

2018 No.

EXITING THE EUROPEAN UNION

WILDLIFE

**The Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit)
Regulations 2018**

<i>Sift requirements satisfied</i>	***
<i>Made - - - -</i>	***
<i>Laid before Parliament</i>	***
<i>Coming into force in accordance with regulation 1</i>	

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).

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Leghold Trap and Pelt Import (Amendment etc.) (EU Exit) Regulations 2018 and come into force on Exit day.

PART 2

Amendment of retained direct EU legislation

Council Regulation (EEC) No 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards

2.—(1) Council Regulation (EEC) No 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain

wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards is amended as follows.

(2) In Article 2—

- (a) omit the words “in the Community”;
- (b) omit the words “by 1 January 1995 at the latest”.

(3) In Article 3—

- (a) in paragraph (1)—
 - (i) for “Community” substitute “United Kingdom”;
 - (ii) for the words “inasmuch as” substitute “where”;
 - (iii) omit the words “as of 1 January 1995”;
- (b) omit paragraph (2);
- (c) after paragraph (2), insert—

“3. Paragraph 1 does not apply to the introduction into the United Kingdom from a member State.”.

(4) In Article 4, for the first paragraph substitute—

“Designated competent authorities of countries, other than member States, exporting or re-exporting to the United Kingdom any of the goods listed in Annex II, where they incorporate pelts of the species listed in Annex I, must certify that such pelts originate in an approved country as referred to in Article 3 in accordance with Commission Regulation (EC) No 35/97 laying down provisions on the certification of pelts and goods covered by Council Regulation (EEC) No 3254/91.”.

(5) Omit Article 6.

(6) After Article 6, omit the words from “This Regulation” to “Member States.”.

Commission Regulation (EC) No 35/97 laying down provisions on the certification of pelts and goods covered by Council Regulation (EEC) No 3254/91.

3.—(1) Commission Regulation (EC) No 35/97 laying down provisions on the certification of pelts and goods covered by Council Regulation (EEC) No 3254/91 is amended as follows.

(2) In Article 1—

- (a) in paragraph 1—
 - (i) for “that for external transit” substitute “a transit procedure”;
 - (ii) for “customs territory of the Community” substitute “United Kingdom”;
 - (iii) in subparagraph (a), for the words from “a country appearing in the list” to “that country” substitute “an approved country”;
 - (iv) omit subparagraph (b);
- (b) in paragraph 2, for the words from “shall surrender” to “Community” substitute “must, on the importation of goods into the United Kingdom, present to the border customs office a certificate”;
- (c) after paragraph 2, insert—

“3. In this Article, “an approved country”, in relation to the pelts of any species (and goods incorporating such pelts) means a country listed in the Annex to Council Decision 97/602/EC concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97.”.

(3) In Article 2—

- (a) in paragraph 1, for the words from “one of the official languages” to the end substitute “English”;
- (b) omit paragraph 3.
- (4) In Article 3—
 - (a) in paragraph 1—
 - (i) for “Community” in each place where it occurs substitute “United Kingdom”;
 - (ii) before “re-export” insert the words “export or”;
 - (b) in paragraph 2—
 - (i) for “Community” substitute “United Kingdom”;
 - (ii) for “Regulation (EEC) No 3626/82” in the first place where it occurs substitute “Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein”;
 - (iii) for “Regulation (EEC) No 3262/82 in the second place where it occurs substitute “Council Regulation (EC) No 338/97”.
- (5) Omit Article 4.
- (6) After Article 4, omit the words from “This Regulation” to “Member States.”.
- (7) Omit the Annex.

Council Decision (EC) No 97/602 concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97

4.—(1) Council Decision (EC) No 97/602 concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97 is amended as follows.

- (2) For Article 1 substitute—
 - “1. The Annex to this Decision lists the approved countries referred to in Article 3 of Regulation (EEC) No 3254/91, and specifies in respect of each country the species in relation to the pelts of which the country in question is approved. ”.
- (3) Omit Articles 2 and 3.
- (4) For the Annex, substitute the Annex set out in the Schedule.

PART 3

Revocation of retained direct EU legislation

- 5. The following instruments are revoked—
 - (a) Commission Regulation (EC) No 1771/94 laying down provisions on the introduction into the Community of pelts and manufactured goods of certain wild animal species;
 - (b) Commission Decision (EC) No 98/188 amending Council Decision 97/602/EC concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97;
 - (c) Commission Decision No 98/596 amending Council Decision 97/602/EC concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97.

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

Date

SCHEDULE

Regulation 4(4)

Substituted Annex to Council Decision (EC) No 97/602/EC concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97

“ANNEX

List of countries and species referred to in Article 1

<i>Country</i>	<i>Species</i>
Belize	Procyon lotor
Canada	Canis latrans
	Canis lupus
	Castor canadensis
	Felis rufus
	Lutra canadensis
	Lynx canadensis
	Martes americana
	Martes pennanti
	Mustela erminea
	Ondatra zibethicus
	Procyon lotor
	Taxidea taxus
People's Republic of China	Canis lupus
	Martes zibellina
	Mustela erminea
	Ondatra zibethicus
El Salvador	Procyon lotor
Greenland	Canis lupus
Jordan	Canis lupus
Republic of Korea	Canis lupus
	Martes zibellina
Lebanon	Canis lupus
Countries which are Member States of the European Union	Canis latrans
	Canis lupus
	Castor canadensis
	Felis rufus
	Lutra canadensis
	Lynx canadensis
	Martes americana
	Martes pennanti
	Martes zibellina
	Mustela erminea
	Ondatra zibethicus
	Procyon lotor
	Taxidea taxus
Mexico	Canis lupus

	Canis latrans
	Castor canadensis
	Felis rufus
	Ondatra zibethicus
	Procyon lotor
	Taxidea taxus
Moldova	Canis lupus
	Mustela erminea
Nicaragua	Procyon lotor
Norway	Canis lupus
	Mustela erminea
	Ondatra zibethicus
Pakistan	Canis lupus
	Mustela erminea
Panama	Procyon lotor
Russian Federation	Canis lupus
	Martes zibellina
	Mustela erminea
	Ondatra zibethicus
	Procyon lotor
Turkey	Canis lupus
United States of America	Canis latrans
	Canis lupus
	Castor canadensis
	Felis rufus
	Lutra canadensis
	Lynx canadensis
	Martes americana
	Martes pennanti
	Mustela erminea
	Ondatra zibethicus
	Procyon lotor
	Taxidea taxus”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) in order to address failures of EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

The deficiencies identified are of a kind referred to in section 8(2)(a) (provisions which have no practical application in relation to the UK or are otherwise redundant or substantially redundant, 8(2)(d) (provisions for, or in connection with, arrangements which involve the EU or are otherwise dependent on the UK’s membership of the EU and which no longer exist or are no longer appropriate) and 8(2)(g) (EU references which are no longer appropriate) of the 2018 Act.

The Regulations make amendments to retained direct EU legislation concerning the use of leghold traps and the import of pelts and manufactured goods of certain wild animal species. Part 2 amends retained direct EU legislation and Part 3 revokes tertiary retained direct EU legislation.

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