
STATUTORY INSTRUMENTS

2019 No. 742

The Law Enforcement and Security
(Amendment) (EU Exit) Regulations 2019

PART 5

Drug Precursors and Psychoactive Substances

CHAPTER 1

Drug precursors

Amendment of Council Regulation (EC) 111/2005

14.—(1) Council Regulation (EC) 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Union and third countries in drug precursors is amended as follows.

(2) In Article 1 for “Union” in both places substitute “United Kingdom”.

(3) In Article 2—

(a) in point (a) in the definition of “scheduled substance”, for all the words after “economically viable means,” substitute “medicinal products as defined in regulation 2 (medicinal products) of the Human Medicines Regulations(1) and veterinary medicinal products as defined in regulation 2 of the Veterinary Medicines Regulations 2013(2);”;

(b) for point (c) substitute—

“(c) ‘import’ means any entry of scheduled substances having the status of non-domestic goods into the United Kingdom;”;

(c) for point (d) substitute—

“(d) ‘export’ means any departure of scheduled substances from the United Kingdom;”;

(d) in point (e)—

(i) for “Union” substitute “United Kingdom”;

(ii) for “customs territory of the Union” substitute “United Kingdom”;

(e) after point (k) insert—

“(l) “special Customs procedures” means special Customs procedures within the meaning of section 3 of, and Schedule 2 to, the Taxation (Cross-border Trade) Act 2018(3) and “a special Customs procedure” is to be construed accordingly.”.

(4) In Article 6—

(a) in paragraph 1—

(1) S.I.2012/1916.

(2) S.I.2013/2033.

(3) 2018 c. 22.

- (i) for “Union” substitute “United Kingdom”;
 - (ii) omit “of the Member State in which the operator is established”;
 - (iii) in the second unnumbered sub-paragraph for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b” substitute “The Secretary of State may make regulations”;
- (b) for paragraph 3 substitute—
- “3. The Secretary of State must prescribe by regulations a model for licences.”.**
- (5) In Article 7—
- (a) in paragraph 1—
 - (i) for “Union” substitute “United Kingdom”;
 - (ii) omit “in the Member State in which the operator is established”;
 - (b) in the second unnumbered paragraph, for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b” substitute “The Secretary of State may make regulations”.
- (6) In Article 8—
- (a) in paragraph 1—
 - (i) for “customs territory of the Union” substitute “United Kingdom”;
 - (ii) omit “of control type I or a free warehouse”;
 - (b) in paragraph 2—
 - (i) for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b” substitute “The Secretary of State may make regulations”;
 - (ii) for “customs territory of the Union” substitute “United Kingdom”.
- (7) In Article 9—
- (a) in paragraph 1, for “Union” substitute “United Kingdom”;
 - (b) in paragraph 2—
 - (i) in the first unnumbered sub-paragraph for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b to determine” substitute “The Secretary of State may set out”;
 - (ii) omit the second unnumbered paragraph.
- (8) In Article 10—
- (a) for paragraph 1 substitute—

“1. In order to facilitate cooperation between the competent authorities, operators established in the United Kingdom and the chemical industry, in particular as regards non-scheduled substances, the Secretary of State must draw up and update guidelines.”;
 - (b) in paragraph 4 for “the competent authorities of the Member State and the Commission may propose to” substitute “the Secretary of State may”;
 - (c) in paragraph 5—
 - (i) for “Commission may” substitute “Secretary of State may by regulations”;
 - (ii) omit “by means of delegated acts in accordance with Article 30b”.
- (9) In Article 11—
- (a) in paragraph 1—
 - (i) omit “in the Union”;

- (ii) for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b of this Regulation to” substitute “The Secretary of State may make regulations”;
 - (b) in the unnumbered sub-paragraph below omit “of the Member State of export”;
 - (c) in paragraph 2—
 - (i) omit “of the Member State concerned”;
 - (ii) for “authority” in the first place where it occurs in the unnumbered sub-paragraph substitute “Secretary of State”;
 - (d) in paragraph 3, for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b” substitute “The Secretary of State may make regulations”.
- (10) In Article 12—
- (a) in paragraph 1—
 - (i) for “customs territory of the Union” substitute “United Kingdom”;
 - (ii) for “in a free zone of control type I or free warehouse” substitute “under a special customs procedure”;
 - (b) in the unnumbered sub-paragraph below, for “suspensive procedure or under a free zone of control type II,” substitute “special customs procedure”;
 - (c) in paragraph 2, omit “of the Member State where the exporter is established”.
- (11) In Article 13, in paragraph 1(d) for “customs territory of the Union” substitute “United Kingdom”.
- (12) In Article 14, in paragraph 1—
- (a) for “customs territory of the Union” substitute “United Kingdom”;
 - (b) after that paragraph omit the unnumbered paragraph;
 - (c) in paragraph 2 and in the unnumbered paragraph after it, for “customs territory of the Union” substitute “United Kingdom”.
- (13) For Article 17 substitute—

“Article 17

Whenever, under an agreement between the United Kingdom and a third country, exports are not to be authorised unless an import authorisation has been issued by the competent authorities of that third country for the substances in question, the competent authorities in the United Kingdom shall satisfy themselves as to the authenticity of such import authorisation, if necessary by requesting confirmation from the competent authority of the third country.”.

- (14) In Article 18, for “customs territory of the Union” substitute “United Kingdom”.
- (15) In Article 19, for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b to” substitute “The Secretary of State may”.
- (16) In Article 20—
- (a) in the first unnumbered paragraph—
 - (i) for “Union” substitute “United Kingdom”;
 - (ii) omit “of the Member State where the importer is established”;
 - (b) in the second unnumbered paragraph—
 - (i) before “stored in a free zone” insert “or”;

- (ii) omit “of control type I or a free warehouse, or placed under the external Union transit procedure”.
- (17) In Article 22—
 - (a) in the first unnumbered paragraph for “customs territory of the Union” substitute “United Kingdom”;
 - (b) omit the last paragraph.
- (18) In Article 25, for “customs territory of the Union” substitute “United Kingdom”.
- (19) In Article 26—
 - (a) in paragraph 1—
 - (i) omit “of each Member State”;
 - (ii) for “customs territory of the Union” substitute “United Kingdom”;
 - (b) omit paragraph 3;
 - (c) in paragraph 3a—
 - (i) omit “of each Member State”;
 - (ii) for “customs territory of the Union” substitute “United Kingdom”;
 - (iii) omit the first unnumbered sub-paragraph;
 - (d) omit paragraph 3b;
 - (e) omit paragraph 4.
- (20) Omit Chapter IV.
- (21) In Article 28—
 - (a) for “Commission shall be empowered to lay down, where necessary, by means of implementing acts, measures” substitute “Secretary of State may by regulations make provision”;
 - (b) for “Union” substitute “United Kingdom”;
 - (c) omit the last sentence.
- (22) Omit Article 30.
- (23) In Article 30a, for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b of this Regulation in order to adapt” substitute “The Secretary of State may by regulations make provision to amend”.
- (24) For Article 30b substitute—

“Article 30b

A power of the Secretary of State to make regulations under this Regulation is to be exercisable by statutory instrument which may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament. Regulations may make different provision for different purposes and may include such incidental, supplemental, consequential, transitional, transitory or saving provision as the Secretary of State considers appropriate.”.

- (25) Omit Article 31.
- (26) For Article 32 substitute—

“Article 32

The Secretary of State must draw up a report annually summarising all relevant information on the implementation of the monitoring measures laid down in this Regulation, in particular as regards the substances used for the illicit manufacture of narcotic drugs or psychotropic substances and methods of diversion and illicit manufacture, and their licit trade. The report must be submitted by the Secretary of State to the International Narcotics Control Board in accordance with Article 12(12) of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on 19 December 1988.”.

(27) Omit Article 32a.

(28) In Article 33—

- (a) in paragraph 1, omit “in the Member States”;
- (b) omit paragraph 2;
- (c) omit paragraph 5.

(29) In Article 35, omit the third unnumbered paragraph.