

2022 No. 771

ANIMALS

The Seal Products (Amendment) Regulations 2022

Made - - - - at 10.00 a.m. on 7th July 2022

Laid before Parliament at 3.00 p.m. on 7th July 2022

Coming into force - - 30th July 2022

The Secretary of State, in exercise of powers conferred by Articles 3(4) and 4a(2) of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products^(a), makes the following Regulations.

In accordance with Article 4a(4) of Regulation (EC) 1007/2009, before making these Regulations, the Secretary of State has consulted such bodies and persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by them.

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Seal Products (Amendment) Regulations 2022.
- (2) They come into force on 30th July 2022.
- (3) They extend to England and Wales and Scotland.

Amendments to Commission Implementing Regulation (EU) 2015/1850

2.—(1) Commission Implementing Regulation (EU) 2015/1850 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products^(b) is amended as follows.

- (2) In Article 3 (recognised bodies), after paragraph 2, insert—

“(2a) Article 3a provides for recognition of an entity which has submitted a request under paragraph 2”.
- (3) After Article 3, insert—

“Article 3a

Recognition of bodies

1. The Secretary of State may, by a decision published under paragraph 6, recognise an entity as a recognised body for the purposes of Article 3 where the Secretary of State is satisfied that it meets the requirements prescribed in paragraph 1 of that Article.

(a) EUR 1007/2009, which is amended by S.I. 2018/1034 and 2019/588.

(b) EUR 2015/1850, which is amended by S.I. 2018/1034.

2. Upon request from a recognised body, the Secretary of State may amend the name of the recognised body as it appears on the list of recognised bodies.

3. The Secretary of State may remove an entity from the list of recognised bodies if the Secretary of State considers that the entity does not meet the requirements prescribed in Article 3. The entity shall be notified 6 months before removal from the list of recognised bodies.

4. The Secretary of State may suspend an entity from the list of recognised bodies if the Secretary of State considers that the entity does not meet the requirements prescribed in Article 3. The entity shall be notified 6 months before suspension from the list of recognised bodies. The Secretary of State may withdraw the suspension upon satisfying the requirements prescribed in Article 3.

5. The Secretary of State shall decide upon the validity of the attesting documents referred to in Article 4(1) issued by the recognised bodies in paragraphs 2, 3 and 4.

6. A decision taken under this Article shall be published in such manner as the Secretary of State considers appropriate.”.

(4) In Article 9 (transitional provision)—

- (a) the existing text becomes paragraph 1;
- (b) after paragraph 1, insert—

“2. The attesting documents issued in accordance with Article 4(1) by any body recognised under the following legislation remain valid—

- (a) Commission Decision recognising the Greenland Department of Fisheries, Hunting and Agriculture (APNN) in accordance with Article 3 of Commission Implementing Regulation (EU) 2015/1850 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products(a);
- (b) Commission Decision recognising the Department of Environment, Government of Nunavut in accordance with Article 3 of Implementing Regulation (EU) 2015/1850 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products(b);
- (c) Commission Decision (EU) 2017/265 including the Government of Northwest Territories of Canada as a recognised body in the list referred to in Article 3 of Implementing Regulation (EU) 2015/1850 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products(c).”.

Revocations

3. The following legislation is revoked—

- (a) Commission Decision recognising the Greenland Department of Fisheries, Hunting and Agriculture (APNN) in accordance with Article 3 of Commission Implementing Regulation (EU) 2015/1850 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products;
- (b) Commission Decision recognising the Department of Environment, Government of Nunavut in accordance with Article 3 of Implementing Regulation (EU) 2015/1850

(a) O.J. No. C 355, 27.10.2015, p. 6.

(b) O.J. No. C 355, 27.10.2015, p. 4, which was repealed by Commission Implementing Decision (EU) 2020/2125 recognising the Government of Nunavut as a body that is authorised to issue documents attesting compliance with Regulation (EC) No 1007/2009 of the European Parliament and of the Council for placing seal products on the Union market (O.J. No. L 426, 17.12.2020, p. 56).

(c) O.J. No. L 39, 16.2.2017, p. 43.

laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products;

- (c) Commission Decision (EU) 2017/265 including the Government of Northwest Territories of Canada as a recognised body in the list referred to in Article 3 of Implementing Regulation (EU) 2015/1850 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products.

Benyon

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

At 10.00 a.m. on 7th July 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of powers conferred by Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products (EUR 2009/1007), in particular, Articles 3(4) and 4a(2).

They amend Commission Implementing Regulation (EU) 2015/1850 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products (EUR 2015/1850) (“the 2015 Regulation”). The Regulations grant powers to the Secretary of State to recognise a body that meets the requirements set out in the 2015 Regulation and to suspend or remove the recognition of bodies that do not meet these requirements. They also grant power to the Secretary of State to amend the name of a body as it appears on the list of recognised bodies. The effect of these Regulations is that these actions can be performed administratively without the need for a Statutory Instrument. For consistency the EU Commission Decisions recognising the current set of recognised bodies are revoked. The validity of the attesting documents issued by these bodies have been retained. These bodies will be recognised under the administrative process established by these Regulations.

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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