

**2019 No.XXXX**

**EXITING THE EUROPEAN UNION**

**ANIMALS**

**The Import of and Trade in Animals and Animal Products  
(Amendment etc.) (EU Exit) (No. 2) Regulations 2019**

<i>Sift requirements satisfied</i>	XXXX 2019
<i>Made - - - -</i>	XXXX 2019
<i>Laid before Parliament</i>	XXXX 2019
<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 that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

**PART 1**

Preliminary matters

**Citation and commencement**

1. These Regulations may be cited as the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) (No. 2) Regulations 2019 and come into force immediately before exit day.

**PART 2**

**Amendment of the Import of and Trade in Animals and Animal Products  
(Amendment etc.) (EU Exit) Regulations 2019**

**Introductory**

2. The Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019(b) are amended in accordance with the following provisions of this Part.

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(a) 2018 c. 16.

(b) S.I. 2019/795, amended by S.I. 2019/813.

**Amendment of regulation 7: Commission Decision 94/360/EC on the reduced frequency of physical checks of consignments of certain products to be implemented from third countries**

3. In regulation 7, in paragraph (2)—

(a) in sub-paragraph (a)—

(i) for paragraph (i), substitute—

“(i) for “In application of Article (8) of Directive 90/675/EEC, the Member States”, substitute “The appropriate authority”;;”;

(ii) after paragraph (iii) insert—

“(iv) after the third indent insert—

“Subject to the reduction in the frequency of physical checks described in the first subparagraph, the official veterinarian must carry out a physical check on each consignment in order to ascertain that the products satisfy the requirements of national legislation and are in a fit state to be used for the purpose specified in the accompanying certificate or document. These checks must be carried out in accordance with the criteria laid down in Annex III to Directive 97/78/EC, as read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.”;

(b) for sub-paragraph (c), substitute—

“(c) in paragraph 3, for the words from “Articles 15 and 19 of Directive 90/675/EEC” to the end substitute “Articles 20 and 22 of Council Directive 97/78/EC, as read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.”.

**Amendment of regulation 9: Commission Decision 1997/794/EC laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries**

4. In regulation 9, after paragraph (1) insert—

“(1A) In Article 1, in the first paragraph, for “The documentary, identity and physical checks provided for in Directive 91/496/EEC” substitute “Documentary, identity and physical checks on live animals to be imported from third countries”.”.

**Amendment of regulation 10: Commission Decision 2000/571/EC laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport**

5. In regulation 10—

(a) after paragraph (3) insert—

“(3A) After Article 1 insert—

*“Article 1a*

**Application of Articles 12 and 13 of Directive 97/78/EC with modifications**

In this Decision, a reference to Article 12 or 13 of Directive 97/78/EC, and any other provision of that Directive to which those Articles refer, is to be read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.”;

(b) omit paragraph (7)(a).

**Amendment of regulation 11: Commission Decision 2000/572/EC laying down the animal and public health and veterinary certification conditions for imports of meat preparations into the Community from third countries**

6. In regulation 11—

(a) in paragraph (2)(b), in the inserted text, omit paragraph 3;

(b) after paragraph (4)(d), insert—

“(e) at the end insert—

“In this Article, the reference to Article 12(4) or 13 of Directive 97/78/EC, and any other provision of that Directive to which those Articles refer, is to be read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.”.

**Amendment of regulation 12: Commission Decision 2001/812/EC laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries**

7. In regulation 12—

(a) for paragraph (4) substitute—

“(4) In Article 2, for paragraph 1 substitute—

“1. A border inspection post must—

(a) provide facilities, personnel, equipment, and operate procedures in the posts, as specified in this Decision;

(b) be under the authority of an official veterinarian, who is responsible for the checks at the post and who—

(i) may be assisted by specially trained auxiliary staff;

(ii) must ensure that all updating of any databases specified by the appropriate authority in relation to the importation into the United Kingdom of animals and animal products is carried out;

(c) satisfy the requirements set out in Annex 2 to Directive 97/78/EC, as read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.”;

(b) for paragraph (8), substitute—

“(8) For Article 6, substitute—

*“Article 6*

The appropriate authority may withdraw a border inspection post from the approved list in full or in part if the border inspection post is found not to comply with the conditions laid down in Annex II of Directive 97/78, as read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.

If the appropriate authority considers withdrawing a border inspection post from the approved list in part, it must have regard to any recommendations following an inspection in relation to product categories or inspection centres.”;

(c) in paragraph (10)(a), for paragraph (vi) substitute—

“(vi) in point 6, for “in all Member States”, substitute “as read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019”;

**Amendment of regulation 15: Commission Decision 2003/779/EC laying down animal health requirements and the veterinary certification for the import of animal casings from third countries**

8. In regulation 15, in paragraph (3), in the substituted text of Article 1a, for paragraph 2 substitute—

“2. In paragraph 1, the reference to Article 12(4) or 13 of Directive 97/78/EC, and any other provision of that Directive to which those Articles refer, is to be read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.”.

**Amendment of regulation 16: Commission Regulation (EC) No 136/2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries**

9. In regulation 16—

- (a) in paragraph (2), in the inserted text of Article 1(3), after “In this Regulation” insert “a reference to a provision in Directive 97/78/EC is to be read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019, and”;
- (b) in paragraph (8), after sub-paragraph (b) insert—
  - “(ba) in point (d), after “Council Directive 2002/99/EC” insert—
    - “, read as if—
    - (i) in paragraph 2, for the words from “the official language” to the end there were substituted “English, whether or not it also appears in another language”;
    - (ii) in paragraph 3, for “Community” there were substituted “United Kingdom”.”;
- (c) in paragraph (9), after sub-paragraph (a) insert—
  - “(aa) in paragraph 2, for “in accordance with Article 8 of Directive 97/78/EC” substitute “using the United Kingdom’s system for import control notifications”;

**Amendment of regulation 17: Commission Regulation (EC) No 282/2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community**

10. In regulation 17—

- (a) in paragraph (4), for sub-paragraph (c) substitute—
  - “(c) for the third subparagraph substitute—

“Official veterinarians of the competent authority at the place of destination notified of the arrival of animals destined for a slaughterhouse, an approved quarantine facility as defined in Article 3(e) of Commission Implementing Regulation (EU) No 139/2013 or an officially approved body, institute or centre located in their area of responsibility shall complete Part 3 of the CVED in cases where the consignment fails to arrive or there is a quantitative or qualitative mismatch.

For this purpose, “an officially approved body, institute or centre” means a body, institute or centre, which is a permanent, geographically limited establishment approved by the appropriate authority, where one or more species of animal are habitually kept or bred (whether or not for commercial ends) exclusively for one or more of the following purposes:

—display of the animals and education of the public;

—conservation of the species;

—basic or applied scientific research or breeding of animals for the purposes of such research.”.”;

(b) after paragraph (4) insert—

“(4A) After Article 4, insert—

*“Article 4a*

**Modification of Directive 91/496/EEC**

1. In this Regulation, a reference to Article 4, 7 or 8(A)(I)(b)(ii) of Directive 91/496/EEC, and any other provision of that Directive to which those Articles refer, is to be read in accordance with the modifications set out below.

2. Article 2 is to be read as if—

(a) in paragraph 1, after “as necessary” there were inserted “, and for this purpose, the definition of “veterinary check” is to be read as if for “the animals or products referred to in Article 1” there were substituted “live animals or products”; the definition of “trade” is to be read as if for “within the meaning of Article 9(2) of the Treaty” there were substituted “and the United Kingdom”; and the definition of “competent authority” is to be read as if for “a Member State” there were substituted “the country of destination or transit””;

(b) in paragraph 2—

(i) in point (f), for the words from “shall mean” to the end there were substituted “has the meaning given in Directive 97/78/EC, as read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019”;

(ii) after point (f) there were inserted—

(aa) as point (g), “(g) ‘appropriate authority’ means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales), the Scottish Ministers (in relation to Scotland) and the Department of Agriculture, Environment and Rural Affairs (in relation to Northern Ireland); but “the appropriate authority” is the Secretary of State if consent is given by, in relation to Wales, the Welsh Ministers; in relation to Scotland, the Scottish Ministers; in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;”;

(bb) as point (h), “(h) ‘third country’ means any country other than a member State or the British Islands.”.

3. Article 4 is to be read as if—

(a) in paragraph 1—

(i) for the words before the first indent there were substituted “The appropriate authority shall ensure that, irrespective of the customs destination of the animals, each consignment of animals from a third country is subjected by the veterinary authority to a documentary and identity check at a border inspection post situated in its territory and approved for that purpose in order to verify.”;

(ii) in the second indent, for the words from “has not been harmonized” to the end there were substituted “is subject to specific requirements under national rules”;

(iii) in the third indent, for the words from “Community rules” to the end there were substituted “national rules”;

- (iv) in the fourth indent, for the words from “has been given” to the end there were substituted “by a member State has been given”;
  - (b) in paragraph 2—
    - (i) in point (a), in the second subparagraph—
      - (aa) for “the procedure laid down in Article 23” there were substituted “national rules”;
      - (bb) “and in accordance with rules to be established under the same procedure” were omitted;
    - (ii) in point (b), for “Community” there were substituted “national”;
    - (iii) in point (d)—
      - (aa) for “Council Directive 77/489/EEC of 18 July 1977 on the protection of animals during international transport” there were substituted “national rules”;
      - (bb) the second subparagraph were omitted;
  - (c) in paragraph 3—
    - (i) for “territory defined in Annex I to Directive 90/675/EEC” there were substituted “United Kingdom”;
    - (ii) “as referred to in Article 6” were omitted;
    - (iii) for the words from “Member State” to “Directive 90/425/EEC” there were substituted “port or airport of destination by means of the United Kingdom’s system for import control notifications”;
  - (d) in paragraph 4, for “Member State” there were substituted “appropriate authority”;
  - (e) paragraph 5 were omitted.
4. Article 7 is to be read as if—
- (a) in paragraph 1—
    - (i) for “at Community level” there were substituted “in EU-derived domestic legislation”;
    - (ii) for “Member State” there were substituted “United Kingdom”;
    - (iii) for “Directive 90/427/EEC” there were substituted “Regulation (EU) 2016/1012”;
    - (iv) in the second indent, for the words from “certificate” to “Article 23” there were substituted “Common Veterinary Entry Document”;
  - (b) paragraph 2 were omitted;
  - (c) in paragraph 3—
    - (i) in the first subparagraph—
      - (aa) for “territories referred to in Annex I to Directive 90/675/EEC” there were substituted “United Kingdom”;
      - (bb) “laid down in Directive 90/425/EEC” were omitted;
    - (ii) in the second subparagraph—
      - (aa) for “information exchange system provided for in Article 20 of Directive 90/425/EEC” there were substituted “United Kingdom’s system for import control notifications”;
      - (bb) in the first indent, for “a Member State or an area” there were substituted “an area in the United Kingdom”.
5. Article 8, section A, is to be read as if—

- (a) for “Member States”, in the first place it occurs, there were substituted “The appropriate authority”;
- (b) in paragraph 1—
  - (i) in the words before point (a), for “Annex A to Directive 90/425/EEC” there were substituted “harmonised rules”;
  - (ii) in point (a), for “Member State” there were substituted “United Kingdom”;
  - (iii) for the words from “where animals are presented at a border inspection post” (at the beginning of point (b)) to the end of paragraph 1 there were substituted “where a consignment has entered the United Kingdom from a border inspection post in a member State, only the documentary and identity checks shall be carried out at the post of entry into the United Kingdom, and the physical checks shall be carried out at the point of destination within the United Kingdom.”.

**Amendment of regulation 18: Commission Regulation (EC) No 1739/2005/EC laying down animal health requirements for the movement of circus animals between Member States**

11. In regulation 18, in paragraph (2), before subparagraph (a) insert—

“(za) omit “By way of derogation from Chapter II of Directive 92/65/EEC,”.”.

**Amendment of regulation 19: Commission Decision 2006/168/EC establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos**

12. In regulation 19, in paragraph (2)—

(a) after sub-paragraph (a) insert—

“(aa) for “approved in accordance with Article 8” substitute “which meet the conditions in Article 8(1)(a) to (c)”.”;

(b) after sub-paragraph (b) insert—

“(c) after the text inserted by sub-paragraph (b), at the end of Article 1 insert—

“For the purposes of this Article, Article 8(1)(b) of, and Chapter II of Annex A to, Directive 89/556/EEC are to be read as if—

(a) in Article 8(1)(b), for “Community” there were substituted “United Kingdom”;

(b) in Annex A, in Chapter II—

(i) in paragraph 1(a), for “this Directive” there were substituted “national legislation”;

(ii) in paragraph 1(h), the final sentence were omitted;

(iii) paragraph 1(m) were omitted;

(iv) in paragraph 1(n), the second and final sentences were omitted;

(v) in paragraph 2, in the final subparagraph, for “Directive 88/407/EEC” there were substituted “national legislation relating to the storage of bovine semen”.”.

**Amendment of regulation 22: Commission Decision 2007/275/EC concerning lists of animals and products to be subject to controls at border inspection posts**

13. In regulation 22, for paragraph (2) substitute—

“(2) In Article 1, for “Community, in accordance with Directives 91/496/EEC and 97/78/EC” substitute “United Kingdom in accordance with national legislation”.”.

**Amendment of regulation 23: Commission Decision 2007/777/EC laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries**

14. In regulation 23, after paragraph (6)(b)(ii) insert—

- “(iia) after “Directive 97/78/EC,” insert “as read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019,”.

**Amendment of regulation 26: Commission Regulation (EC) No 798/2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements**

15. In regulation 26, for paragraph (25)(c) substitute—

“(c) in Part 4, for point (c) substitute—

- “(c) where ratites are to be sent to the United Kingdom, a serological test must be carried out on each ratite, in addition to the virus isolation test provided for in point (b) of this Part;”.

**Amendment of regulation 28: Commission Regulation (EC) No 119/2009 laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements**

16. In regulation 28, in paragraph (2), after sub-paragraph (a) insert—

“(aa) in paragraph 2—

- (i) omit “Without prejudice to the restriction provided for in Article 5(2),”;  
(ii) after “Directive 97/78/EC” insert “, as read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019;”.

**Amendment of regulation 29: Commission Regulation (EC) No 206/2009 on the introduction into the Community of personal consignments of products of animal origin**

17. In regulation 29, in paragraph (3), for sub-paragraph (b) substitute—

- “(b) in paragraph 1, in the words before point (a), for “shall not be subject to the rules set out in Chapter I of that Directive,” substitute “as read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019, shall not be subject to veterinary checks”;  
(c) in paragraph 2, in the words before point (a), for “the rules set out in Chapter I of Directive 97/78/EC” substitute “veterinary checks”.

**Amendment of regulation 30: Commission Decision 2009/712/EC implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation**

18. In regulation 30, in paragraph (2)—

(a) in sub-paragraph (a), for paragraph (iii) substitute—

- “(iii) for “the Directives listed in Annex I (approval)” substitute “relevant EU-derived domestic legislation, in particular any which, before exit day, gave effect to a Directive listed in Annex I or to this Decision”;



- (b) in sub-paragraph (c), for paragraph (ii) substitute—
  - “(ii) for “the relevant Community provisions” substitute “relevant EU-derived domestic legislation, in particular any which, before exit day, gave effect to a Directive listed in Annex I or to this Decision”;

**Amendment of regulation 32: Commission Regulation (EU) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements**

**19. In regulation 32—**

- (a) in paragraph (3)(b), in the inserted text—
  - (i) after the inserted point (e) insert—
    - “(f) ‘competent authority’ means the central authority of the country of destination or transit competent to carry out veterinary checks, or any authority to which it has delegated that competence;”;
  - (ii) renumber the inserted definition of “third country” as point (g);
- (b) in paragraph (6)—
  - (i) for sub-paragraph (c) substitute—
    - “(c) in paragraph 2, in the second subparagraph—
      - (i) for “Union”, in both places it occurs, substitute “United Kingdom”;
      - (ii) for “requirements provided for in Article 8(1)(a) of Council Directive 90/425/EEC may be applied by the competent authorities.” substitute—
        - “following requirements are to be applied by the competent authorities if the fourth subparagraph applies:
          - (i) they shall order that the animal or consignment of animals be put in quarantine at the nearest quarantine station or slaughtered and/or destroyed;
          - (ii) costs relating to the measures provided for in point (a) shall be borne by the consignor or his representative or the person responsible for the products or animals;
          - (iii) the competent authorities of the place of destination shall immediately notify the appropriate authorities in writing, by the most appropriate means, of the findings arrived at, the decisions taken and the reasons for such decisions.”;
  - (ii) in sub-paragraph (d)—
    - (aa) before “for the third subparagraph” insert “in paragraph 2,”;
    - (bb) in the substituted text, after “into its territory.” insert “This subparagraph applies if, during a check carried out at the place of destination of a consignment or during transport, the competent authorities establish the presence of agents responsible for a disease referred to in Annex I to Directive 82/894/EEC, a zoonosis or disease, or any cause likely to constitute a serious hazard to animals or humans, or that the products come from a region contaminated by an epizootic disease.”;
- (c) in paragraph (20), for sub-paragraph (c) substitute—
  - “(c) in paragraph 3—
    - (i) in point (a), for “Union” substitute “United Kingdom”;
    - (ii) in point (b), after “Directive 92/65/EEC” insert “, read as if for “that Member State or another Member State” there were substituted “the United Kingdom”;

accordance with Article 13” there were substituted “approved by the central authority of the country of destination or transit competent to carry out veterinary checks, or any authority to which it has delegated that competence”

(d) after paragraph (22) insert—

“(22A) For Article 15 substitute—

“*Article 15*

**Conditions to be applied following the importation of unskinned carcasses of wild cloven-hoofed game**

1. Consignments of unskinned carcasses of wild cloven-hoofed game for human consumption after processing shall be conveyed without delay to the processing establishment of destination where:

- (a) the health check and residue analysis must be carried out;
- (b) the meat must be delivered to the processing establishment under customs supervision.

2. The consignments in question shall be dispatched from the border inspection post of arrival to the establishment at the place of destination under the supervision of the competent authority in leak-proof vehicles or containers sealed by the competent authorities. Where imports authorised for specific purposes, in the cases provided for in legislation, are involved, these shall remain under customs supervision until they reach the place of destination, in conjunction with the certificate provided stipulating the authorised destination and, if appropriate, citing the type of processing intended.

3. Terms used in this Article have the meaning given in Directive 97/78/EC, as read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.”;

(e) in paragraph (23)—

(i) for sub-paragraph (a) substitute—

“(a) in the words before point (a)—

(i) for “Union”, in each place it occurs, substitute “United Kingdom”;

(ii) after “Directive 97/78/EC,” insert “as read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019,”;

(ii) in sub-paragraph (c), for “the model veterinary certificate set out in Part 2 of Annex II” substitute “the relevant model veterinary certificate referred to in point (a)”.

**Amendment of regulation 35: Commission Regulation (EU) No 605/2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk, dairy products, colostrum and colostrum-based products intended for human consumption**

20. In regulation 35, after paragraph (8)(a)(ii) insert—

“(iii) after “Directive 97/78/EC,” insert “as read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019,”;

**Amendment of regulation 36: Commission Decision 2011/163/EC on the approval of plans submitted by third countries**

21. In regulation 36, in paragraph (3)(c), for paragraph (i) substitute—

- “(i) in the words before the restrictive footnote, for the words from “of the Union” to “Article 29 of” substitute “or from third countries that provided a plan setting out the guarantees which it offers as regards the monitoring of the groups of residues and substances referred to in Annex I to”.”.

**Amendment of regulation 37: Commission Implementing Decision 2011/215/EU implementing Council Directive 97/78/EC as regards transshipment at the border inspection post of introduction of consignments of products intended for import into the Union or for third countries**

22. In regulation 37—

- (a) in paragraph (3), omit sub-paragraphs (a) and (b)(i)(aa);  
(b) for paragraph (4) substitute—  
“(4) After Article 4, insert—

*“Article 4a*

In this Decision, a reference to Article 4, 9(1) or 11 of Directive 97/78/EC, and any other provision of that Directive to which those Articles refer, is to be read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.”.

**Amendment of regulation 38: Commission Implementing Decision 2011/630/EU on imports into the Union of semen of domestic animals of the bovine species**

23. In regulation 38, in paragraph (4)(c), for paragraphs (ii) and (iii) substitute—

“(ii) for paragraph (i) substitute—

“(i) a model for semen collected, processed and stored in accordance with national legislation for bovine semen, dispatched from a semen collection centre where the semen was collected;”.

(iii) for paragraph (ii) substitute—

“(ii) a model, for stocks of semen collected, processed and stored before 31 December 2004 in accordance with national legislation for bovine semen, dispatched from a semen collection centre where the semen was collected;”.

**Amendment of regulation 39: Commission Regulation (EU) No 28/2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products**

24. In regulation 39, in paragraph (5), after sub-paragraph (d) insert—

“(e) after point (d) insert (as the second paragraph of Article 4)—

“In this Article, the reference to Article 11, 12 or 13 of Directive 97/78/EC, and any other provision of that Directive to which those Articles refer, is to be read in accordance with the modifications set out in Schedule 3 to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.”.

**Amendment of regulation 41: Commission Implementing Regulation (EU) 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof**

25. In regulation 41—

- (a) for paragraph (4) substitute—  
“(4) In Article 3—

- (a) in the first paragraph, for the words from “except for the definition of poultry” to the end substitute “, subject to the modifications below”;
- (b) after the first paragraph, insert—

“Article 2 of Directive 2005/94/EC is to be read as if—

- (a) in point 4 (definition of “poultry”), for the words from “all birds” to the end there were substituted “fowl, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants, partridges and ratites (*Ratitae*) reared or kept in captivity for breeding, the production of meat or eggs for consumption, or for restocking supplies of game”;
- (b) point 15 (definition of “diagnostic manual”) were omitted;
- (c) in point 18 (definition of “competent authority”)—
  - (i) for “authority of a Member State” there were substituted “person or body”;
  - (ii) “in accordance with this Directive” were omitted;
- (d) in point 21 (definition of “official supervision”), for “this Directive” there were substituted “relevant legislation”;
- (c) after the definition of “diagnostic manual” in point (h), insert—
  - (i) “the appropriate authority” means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales), the Scottish Ministers (in relation to Scotland) and the Department of Agriculture, Environment and Rural Affairs (in relation to Northern Ireland); but “the appropriate authority” is the Secretary of State if consent is given by:
    - (i) in relation to Wales, the Welsh Ministers;
    - (ii) in relation to Scotland, the Scottish Ministers;
    - (iii) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
  - (j) “EU-derived domestic legislation” means an enactment made under the European Communities Act 1972;
  - (k) “third country” means any country other than a member State or the British Islands.”;
- (b) in paragraph (15), after sub-paragraph (a) insert—
  - “(aa) in Chapter 1, in point (9), for “requirements of” substitute “standards that member States are required to ensure under”;

**Omission of regulation 42: Commission Implementing Decision 2013/519 laying down the list of territories and third countries authorised for imports of dogs, cats and ferrets and the model health certificates for such imports**

26. Omit regulation 42.

**Amendment of regulation 43: Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals**

27. In regulation 43, in paragraph (47)(a)(i), for “applies in the European Union” substitute “has effect in European Union law”.

**Amendment of regulation 46: Commission Implementing Decision 2013/764/EU concerning animal health control measures relating to classical swine fever in certain Member States**

28. In regulation 46—

- (a) in paragraph (2), for sub-paragraph (b) substitute—

- “(b) in paragraph 1, as so renumbered—
  - (i) in the first subparagraph, for the words from “in the Member States” to the end, substitute “in the United Kingdom in respect of the importation of live pigs from member States or areas thereof as set out in the Annex”,
  - (ii) omit the second subparagraph;”;
- (b) in paragraph (4)(c), for “first indent” substitute “first and fourth indents”;
- (c) in paragraph (6)—
  - (i) in sub-paragraph (a), for ““Imports of”” substitute ““Imports””;
  - (ii) for sub-paragraph (d) substitute—
    - “(d) in point (b)—
      - (i) in the first indent, after “Directive 2002/99/EC” insert “, the final subparagraph of which is to be read as if the words from “, or with detailed rules” to the end were omitted”;
      - (ii) in the second indent, for “5” substitute “5(1)”;
      - (iii) in the third indent, for “appropriate intra-Union trade health certificate” substitute “relevant health certificate as published by the appropriate authority from time to time”.”.

**Amendment of regulation 50: Commission Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae**

- 29.** In regulation 50, in paragraph (3), after sub-paragraph (c) insert—
- “(ca) in point (k), in the second column, for the words from “as defined in” to “and approved” substitute “approved by the appropriate authority”;
  - (cb) in point (l), in the second column, for “Article 2 of Directive 2009/156/EC” substitute “Article 2(e), (g) and (h) of Commission Implementing Regulation (EU) 2015/262”.”.

**Insertion of regulation 51A: Commission Implementing Decision (EU) 2019/294 laying down the list of territories and third countries authorised for imports into the Union of dogs, cats and ferrets and the model animal health certificate for such imports**

- 30.** After regulation 51 insert—

**“Commission Implementing Decision (EU) 2019/294 laying down the list of territories and third countries authorised for imports into the Union of dogs, cats and ferrets and the model animal health certificate for such imports**

51A.—(1) Commission Implementing Decision (EU) 2019/294 laying down the list of territories and third countries authorised for imports into the Union of dogs, cats and ferrets and the model animal health certificate for such imports is amended as follows.

- (2) In Article 1—
  - (a) in the heading, omit “in accordance with Directive 92/65/EEC”;
  - (b) in paragraph 1, for the words before point (a) substitute “Commercial consignments of dogs, cats or ferrets shall only be imported into the United Kingdom if the territories or third countries they come from, and any territories or third countries they transit, are included in one of the lists set out in.”;
  - (c) for paragraph 2 substitute—
    - “2. By way of derogation from paragraph 1, commercial consignments of dogs, cats or ferrets destined for an approved body, institute or centre shall only be imported

into the United Kingdom if the territories or third countries they come from, and any territories or third countries they transit, are included in the list referred to in paragraph 1(b).

3. With respect to dogs, cats and ferrets, import conditions must be at least equivalent to those provided for in points (a) to (d) of Article 10(1) and point (a) of Article 12(1) of Regulation (EU) No 576/2013.

4. Dogs, cats and ferrets shall, during transport to the place of destination, be accompanied by a health certificate, which is completed and signed by an official veterinarian who shall attest that a clinical examination was carried out within 48 hours prior to the time of dispatch of the animals by a veterinarian authorised by the competent authority who has verified that at the time of the clinical examination, the animals were fit to be transported for the intended journey.”.

(3) After Article 1 insert—

*“Article 1a*

**Definitions**

In this Decision—

- (a) “appropriate authority” means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales), the Scottish Ministers (in relation to Scotland) and the Department of Agriculture, Environment and Rural Affairs (in relation to Northern Ireland); but “the appropriate authority” is the Secretary of State if consent is given by:
  - (i) in relation to Wales, the Welsh Ministers;
  - (ii) in relation to Scotland, the Scottish Ministers;
  - (iii) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (b) “approved body, institute or centre” means any permanent, geographically limited establishment, approved by the competent authority, where one or more species of animal are habitually kept or bred (whether or not for commercial ends) exclusively for one or more of the following purposes:
  - (i) display of the animals and education of the public;
  - (ii) conservation of the species;
  - (iii) basic or applied scientific research or breeding of animals for the purposes of such research;
- (c) “competent authority” means the central authority of the country of destination or transit competent to carry out veterinary checks, or any authority to which it has delegated that competence;
- (d) “official veterinarian” means the veterinarian appointed or approved by the competent authority;
- (e) “third country” means any country other than a member State or the British Islands.”.

(4) In Article 2—

- (a) in the words before (a), for “Member States” substitute “The appropriate authority”;
- (b) in point (a)—
  - (i) for “drawn up in accordance with the model as set out in Part 1 of the Annex” substitute “as published by the appropriate authority from time to time”;
  - (ii) for “the explanatory notes set out in Part 2 of the Annex” substitute “any explanatory notes to the certificate”.

(5) Omit Articles 4 and 6, the words following Article 6, and the Annex.”.

## Insertion of regulation 55: Interpretive modification of Directive 97/78/EC

31. After regulation 54 insert—

### “Interpretive modification of Directive 97/78/EC

55. For the purposes of the retained direct EU legislation amended by Part 4, unless otherwise stated, the provisions of Directive 97/78/EC mentioned in Schedule 3 have effect as if they were modified in accordance with that Schedule.”.

## Insertion of Schedule 3: Modification of Directive 97/78/EC

32. After Schedule 2 insert—

### “SCHEDULE 3

Regulation 55

### Modification of Directive 97/78/EC

1. The following provisions of Directive 97/78/EC are to be read as follows.
2. Article 2 is to be read as if—
  - (a) paragraph 1 were omitted;
  - (b) in paragraph 2—
    - (i) in point (a), for “Article 19” there were substituted “Article 19(1)”;
    - (ii) for point (g) there were substituted—

“(g) ‘border inspection post’ means any inspection post, designated and approved by the competent authority, for the carrying out of veterinary checks on products arriving at the border of the United Kingdom;”;
    - (iii) in point (j), for “Community” there were substituted “national”;
    - (iv) in point (k), for “a Member State” there were substituted “the country of destination or transit”;
    - (v) after point (k) there were inserted—

“(l) ‘appropriate authority’ means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales), the Scottish Ministers (in relation to Scotland) and the Department of Agriculture, Environment and Rural Affairs (in relation to Northern Ireland); but “the appropriate authority” is the Secretary of State if consent is given by:

      - (i) in relation to Wales, the Welsh Ministers;
      - (ii) in relation to Scotland, the Scottish Ministers;
      - (iii) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
  - (m) ‘veterinary check’ means any physical check or administrative formality which applies to live animals or products and which is intended for the protection, direct or otherwise, of public or animal health;
  - (n) ‘trade’ means trade between member States and the United Kingdom;
  - (o) ‘official veterinarian’ means the veterinarian appointed by the competent authority;
  - (p) ‘establishment’ means any undertaking which produces, stores or processes products;
  - (q) ‘third country’ means any country other than a member State or the British Islands.”.

- 3.** Article 3 is to be read as if—
- (a) in paragraph 1—
    - (i) for “Member States” there were substituted “The appropriate authority”;
    - (ii) for “the veterinary checks required by this Directive” there were substituted “veterinary checks”;
  - (b) in paragraph 3, for “Member States”, in each place it occurs, there were substituted “The appropriate authority”.
- 4.** Article 4 is to be read as if—
- (a) in paragraph 1, for “the border inspection post referred to in Article 3(2)” there were substituted “a border inspection post”;
  - (b) in paragraph 3, in point (b), for “referred to in Article 1” there were substituted “accompanying the consignment”;
  - (c) in paragraph 4—
    - (i) in the words before point (a), for “Apart from the specific cases stipulated in Articles 9 to 15” there were substituted “Except as otherwise provided”;
    - (ii) in point (a), for the words from “Apart from bulk consignments” to “Directive 90/425/EEC” there were substituted “Subject to any different provision in relation to bulk consignments”;
    - (iii) for “Community legislation”, in each place it occurs, there were substituted “national legislation”;
    - (iv) in point (b)(ii), the words from “, in accordance with” to “Article 29” were omitted;
  - (d) paragraph 5 were omitted.
- 5.** Article 5(1) is to be read as if for “paragraph 4” there were substituted “national rules”.
- 6.** Article 9 is to be read as if—
- (a) in paragraph 1—
    - (i) for “one of the territories listed in Annex I” there were substituted “the United Kingdom”;
    - (ii) “, or situated in the territory of another Member State,” were omitted;
  - (b) paragraphs 2 and 3 were omitted.
- 7.** Article 11 is to be read as if—
- (a) for “Community”, in each place it occurs, there were substituted “United Kingdom”;
  - (b) in paragraph 1—
    - (i) in the words before point (a), for “A Member State shall, on behalf of all Member States through which transit is due to take place,” there were substituted “The appropriate authority shall”;
    - (ii) in point (a)—
      - (aa) for “on to the territories” there were substituted “into the territories”;
      - (bb) for the words from “on the territories” to the end there were substituted “into the territories listed in Annex I”;
    - (iii) in point (b), “of the Member State” were omitted;
  - (c) in paragraph 2—
    - (i) in point (c), in the third indent, for “paragraph 4” there were substituted “national rules”;
    - (ii) in point (d), for “ANIMO network” there were substituted “United Kingdom’s system for import control notifications”;



- (d) in paragraph 3, the words from “, without indemnification” to the end were omitted;
- (e) paragraph 4 were omitted.

**8.** Article 12 is to be read as if—

- (a) for “Community”, in each place it occurs, there were substituted “national”;
- (b) in paragraph 4(b), in the second indent, the words from “or” to the end were omitted;
- (c) in paragraph 6, for “A Member State” there were substituted “An appropriate authority”;
- (d) in paragraph 10—
  - (i) for the words before point (a) there were substituted “The appropriate authority shall, with respect to the area for which it is responsible, prepare and maintain the list of:”;
  - (ii) for the words after point (b) there were substituted “The appropriate authority shall make the lists under points (a) and (b) available to other appropriate authorities and the public.”;
- (e) in paragraph 11—
  - (i) in the first subparagraph—
    - (aa) for “paragraphs 1 to 10” there were substituted “this Article”;
    - (bb) the final sentence were omitted;
  - (ii) in the second subparagraph, “of the Member State concerned” were omitted;
- (f) paragraph 12 were omitted.

**9.** Article 13 is to be read as if—

- (a) for “Community”, in each place it occurs, there were substituted “national”;
- (b) in paragraph 1, for “(6), (7) and (9)” there were substituted “(6) and (7)”;
- (c) in paragraph 2—
  - (i) in point (a), “formulated in accordance with the procedure in paragraph 6” were omitted;
  - (ii) in point (b)—
    - (aa) for “Member State from which the products are delivered” there were substituted “United Kingdom”;
    - (bb) “of the Member State”, in the second place it occurs, were omitted;
- (d) paragraph 4 were omitted;
- (e) in paragraph 5, the final sentence were omitted;
- (f) paragraph 6 were omitted.

**10.** Article 16 is to be read as if—

- (a) in paragraph 1—
  - (i) in points (a) and (b)—
    - (aa) for “in accordance with paragraph 3” there were substituted “in national legislation”;
    - (bb) for “Community” there were substituted “national”;
  - (ii) in point (f), for “Member State” there were substituted “competent authority in the place”;
- (b) paragraphs 2 and 3 were omitted.

**11.** Article 17 is to be read as if—

- (a) in paragraph 1—

- (i) for “one of the territories of the Community” there were substituted “the United Kingdom”;
  - (ii) for “Articles 3 and 4” there were substituted “national legislation”;
- (b) in paragraph 2—
- (i) in the words before point (a), for “this Directive” there were substituted “paragraph 1”;
  - (ii) in point (a), in the second indent, for the words from “under arrangements” to “paragraph 7” there were substituted “in accordance with any relevant national requirements”;
  - (iii) in point (b), for the words from “Council Directive 90/667/EEC” to “fish origin” there were substituted “any relevant national requirements”;
- (c) in paragraph 3—
- (i) for “Articles 23 and 24” there were substituted “Article 24”;
  - (ii) for “Community veterinary” there were substituted “national”;
- (d) in paragraph 4, for “Directive 90/667/EEC” there were substituted “any relevant national requirements”;
- (e) in paragraph 5, for “Member State” there were substituted “appropriate authority”;
- (f) paragraph 7 were omitted.
- 12.** Article 19(1) is to be read as if—
- (a) for “Commission, in accordance with the procedure laid down in Article 29,” there were substituted “appropriate authority”;
  - (b) for “the veterinary checks laid down by this Directive, and in particular those provided for in Article 4” there were substituted “veterinary checks”;
  - (c) for “Community” there were substituted “United Kingdom”.
- 13.** Article 20 is to be read as if—
- (a) for “provisions of this Chapter” there were substituted “organisation and effectiveness of veterinary checks”;
  - (b) for “Community” there were substituted “national”;
  - (c) paragraph 2 were omitted.
- 14.** Article 22 is to be read as if—
- (a) in paragraph 1—
    - (i) after “referred to in” there were inserted “Annex I to”;
    - (ii) for the words from “Commission” to “Member State” there were substituted “appropriate authority must, in accordance with national legislation”;
  - (b) in paragraph 2—
    - (i) for “If any one of the checks provided for in this Directive” there were substituted “If a check”;
    - (ii) in the second indent, for “Commission” there were substituted “appropriate authority”;
  - (c) paragraphs 3 to 7 were omitted.
- 15.** Article 24 is to be read as if—
- (a) in paragraph 1—
    - (i) in the words before the first indent—
      - (aa) for “the checks provided for by this Directive” there were substituted “veterinary checks”;

- (bb) for “Community veterinary” there were substituted “national”;
- (ii) in the first indent—
  - (aa) for “inform the Commission” there were substituted “keep a record”;
  - (bb) for “Commission”, in the second place it occurs, there were substituted “appropriate authority”;
- (iii) in the second indent—
  - (aa) for “Member States” there were substituted “The appropriate authority”;
  - (bb) for “In particular, the next 10 consignments from the same origin” there were substituted “Those consignments”;
  - (cc) after “Annex III.” there were inserted “This procedure must continue until the appropriate authority is satisfied that further infringements are not occurring.”;
  - (dd) in the second subparagraph, for “Community” there were substituted “national”;
- (iv) the third indent were omitted;
- (b) in paragraph 3—
  - (i) for “Community”, in each place it occurs, there were substituted “United Kingdom”;
  - (ii) in the first subparagraph—
    - (aa) for “Commission” there were substituted “appropriate authority”;
    - (bb) for “referred to in Article 29(1) of Directive 96/23/EC” there were substituted “provided for in national legislation”;
    - (cc) “, under the procedure laid down in Article 29 of this Directive,” were omitted;
    - (dd) the final sentence were omitted;
  - (iii) in the second subparagraph, for “Member States shall” there were substituted “appropriate authority may”.

**16.** Annex 1 is to be read as if paragraph 28 were omitted.

**17.** Annex 2 is to be read as if—

- (a) for “Community”, in each place it occurs, there were substituted “national”;
- (b) in the fifth indent, “in accordance with this Directive” were omitted;
- (c) in the ninth indent, for “computerised system provided for in Article 20 of Directive 90/425/EEC or the Shift project” there were substituted “United Kingdom’s system for import control notifications”;
- (d) in the final indent, for “Directive 90/667/EEC” there were substituted “Regulation (EC) No 1069/2009.”

**18.** Annex 3 is to be read as if for “Community”, in each place it occurs, there were substituted “national”.

## PART 3

### Consequential amendments

#### **Amendment of the Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019**

33. In the Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019(a), omit regulation 12(3).

#### **Amendment of the Animal Health, Alien Species in Aquaculture and Invasive Non-native Species (Amendment) (EU Exit) Regulations 2019**

34. In the Animal Health, Alien Species in Aquaculture and Invasive Non-native Species (Amendment) (EU Exit) Regulations 2019(b), omit regulation 5(3) and (7).

	<i>Name</i>
	Parliamentary Under Secretary of State
Date	Department for Environment, Food and Rural Affairs

#### **EXPLANATORY NOTE**

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

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular in section 8(2)(a), (b), (d) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

Part 2 of these Regulations amends the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/795) to deal with various cross-references to EU Directives in the retained direct EU legislation amended by those Regulations.

Part 3 contains consequential amendments to other secondary legislation.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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(a) S.I. 2019/778, regulation 12(3) of which is not needed because of the amendment made by regulation 5(10)(b) of S.I. 2019/813.

(b) S.I. 2019/813, regulation 5(3) and (7) of which are superseded by the amendments made by regulations 8 and 26 of this instrument.