amendments to Commission Decision 92/216/EEC**

**48.**—(1) Commission Decision 92/216/EEC on the collection of data concerning competitions for equidae as referred to in Article 4(2) of Council Directive 90/428/EEC is amended as follows.

(2) For Article 1, substitute—

#### *“Article 1*

1. The competent authority of each constituent territory of the United Kingdom must appoint a coordinating authority responsible for collecting the data concerning—

- (a) competitions reserved for equidae registered in a specific studbook for the purpose of permitting the improvement of the breed;
- (b) regional competitions with a view to selecting equidae;
- (c) historic or traditional events.

2. For each competition or type of competition, the competent authority of each constituent territory of the United Kingdom may reserve, through bodies officially approved or recognised for that purpose, a certain percentage of the prize money or profits

(which must not exceed 20%) accruing from the events mentioned in paragraph 1(a) to (c), for the safeguard, development and improvement of breeding.

3. In this Decision, the “competent authority of each constituent territory of the United Kingdom” means—

- (i) in relation to England, the Secretary of State;
- (ii) in relation to Scotland, the Scottish Ministers;
- (iii) in relation to Wales, the Welsh Ministers;
- (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.

(3) Omit Article 2.

### **Amendments to Commission Decision 92/353/EEC**

**49.**—(1) Commission Decision 92/353 laying down the criteria for the approval or recognition of organizations and associations which maintain or establish stud-books for registered equidae is amended as follows.

(2) In Article 1—

- (a) the existing text becomes paragraph 1;
- (b) in that paragraph, for “authorities of the Member State” substitute “central authority for the constituent territory of the United Kingdom”;
- (c) at the end of that paragraph, insert—

“2. In this Decision, the “central authority for the constituent territory of the United Kingdom” means—

- (i) in England, the Secretary of State;
- (ii) in Wales, the Welsh Ministers;
- (iii) in Scotland, the Scottish Ministers;
- (iv) in Northern Ireland, the Department of Agriculture, Environment and Rural Development.”.

(3) In Article 2—

- (a) in paragraph 1, for “authorities of the Member State” substitute “central authority for the constituent territory of the United Kingdom”;
- (b) in paragraph 2—
  - (i) for “a Member State” substitute “a constituent territory of the United Kingdom”;
  - (ii) for “authorities of that Member State” substitute “central authority for that constituent territory of the United Kingdom”;
- (c) omit paragraph 3;
- (d) in paragraph 4, omit “in a Member State”.

(4) In Article 3, for “authorities of the Member State” substitute “central authority for the constituent territory of the United Kingdom”.

(5) Omit Article 4.

(6) In the Annex—

- (a) in paragraph 1, for “Member State” substitute “constituent territory of the United Kingdom”;
- (b) in paragraph 4, for “territory of the Community” substitute “constituent territory of the United Kingdom”.

## **Amendments to Commission Decision 92/354/EEC**

**50.**—(1) Commission Decision 92/354/EEC laying down certain rules to ensure coordination between organizations and associations which maintain or establish stud-books for registered equidae is amended as follows.

(2) For Article 2, substitute—

### *“Article 2*

1. Where the competent authority of a constituent territory of the United Kingdom considers that an approved or recognised association in another constituent territory of the United Kingdom, or in a member State, is operating in the United Kingdom and is not complying with the rules laid down in the relevant United Kingdom legislation, and particularly with the principles laid down by the organisation or association which maintains the stud-book of the origin of the breed, it shall immediately contact the competent authority of the other constituent territory of the United Kingdom or, as the case may be, of the member State concerned.

2. In this Decision, “competent authority of a constituent territory of the United Kingdom” means—

- (i) in relation to England, the Secretary of State;
- (ii) in relation to Scotland, the Scottish Ministers;
- (iii) in relation to Wales, the Welsh Ministers;
- (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.

(3) Omit Article 3.

## **PART 4**

### **Amendments to the EEA agreement**

#### **Amendments to the Annex to the EEA Agreement**

**51.** In Annex 1 to the EEA agreement (veterinary and phytosanitary matters), in Chapter 1 (veterinary issues), omit the words from “The provisions of” to the end of the second paragraph of point (c) in the following provisions—

- (a) Part 2 (zootechnics), section 2.2 (application texts), point 33;
- (b) Part 4 (animal health: exchange and placing on the market of live animals), section 4.2 (application texts), point 85.

14th March 2019

*Gardiner of Kimble*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) (in particular under section 8(2)(a) to (c) of that Act) in order to

address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to retained direct EU legislation in the field of equine identification.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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£6.90

UK201903151026 03/2019 19585

<http://www.legislation.gov.uk/id/uksi/2019/591>

ISBN 978-0-11-118415-8



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