
STATUTORY INSTRUMENTS

2020 No. 1395

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

PART 3

AMENDMENT OF RETAINED DIRECT EU LEGISLATION

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—
 - “(a) where the specimen was acquired in, or was introduced into, the United Kingdom before IP completion day or was introduced into Great Britain after that day, the applicant needs to demonstrate that the specimen has been so introduced for at least two years before it can be used for commercial purpose; and”;
 - (iii) in point (b), omit “of the Member State concerned” and for “the Union” substitute “Great Britain”;
 - (c) in paragraph 2, for “the Union”, in both places it occurs, substitute “Great Britain”.
- (60) In Article 59—
- (a) in paragraphs 1, 1a, and 5, omit “competent”;
 - (b) in paragraphs 2 and 3, in each paragraph—
 - (i) omit “competent” the first time it occurs;
 - (ii) for “a competent” substitute “the competent”;
 - (c) in paragraph 4, omit “competent” and for “Member State” substitute “third country”.
- (61) In Article 60, in the first sentence, (beginning “Without prejudice”) for “a management authority” substitute “the management authority in consultation with the competent scientific authority”.
- (62) In Article 63—
- (a) in paragraph 1—
 - (i) for the words from “a Member State” to “a management authority” substitute “the management authority may make pre-issued certificates available to breeders approved by the management authority for that purpose”;
 - (ii) omit “competent”;
 - (b) in paragraph 2—
 - (i) for the words from “a Member State” to “a management authority” substitute “the management authority may make pre-issued certificates available to persons who have been approved by the management authority”;
 - (ii) for “the Community” substitute “Great Britain”;
 - (iii) in points (a) and (b) omit “competent”.
- (63) In Article 64—
- (a) in the heading, for “the Community” substitute “Great Britain”;
 - (b) in paragraph 1—
 - (i) omit “competent”;
 - (ii) in point (e), for “the Community” in both places it occurs substitute “Great Britain”.
- (64) In Article 66—
- (a) in paragraphs 2, 3 and 4, omit “competent”;
 - (b) in paragraph 5, for “the Community” substitute “Great Britain”;
 - (c) in paragraph 7—
 - (i) in the first subparagraph (beginning “Only those processing”)—

- (aa) omit “of a Member State”;
 - (bb) after “for export” insert “or”;
 - (cc) omit “or intra-Community trade”;
 - (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”.

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

(70) In Article 72, omit paragraph 3.

(71) Omit Articles 73, 74 and 75.