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STATUTORY INSTRUMENTS

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**2020 No. 1395**

**EXITING THE EUROPEAN UNION  
ENVIRONMENTAL PROTECTION  
WILDLIFE**

The Environment and Wildlife (Miscellaneous  
Amendments etc.) (EU Exit) Regulations 2020

*Made - - - - 30th November 2020*

*Coming into force in accordance with regulation 1(2)*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) and 8C of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>(1)</sup> (“the 2018 Act”) and section 41(1) of the European Union (Withdrawal Agreement) Act 2020<sup>(2)</sup>.

In accordance with paragraphs 1(1) and 8F(1) of Schedule 7 to the 2018 Act<sup>(3)</sup>, a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

**PART 1**

**INTRODUCTION**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020.

(2) These Regulations come into force on IP completion day.

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(1) 2018 c. 16. Section 8C is inserted by section 21 of the European Union (Withdrawal) Act 2020 (c. 1) (“the 2020 Act”). Paragraph 21 of Schedule 7 is amended by paragraph 53 of Schedule 5 to the 2020 Act.  
(2) 2020 c.1.  
(3) Paragraph 8F is inserted by paragraph 51 of Schedule 5 to the 2020 Act.

## PART 2

### AMENDMENT AND REVOCATION OF SUBORDINATE LEGISLATION

#### **Amendment of the Control of Trade in Endangered Species (Fees) Regulations 2009**

**2.—**(1) The Control of Trade in Endangered Species (Fees) Regulations 2009<sup>(4)</sup> are amended as follows.

(2) In regulation 2(1), at the end of the definition of “import permit” insert “(but see regulation 6(5)(c) and (7)(b)(iii))”.

(3) In regulation 6—

(a) for paragraph (5)(c) substitute—

“(c) were imported—

(i) on a single import permit; or

(ii) into a member State on a single import permit referred to in Article 4(1) and (2) of the Council Regulation as it had effect immediately before IP completion day;”;

(b) for paragraph (7)(b)(iii) substitute—

“(iii) were imported—

(aa) on a single import permit; or

(bb) into a member State on a single import permit referred to in Article 4(1) and (2) of the Council Regulation as it had effect immediately before IP completion day;”.

#### **Amendment of the Control of Trade in Endangered Species Regulations 2018**

**3.—**(1) The Control of Trade in Endangered Species Regulations 2018<sup>(5)</sup> are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of “import”, for “into the European Union” substitute “in accordance with the Principal Regulation”;

(b) in the definition of “imported unlawfully”, omit “into the European Union”.

(3) In regulation 13—

(a) after “Secretary of State may” insert “, in relation to Northern Ireland,”;

(b) for “into, and export from, the European Union” substitute “and export”.

(4) In the first row of Column 2 of the table in paragraph 2 of Schedule 1, omit “within the European Union”.

#### **Amendment of the Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019**

**4.** Omit regulation 12 of the Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019<sup>(6)</sup>.

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(4) [S.I. 2009/496](#).

(5) [S.I. 2018/703](#).

(6) [S.I. 2019/473](#).

## **Amendment of the Environment (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2019**

5. Omit regulations 2 and 8 of the Environment (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2019(7).

### **Revocations**

6. The following Regulations are revoked—
- (a) the Trade in Endangered Species of Wild Fauna and Flora (Amendment) (EU Exit) Regulations 2018(8);
  - (b) the Environment and Wildlife (Legislative Functions) (EU Exit) (Amendment) Regulations 2019(9).

## **PART 3**

### **AMENDMENT OF RETAINED DIRECT EU LEGISLATION**

#### **Amendment of Council Regulation (EC) No 338/97**

7.—(1) 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 2—

- (a) omit point (a);
- (b) in point (d)—
  - (i) for “the Community” substitute “Great Britain”;
  - (ii) for the words from “by the Commission” to the end substitute “in regulations made by the Secretary of State”;
- (c) in point (e), for “the Community” substitute “Great Britain”;
- (d) for point (g) substitute—
  - “(g) “management authority” shall mean the person designated in accordance with Article 13(1)(a);”;
- (e) omit point (h);
- (f) in point (k), for “the Community” substitute “Great Britain”;
- (g) in point (n), for “the Community” in both places it occurs substitute “Great Britain”;
- (h) after point (n) insert—
  - “(na) “Regulation 338/97 (pre-exit)” shall mean Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, as it had effect immediately before IP completion day;”;
- (i) in point (o), for “the Community” in both places it occurs substitute “Great Britain”;
- (j) in point (q)—
  - (i) omit “, in the case of a Member State”;
  - (ii) for “Article 13(1)(b)” substitute “Article 13(2)”;

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(7) S.I. 2019/559.

(8) S.I. 2018/1408.

(9) S.I. 2019/1424.

- (k) omit point (r);
- (l) after point (t) insert—
  - “(ta) “third country” shall mean any country or territory other than Great Britain;
  - (tb) “third country authority” shall mean the authority of a third country party to the Convention designated in accordance with Article IX of the Convention;”;
- (m) in point (u)—
  - (i) for “the Community” in both places it occurs substitute “Great Britain”;
  - (ii) omit “, including within a Member State.”;
- (n) in point (v), for “the Community” in both places it occurs substitute “Great Britain”;
- (o) in point (w)—
  - (i) for “more than 50 years before the entry into force of this Regulation” substitute “before 3rd March 1947”;
  - (ii) omit “of the Member State concerned”;
- (p) in point (x), for “Community provisions so provide” substitute “United Kingdom legislation (as it applies to Great Britain) so provides”.
- (3) After Article 2 insert—

*“Article 2a*

*References to importation etc.*

In this Regulation—

- (a) references to the importation or introduction of anything into Great Britain includes the importation or introduction of anything into Northern Ireland before IP completion day;
- (b) references to the export, or re-export of anything from Great Britain includes the export, or re-export of anything from Northern Ireland before IP completion day;
- (c) references to the transit of specimens through Great Britain includes the transit of specimens through Northern Ireland before IP completion day.”.
- (4) In Article 3—
  - (a) in paragraph 1—
    - (i) in point (a), for “Member States have” substitute “United Kingdom has”;
    - (ii) in point (b)(i), for “the Community” substitute “Great Britain”;
  - (b) in paragraph 2—
    - (i) in point (a), for “Member States have” substitute “United Kingdom has”;
    - (ii) in point (d), for “the Community” in both places it occurs substitute “Great Britain”;
  - (c) in paragraph 3(a), for “Member States have” substitute “United Kingdom has”;
  - (d) in paragraph 4(a), for “the Community” substitute “Great Britain”;
  - (e) omit paragraph 5.
- (5) In Article 4—
  - (a) in the heading, for “the Community” substitute “Great Britain”;
  - (b) in paragraph 1—
    - (i) in the first subparagraph (beginning “The introduction into”)—
      - (aa) for “the Community” substitute “Great Britain”;

- (bb) for “a management authority of the Member State of destination” substitute “the management authority”;
- (ii) in point (a)—
  - (aa) omit “, after considering any opinion by the Scientific Review Group,”;
  - (bb) for “the Community” substitute “Great Britain”;
- (c) in paragraph 2—
  - (i) in the first subparagraph (beginning “The introduction into”)—
    - (aa) for “the Community” substitute “Great Britain”;
    - (bb) for “a management authority of the Member State of destination” substitute “the management authority”;
  - (ii) in point (a)—
    - (aa) omit “and considering any opinion from the Scientific Review Group,”;
    - (bb) for “the Community” substitute “Great Britain”;
- (d) in paragraph 3, in the first sentence, (beginning “The introduction into”), for “the Community” substitute “Great Britain”;
- (e) in paragraph 4, for “the Community” substitute “Great Britain”;
- (f) in paragraph 5(a), for “the Community” in both places it occurs substitute “Great Britain”;
- (g) in paragraph 6—
  - (i) in the first subparagraph, in the words before point (a)—
    - (aa) omit the words from “in accordance” to “Article 18(2)”;
    - (bb) for “Scientific Review Group, the Commission may” substitute “scientific authority, the Secretary of State may, by regulations,”;
    - (cc) for “the Community” substitute “Great Britain”;
  - (ii) in the first subparagraph, in point (d), for “the Community”, in both places it occurs, substitute “Great Britain”;
  - (iii) in the second subparagraph—
    - (aa) for “Commission shall” substitute “Secretary of State must”;
    - (bb) omit “, in the Official Journal of the European Communities”;
- (h) in paragraph 7—
  - (i) in the first subparagraph—
    - (aa) for “the Community” substitute “Great Britain”;
    - (bb) for “shall be granted by the Commission” substitute “may, by regulations, be prescribed by the Secretary of State”;
  - (ii) omit the second subparagraph.
- (6) In Article 5—
  - (a) in the heading, for “the Community” substitute “Great Britain”;
  - (b) in paragraph 1—
    - (i) for “the Community” substitute “Great Britain”;
    - (ii) for “a management authority of the Member State in which the specimens are located” substitute “the management authority”;
  - (c) in paragraph 2—

- (i) in point (b), omit the words from “where the application is made” to the end;
- (ii) in point (d), omit “of the Member State”;
- (d) in paragraph 3—
  - (i) in point (a), for “the Community” substitute “Great Britain”;
  - (ii) after point (a) insert—
    - “(aa) were acquired in, or were introduced into, the United Kingdom before IP completion day and in accordance with the requirements of Regulation 338/97 (pre-exit);”;
  - (iii) in point (b)—
    - (aa) for “Community” substitute “United Kingdom”;
    - (bb) for “this Regulation” substitute “Regulation 338/97 (pre-exit)”;
  - (iv) in point (c) for “Community” substitute “United Kingdom”;
  - (v) in point (d)—
    - (aa) for “a Member State” substitute “the United Kingdom”;
    - (bb) after “(a)” insert “, (aa)”;
    - (cc) omit “, or became applicable in that Member State”;
- (e) in paragraph 4, in the first subparagraph (beginning “The export or re-export”)—
  - (i) for “the Community” substitute “Great Britain”;
  - (ii) for “a management authority of the Member State in whose territory the specimens are located” substitute “the management authority”;
- (f) omit paragraph 5;
- (g) in paragraph 6(ii), for “this Regulation” substitute “Regulation 338/97 (pre-exit)”;
- (h) in paragraph 7—
  - (i) in point (a)—
    - (aa) omit “in each Member State”;
    - (bb) for “that Member State” substitute “the management authority”;
    - (cc) omit “competent” in the second place it occurs;
  - (ii) for point (b) substitute—
    - “(b) Whenever the management authority is advised of the measures referred to in (a), it shall inform and send comments to the Secretary of State who may make regulations restricting exports of the species concerned.”.
- (7) In Article 6—
  - (a) omit paragraphs 1, 2 and 4;
  - (b) in paragraph 3—
    - (i) after “rejected” insert “by the management authority or by a third country authority”;
    - (ii) for “competent authority to which the application is submitted” substitute “management authority”.
- (8) In Article 7—
  - (a) in paragraph 1(b), for “laid down by the Commission” substitute “set out in regulations made by the Secretary of State”;

- (b) in paragraphs 1(c) and 2(c)—
    - (i) in the first sentence, for “by the Commission” substitute “in regulations made by the Secretary of State”;
    - (ii) omit the second sentence;
  - (c) in paragraph 2(a), for “the Community” substitute “Great Britain”;
  - (d) in paragraph 3—
    - (i) in the first sentence—
      - (aa) for “the Community” substitute “Great Britain”;
      - (bb) for “by the Commission” substitute “in regulations made by the Secretary of State”;
    - (ii) omit the second sentence;
  - (e) in paragraph 4, omit “determined in accordance with the regulatory procedure referred to in Article 18(2) or a similar label”.
- (9) In Article 8—
- (a) omit paragraph 2;
  - (b) in paragraph 3—
    - (i) in the first sentence (beginning “In accordance with”)—
      - (aa) for “Community legislation” substitute “United Kingdom legislation (as that legislation applies in Great Britain)”;
      - (bb) for “a management authority of the Member State in which the specimens are located” substitute “the management authority”;
    - (ii) for point (a) substitute—
      - “(a) were—
        - (i) acquired in, or were introduced into, a Member State before the provisions relating to species listed in Appendix I to the Convention or in Annex C1 to Regulation (EEC) No 3626/82 or in Annex A to Regulation 338/97 (pre-exit) became applicable to the specimens; and
        - (ii) acquired in, or were introduced into, the United Kingdom before IP completion day; or”;
      - (iii) after point (a) insert—
        - “(aa) were acquired in, or were introduced into, the United Kingdom before the provisions relating to species listed in Appendix 1 to the Convention or in Annex C1 to Regulation (EEC) No 3626/82 or in Annex A to Regulation 338/97 (pre-exit) became applicable to the specimens; or”;
      - (iv) in point (c), for “the Community” substitute “Great Britain”;
      - (v) in point (e) for the words from “Council Directive 86/609/EEC” to “other scientific purposes”, substitute “, and in accordance with, the Animals (Scientific Procedures) Act 1986(10),”;
      - (vi) in point (h)—
        - (aa) for “a Member State” substitute “Great Britain”;

- (bb) for “that Member State”, substitute “the United Kingdom (as that legislation applies in Great Britain)”;
- (c) in paragraph 4—
  - (i) in the first sentence, for “Commission” substitute “Secretary of State in regulations”;
  - (ii) in the second sentence, for “Community legislation” substitute “United Kingdom legislation (as that legislation applies in Great Britain)”;
  - (iii) omit the third sentence;
- (d) in paragraph 5—
  - (i) for “competent” substitute “management”;
  - (ii) omit “of the Member State concerned”;
  - (iii) for “the Community” substitute “Great Britain”;
- (e) in paragraph 6—
  - (i) for “competent authorities of the Member States” substitute “management authority”;
  - (ii) for “they have” substitute “it has”;
  - (iii) for “provided that it” substitute “provided the specimen”.
- (10) In Article 9—
  - (a) in paragraph 1—
    - (i) for “the Community” substitute “Great Britain”;
    - (ii) after “in compliance with this Regulation” insert “, or Regulation 338/97 (pre-exit),”;
    - (iii) for “a management authority of the Member State in which the specimen is located” substitute “the management authority”;
  - (b) in paragraph 2—
    - (i) in point (a), omit the words from “of such Member State” to “of the latter,”;
    - (ii) in point (b), omit “and”;
    - (iii) omit point (c);
  - (c) in paragraph 4, for “the Community” substitute “Great Britain”;
  - (d) in paragraph 5—
    - (i) for “the Community” substitute “Great Britain”;
    - (ii) for “Community legislation” substitute “United Kingdom legislation”;
    - (iii) at the end insert “(as that legislation applies in Great Britain)”;
  - (e) in paragraph 6—
    - (i) in the first sentence—
      - (aa) for “Commission may” substitute “Secretary of State may, by regulations,”;
      - (bb) for “the Community” substitute “Great Britain”;
    - (ii) omit the second sentence.
- (11) In Article 10, for “a management authority of a Member State” substitute “the management authority”.
- (12) In Article 11—
  - (a) omit paragraphs 1 and 2;
  - (b) in paragraph 3—



- (i) in the first sentence, for “issuing” substitute “management”;
    - (ii) omit the second sentence;
  - (c) in paragraph 4, for “the Community” substitute “Great Britain”;
  - (d) in paragraph 5—
    - (i) in the first sentence, for “Commission shall” substitute “Secretary of State may, by regulations,”;
    - (ii) omit the second sentence.
- (13) In Article 12—
  - (a) in paragraph 1—
    - (i) for “Member States shall” substitute “The Secretary of State may”;
    - (ii) for “the Community” substitute “Great Britain”;
    - (iii) omit “within the meaning of Regulation (EEC) No 2913/92,”;
  - (b) in paragraph 2—
    - (i) for “Member States shall” substitute “The Secretary of State must”;
    - (ii) for “Community” substitute “United Kingdom”;
    - (iii) after “animals” insert “(as that legislation applies in Great Britain)”;
    - (iv) for paragraph 3 substitute—
      - “3. A list of the customs offices designated in accordance with paragraph 1 must be published in such form and manner as the Secretary of State considers appropriate.”;
  - (c) in paragraph 4—
    - (i) in the first sentence—
      - (aa) for “defined by the Commission, a” substitute “set out in regulations made by the Secretary of State, the”;
      - (bb) for “the Community” substitute “Great Britain”;
    - (ii) omit the second sentence.
  - (d) in paragraph 5, for “Member States” substitute “The Secretary of State”.
- (14) In Article 13—
  - (a) in paragraph 1—
    - (i) in point (a)—
      - (aa) for “Each Member State shall” substitute “The Secretary of State must”;
      - (bb) for “and for communication with the Commission” substitute “(the management authority)”;
    - (ii) in point (b) for “Each Member State” substitute “The Secretary of State”;
  - (b) in paragraph 2, for “Each Member State shall” substitute “The Secretary of State may”;
  - (c) omit paragraph 3.
- (15) In Article 14—
  - (a) in paragraph 1—
    - (i) in point (a), for “of the Member States shall” substitute “must”;
    - (ii) omit point (c);
  - (b) omit paragraphs 2 and 3.

## (16) In Article 15—

- (a) omit paragraphs 1, 3 and 5;
- (b) in paragraph 2, for “The Commission shall” substitute “The Secretary of State must”;
- (c) in paragraph 4—
  - (i) omit points (a) and (c);
  - (ii) in point (b)—
    - (aa) for “On the basis of the information submitted by the Member States referred to in point (a), the Commission services shall” substitute “The Secretary of State must”;
    - (bb) for “the Union” substitute “Great Britain”;
  - (iii) for point (d) substitute—
    - “(d) The Secretary of State must publish a report on the implementation and enforcement of this Regulation when reporting that information under the Convention, to the Convention Secretariat.”;
  - (iv) in point (e), for the words from the beginning to “June” substitute “The Secretary of State must communicate to the Convention Secretariat before 31st October”;
- (d) in paragraph 6—
  - (i) omit “Without prejudice to Council [Directive 90/313/EEC](#) of 7 June 1990 on the freedom of access to information on the environment.”;
  - (ii) for “the Commission” substitute “The Secretary of State”;
  - (iii) after “this Regulation” insert “, having regard to the Environmental Information Regulations 2004(11) and the Environmental Information (Scotland) Regulations 2004(12)”.

## (17) In Article 16—

- (a) in paragraph 1—
  - (i) for the words from “Member States” to “infringements” substitute “The following are infringements”;
  - (ii) in sub-paragraph (a), for “the Community” substitute “Great Britain”;
  - (iii) in sub-paragraph (d), for “Community permit or certificate” substitute “permit or certificate issued in accordance with this Regulation”;
  - (iv) in sub-paragraph (i), for “the territory of the Community” substitute “Great Britain”;
  - (v) in sub-paragraph (m), for “a Community” substitute “an”;
- (b) omit paragraph 2;
- (c) in paragraph 3—
  - (i) for “a competent authority of the Member State of confiscation” substitute “the relevant competent authority of the United Kingdom”;
  - (ii) in point (a), for “a scientific authority of that Member State” substitute “the relevant scientific authority of the United Kingdom”;
  - (iii) in point (b), for “the Community” substitute “Great Britain”;
- (d) in paragraph 4—

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(11) [S.I. 2004/3391](#) amended by paragraphs 306 and 307 of Schedule 19 to the Data Protection Act 2018 (c.12) (“the 2018 Act”) and [S.I. 2011/1043](#).

(12) [S.S.I. 2004/520](#) amended by paragraphs 311 and 312 of Schedule 19 to the 2018 Act, [S.I. 2011/1043](#) and [S.S.I. 2013/127](#).

- (i) for “the Community” substitute “Great Britain”;
  - (ii) for “the competent authorities of the Member State responsible for the point of introduction” substitute “the relevant competent authority of the United Kingdom”.
- (18) Omit Article 17.
- (19) For Article 18 substitute—

*“Article 18*

*Regulations*

1. Regulations made under this Regulation are to be made by statutory instrument.
  2. A statutory instrument containing regulations made under this Regulation is to be laid before Parliament after being made, except for a statutory instrument containing regulations made under the following Articles, which is subject to annulment in pursuance of a resolution of either House of Parliament—
    - (a) Article 4(6);
    - (b) Article 5(7);
    - (c) Article 7(1);
    - (d) Article 7(2);
    - (e) Article 7(3);
    - (f) Article 8(4);
    - (g) Article 9(6);
    - (h) Article 19(4);
    - (i) Article 19(5).
  3. Such regulations may—
    - (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018));
    - (b) make different provision for different cases.”.
- (20) In Article 19—
- (a) in paragraph 1—
    - (i) omit the first subparagraph;
    - (ii) in the second subparagraph—
      - (aa) for “Commission shall determine” substitute “Secretary of State may, by regulations, prescribe”;
      - (bb) omit the words from “in accordance” to the end;
  - (b) omit paragraph 2;
  - (c) in paragraph 3—
    - (i) in the first subparagraph, in the words before point (a), for “Commission shall lay down uniform” substitute “Secretary of State must, by regulations, prescribe”;
    - (ii) omit the second subparagraph;
  - (d) in paragraph 4—

- (i) in the first sentence, for “Commission shall adopt, where necessary, additional measures to” substitute “Secretary of State may, by regulations,”;
- (ii) omit the second sentence;
- (e) in paragraph 5—
  - (i) in the first sentence, for “Commission shall” substitute “Secretary of State may, by regulations,”;
  - (ii) for the second sentence substitute—
    - “Before amending Annex B with respect to species described at Article 3(2)(c) or (d), or amending Annex D with respect to species described at Article 3(4)(a), the Secretary of State must consult the scientific authority regarding the amendment.”.
- (21) Omit Articles 20 to 22.

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

**8.—(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 “a competent scientific authority of the Member State concerned” substitute “the competent scientific authority of the United Kingdom”;
  - (b) in point (5), for “the Community” in both places it occurs substitute “Great Britain”.
- (3) After Article 1 insert—

*“Article 1a*

*References to importation etc.*

In this Regulation—

- (a) references to the importation or introduction of anything into Great Britain includes the importation or introduction of anything into Northern Ireland before IP completion day;
- (b) references to the export, or re-export of anything from Great Britain includes the export, or re-export of anything from Northern Ireland before IP completion day;
- (c) references to anything acquired in Great Britain includes anything acquired in Northern Ireland before IP completion day;
- (d) references to the transit of specimens through Great Britain includes the transit of specimens through Northern Ireland before IP completion day.”.
- (4) In Article 5b, for “the Union” substitute “Great Britain”.
- (5) In Article 7(1), for “the Community” substitute “Great Britain”.
- (6) In Article 8—
  - (a) in paragraph 1, in the second subparagraph, (beginning “In order to ensure”), for “national law” substitute “United Kingdom legislation (as that legislation applies in Great Britain)” and omit “issuing”;
  - (b) in paragraph 2, for “the Community” in both places it occurs substitute “Great Britain”;
  - (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”.
- (7) 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 “the territory of the issuing Member State” substitute “Great Britain”;
      - (bb) in the second sentence, omit “in a Member State other than the issuing Member State, they shall be issued” and for “and their validity” substitute “, their validity”;
      - (cc) in the third sentence, omit “and the Member State(s) in whose territory it is valid”;
  - (b) in paragraph 5 omit “issuing”.
- (8) In Article 13(1), for “the Community” substitute “Great Britain”.
- (9) In Article 14—
  - (a) in the first subparagraph, (beginning “In the case of”), for “the Community” in both places it occurs substitute “Great Britain”;
  - (b) in the second subparagraph, (beginning “However, certificates of origin”), for “the Union” in both places it occurs substitute “Great Britain”.
- (10) 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”), omit “competent” and for “Member State” substitute “United Kingdom”;
  - (c) in paragraph 3, in the second subparagraph, (beginning “In the case of”), for the words from the beginning to “certificates” substitute “In the case of import permits, export permits and re-export certificates issued in Great Britain”.
- (11) In Article 16, and in the heading to that Article, for “the Community” substitute “Great Britain”.
- (12) In Article 17(1)(a), for “Member States” substitute “the management authority”.
- (13) 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”.
- (14) In Article 19—
  - (a) in paragraph 1—

- (i) in the first sentence, for “Member States” substitute “the management authority”;
  - (ii) in point (a), for “a competent scientific authority” substitute “the competent scientific authority 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)”.
- (15) 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”.
- (16) In Article 20a, for “Member States” substitute “The management authority”.
- (17) In Article 22, in the first subparagraph, (beginning “Without prejudice”), for “the Community” substitute “Great Britain”.
- (18) In Article 23, omit the second subparagraph, (beginning “The original import permit”).
- (19) In Article 24(1), for “the Community” substitute “Great Britain”.
- (20) In Article 25, omit the second subparagraph, (beginning “The original import notification”).
- (21) 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 management authority of a Member State” substitute “the management authority”;
  - (e) in paragraph 9—
    - (i) for “the Community” substitute “Great Britain”;
    - (ii) for “another Member State” substitute “a third country”;
  - (f) omit paragraph 10.
- (22) In Article 26a, for “Member States” substitute “The management authority”.
- (23) In Article 28, omit the second subparagraph, (beginning “The copy for return”).
- (24) In Article 29, for “a Member State” substitute “the management authority”.
- (25) 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) acquired in, or introduced into, the United Kingdom before IP completion day; or”;
  - (c) in point (b)—
    - (i) for “Community” substitute “United Kingdom”;

- (ii) for “Regulation [\(EC\) No 338/97](#)” substitute “Regulation 338/97 (pre-exit)”.
- (26) In Article 32—
- (a) in paragraph 1, for “the Community” substitute “Great Britain”, and omit the words from “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 “Great Britain”, and omit “of that Member State”.
- (27) 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”.
- (28) 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”.
- (29) 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.
- (30) In Article 37(1), for “Member States” substitute “The management authority”.
- (31) In Article 39—
- (a) in paragraph 1, for “the Community” substitute “Great Britain”, and omit the words from “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 “Great Britain”, and omit “of that State”.
- (32) In Article 40(1)—
- (a) in point (a) for “Member State” substitute “country”;
  - (b) omit point (b).
- (33) 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”.
- (34) 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”).
- (35) In Article 44a, for “Member States” substitute “The management authority”.
- (36) In Article 44c—
  - (a) in paragraph 1, for “the Community” substitute “Great Britain”, and omit the words from “of the Member State” to the end;
  - (b) in paragraph 2, omit the words “of the Member State of first destination”.
- (37) In Article 44d(1), for “the Community” substitute “Great Britain”.
- (38) 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”.
- (39) In Article 44f(1)—
  - (a) omit the second subparagraph (beginning “The customs office shall”);
  - (b) omit the third subparagraph (beginning “However, at the time”).
- (40) In Article 44h(1), for “Member States” substitute “The management authority”.
- (41) In Article 44j—
  - (a) omit paragraph 1;
  - (b) in the second paragraph of the text in quotation marks, for “the State in which the certificate was issued” substitute “Great Britain”;
  - (c) in the third paragraph of the text in quotation marks, for “State which issued the certificate” substitute “United Kingdom”.
- (42) In Article 44k—
  - (a) in point (b), for “the Member State in which it is registered” substitute “Great Britain”;
  - (b) in point (c), for “the applicant’s State of usual residence” substitute “Great Britain”.
- (43) 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”.
- (44) In Article 44m—
  - (a) in the first subparagraph, (beginning “In the case of”), for “the Union” substitute “Great Britain”;
  - (b) omit the second subparagraph, (beginning “The customs office shall”).
- (45) In Article 44p, and in the heading to that Article, for “the Union” in both places it occurs substitute “Great Britain”.
- (46) Omit Article 45.
- (47) In the heading to Chapter X, (beginning “Certificates Provided For”), omit “5(2)(b)”.
- (48) In Article 46, omit “5(2)(b),” and omit “of the Member State in which the specimens are located,”.
- (49) 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 (as that legislation applies in Great Britain)”;
  - (d) in point (2), for “Member State where the recovery took place” substitute “United Kingdom (as that legislation applies in Great Britain)”;
  - (e) in point (3), for “the Community” substitute “Great Britain after IP completion day”;
  - (f) after point (3) insert—
    - “(3A) they were acquired in, or were introduced into, the United Kingdom before IP completion 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 acquired in, or were introduced into, the United Kingdom before IP completion day”.
- (50) 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) acquired in, or introduced into, the United Kingdom before IP completion day;”;
    - (ii) after point (a) insert—
      - “(aa) they were acquired in, or were 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;”;
    - (iii) in point (b), for “a Member State” substitute “Great Britain”, and for “that Member State” substitute “the United Kingdom (as that legislation applies in Great Britain)”;
  - (b) in paragraph 2, omit “competent” and “of a Member State”.
- (51) 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”.
- (52) 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.
- (53) 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”.
- (54) In Article 53(1) for “the Community”, in both places it occurs, substitute “Great Britain”.
- (55) In Article 54, in the first sentence (beginning “Without prejudice”)—
- (a) for “a competent” in the first place it occurs substitute “the”;
  - (b) for “a competent scientific authority of the Member State concerned” substitute “the competent scientific authority of the United Kingdom”.
- (56) 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”.
- (57) In Article 57—
- (a) in the heading, and in paragraphs 1(b), 2, 4 and 5, for “the Community” wherever it occurs substitute “Great Britain”;
  - (b) in paragraph 3—
    - (i) in the first subparagraph, (beginning “The first introduction”), for “the Community” (in both places it occurs) substitute “Great Britain”;
    - (ii) omit the second subparagraph (beginning “Customs shall forward”);
  - (c) in paragraph 3a, for “the Union” substitute “Great Britain”;
  - (d) in paragraph 4, in point (a), for “Community import or export permit” substitute “import or export permit issued in Great Britain”.
- (58) In Article 58—
- (a) in the heading, and in paragraph 1(b), for “the Community” substitute “Great Britain”;
  - (b) in paragraph 3—
    - (i) in the first sentence, and in point (c), for “the Community” substitute “Great Britain”;
    - (ii) in point (a), for “Community import or export permit” substitute “import or export permit issued in Great Britain”;
    - (iii) in point (c), for “the Community” substitute “Great Britain”;
  - (c) in paragraph 3a, for “the Union” substitute “Great Britain” and for “State” substitute “country”.
- (59) In Article 58a—
- (a) in the heading, for “the Union” substitute “Great Britain”;
  - (b) in paragraph 1—
    - (i) in the first subparagraph (beginning “Commercial activities”), for “the Union” substitute “Great Britain”, and for “a management authority of a Member State” substitute “the management authority”;
    - (ii) for point (a) substitute—



- (ii) in the fourth subparagraph (beginning “The list of facilities”), omit “and to the Commission”.
- (65) In Article 67, for “the territory of the Community” substitute “Great Britain”.
- (66) In Article 68(1), for “competent authorities of the Member States” (in the first place it occurs) substitute “relevant competent authorities of the United Kingdom”, and for “other Member States” substitute “third countries”.
- (67) 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 “the Community” substitute “Great Britain”;
      - (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 “the Community” substitute “Great Britain”;
  - (c) in paragraph 3, for “Member States” substitute “the Secretary of State”, and for “the Community” substitute “Great Britain”;
  - (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.”.
- (68) Omit Article 70.
- (69) 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 “the Community” substitute “Great Britain”.
- (70) In Article 72, omit paragraph 3.
- (71) Omit Articles 73, 74 and 75.

## **Amendment of Commission Implementing Regulation (EU) No 792/2012**

9.—(1) Commission Implementing Regulation (EU) No 792/2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) 338/97 on the protection of species of wild fauna and flora by regulating trade therein, and amending [Commission Regulation \(EC\) No 865/2006](#), is amended as follows.

(2) In Article 2(5), in the second subparagraph (beginning “Member States may”), for “Member States” substitute “The management authority”.

(3) In Article 3—

(a) in paragraph 7—

- (i) omit “in one of the official Union languages”;
- (ii) for “management authorities” substitute “management authority”;
- (iii) omit the words from “of each Member State” to the end;

(b) in paragraph 8, for “Member States” substitute “The management authority”.

(4) Omit Article 5.

(5) In Annex I—

(a) in the first, second, third, fourth and fifth forms—

- (i) in the header to each form, omit “European Union”;
- (ii) in box number 12, in each form, for “EU Annex” substitute “GB Annex”;

(b) after the first, second and third forms, in the “Instructions and explanations” to those forms—

(i) in point 2 (beginning “The period of validity”), in the last sentence, for “the Union” substitute “Great Britain”;

(ii) in point 15 to 17 (beginning “The country of origin”)—

- (aa) for “a third country” substitute “outside Great Britain” ;
- (bb) omit the words from “Where specimens originating in” to the end;

(iii) in point 18 to 20 (beginning “The country of last re-export”), for “the Union” substitute “Great Britain”;

(iv) in point 27 (beginning “To be completed”)—

- (aa) for “the Union” substitute “Great Britain”;
- (bb) for “Member State concerned”, in both places it occurs, substitute “United Kingdom”;

(c) after the fourth and fifth forms, in the “Instructions and explanations” to those forms—

(i) in point 15 to 17 (beginning “The country of origin”)—

- (aa) for “a third country” substitute “outside Great Britain”;
- (bb) omit the words from “Where specimens originating in” to the end;

(ii) in point 18 to 20, (beginning “The country of last re-export”), for “the Union” substitute “Great Britain”.

(6) In Annex II—

(a) in the first and second forms—

- (i) in the header to both forms, omit “European Union”; and
- (ii) in every box number 12, in both forms, for “EU Annex” substitute “GB Annex”;

- (b) after the first and second forms, in the “Instructions and explanations” to both forms, in point 13 (beginning “The importer”), for “the Union” substitute “Great Britain”.
- (7) In Annex III—
- (a) in the first, second and third forms—
- (i) in the boxed heading to each form, omit “European Union”;
  - (ii) in box number 13, in each form, for “EU Annex” substitute “GB Annex”;
  - (iii) in box number 18 in each form, for “a Member State of the Union” substitute “Great Britain”;
- (b) after the first form, in the “Instructions and explanations”—
- (i) in point 2 (beginning “The date of expiry”), for “a third country”, substitute “outside Great Britain”;
  - (ii) in point 14 (beginning “Use the codes”)—
    - (aa) for “the Union” substitute “a Member State”;
    - (bb) after “338/97” insert “(pre-exit)”;
    - (cc) after “them” insert “, were acquired in, or were introduced into, the United Kingdom before IP completion day”;
  - (iii) in point 15 to 16 (beginning “The country of origin”)—
    - (aa) for “a third country” substitute “outside Great Britain”;
    - (bb) omit the words from “Where specimens originating in” to the end;
  - (iv) in point 18 (beginning “Enter the date”)—
    - (aa) for “the Union” substitute “a Member State”;
    - (bb) after “338/97” insert “(pre-exit)”;
    - (cc) at the end insert “and were acquired in, or were introduced into, the United Kingdom before IP completion day”;
  - (v) in point 19 (beginning “To be completed”), for “in a third country” substitute “outside Great Britain”;
  - (vi) in point 21 (beginning “This block has been pre-printed”)—
    - (aa) in the sentence beginning “The holder”, for “by a third country” substitute “outside Great Britain” and for “from a third country” substitute “, issued outside Great Britain”;
    - (bb) in the sentence beginning “The customs office shall”, for “by a third country”, substitute “outside Great Britain”; and for “Member State’s” substitute “Great Britain’s”;
- (c) after the second and third forms, in the “Instructions and explanations”—
- (i) in point 14, (beginning “Use the codes”), for “the Union” substitute “Great Britain”;
  - (ii) in point 15/16, (beginning “The country of origin”)—
    - (aa) for “a third country (i.e. a non-EU country)” substitute “outside Great Britain”; and
    - (bb) omit the words from “Where specimens originating in” to the end;
  - (iii) in point 18, (beginning “Enter the date”), for “the Union” substitute “Great Britain”.
- (8) In Annex IV in the boxed heading to the form, omit “European Union”.
- (9) In Annex V—

- (a) in the first, second and third forms—
  - (i) in the header to each form, omit “European Union”;
  - (ii) in the box at the top of each form, headed “Certificate” for “the European Union” substitute “Great Britain”;
  - (iii) in box number 8, in each form, for “EU Annex” substitute “GB Annex”;
  - (iv) in box number 13, in each form, for “Member State” substitute “Country”;
  - (v) in box number 18, in each form—
    - (aa) in tick-boxes a) and b), for “issuing Member State” substitute “United Kingdom”;
    - (bb) in tick-box d), for “the Union” substitute “a member State” and after “Council Regulation (EC) No 338/97” insert “as it had effect immediately before IP completion day”;
    - (cc) in tick-box e), for “the Union” substitute “a Member State”;
    - (dd) in tick-box f), for “the Union” substitute “a Member State”;
    - (ee) in tick-box g), for “issuing Member State” substitute “United Kingdom” and after “(EC) No 338/97” insert “(as it had effect immediately before IP completion day)”;
  - (vi) in box number 19, in each form, in tick-box e) for “the Union” substitute “Great Britain”;
- (b) after the first form, in the “Instructions and explanations”—
  - (i) in point 2 (beginning “Only to be completed”), for “a Member State” substitute “Great Britain”;
  - (ii) in point 13 to 15 (beginning “The Member State”), for “Member State”, in both places it occurs, substitute “country”;
- (c) after the second and third forms, in the “Instructions and explanations”, in point 13 to 15, (beginning “The Member State”), for “Member State”, in both places it occurs, substitute “country”.

#### **Amendment of Commission Implementing Regulation (EU) No 2019/1587**

**10.**—(1) Commission Implementing Regulation (EU) No 2019/1587 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora in accordance with 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 the heading to the Regulation, for “the Union” substitute “Great Britain”.
- (3) In Article 1, for “the Union” substitute “Great Britain”.
- (4) Omit Articles 2 and 3.
- (5) After Article 3, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States”.
- (6) In the headings to both tables in the Annex, for “Union” substitute “United Kingdom”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State for the Environment, Food and Rural Affairs

*Goldsmith of Richmond Park*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

30th November 2020



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## EXPLANATORY NOTE

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

These Regulations are made in part in exercise of the powers conferred by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and correct other deficiencies (in particular under paragraphs (a), (b), (c), (e) and (g) of section 8(2) of that Act) arising from the withdrawal of the United Kingdom from the European Union. They are also made in part in exercise of the powers conferred by section 8C of that Act to implement the Northern Ireland Protocol and by section 41 of the European Union (Withdrawal Agreement) Act 2020 (c.1).

These Regulations make amendments to legislation in the field of international trade in endangered species of wild fauna and flora, and in particular amend legislation relating to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES controls the import, export and movement of protected flora and fauna, including dead or living controlled species as well as parts or derivatives (e.g. skin, fur, teeth, shell, feathers or blood and parts of some plants, for example, seeds). Part 2 both amends and revokes relevant subordinate legislation and Part 3 amends retained direct EU legislation (EU Regulations) in this field.

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