

Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 000

**EXITING THE EUROPEAN UNION
ANIMALS**

**The Livestock (Records, Identification and
Movement) (Amendment) (EU Exit) Regulations 2019**

Made - - - - *****

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations 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(1).

In accordance with paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Livestock (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

Commission Regulation (EC) No 494/98

2.—(1) [Commission Regulation \(EC\) No 494/98](#) laying down detailed rules for the implementation of [Council Regulation \(EC\) No 820/97](#) as regards the application of minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals is amended as follows.

(2) In Article 3, for “Member States”, in both places where it occurs, substitute “the appropriate Minister”.

(3) After Article 5, omit the words from “This” to “States”.

Commission Regulation (EC) No 509/1999

3.—(1) **Commission Regulation (EC) No 509/1999** concerning an extension of the maximum period laid down for the application of ear-tags to bison (*Bison bison* spp.) is amended as follows.

- (2) In Article 1, for “Member States” substitute “The appropriate Minister”.
- (3) After Article 3, omit the words from “This” to “States”.

Regulation (EC) No 1760/2000 of the European Parliament and of the Council

4.—(1) **Regulation (EC) No 1760/2000** of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products is amended as follows.

- (2) In Article 1—
 - (a) omit paragraph 1;
 - (b) in paragraph 2, for “Community rules” substitute “rules set out in retained direct EU legislation”.
- (3) In Article 2—
 - (a) in the definition of “holding”, for “same Member State” substitute “United Kingdom”;
 - (b) in the definition of “competent authority”, for “central authority or authorities in a Member State” substitute “authority or authorities”;
 - (c) after the definition of “competent authority” insert—
 - “—‘third country’ means any country or territory other than:
 - (a) the United Kingdom;
 - (b) the Bailiwick of Jersey;
 - (c) the Bailiwick of Guernsey;
 - (d) the Isle of Man; or
 - (e) a Member State.”
- (4) In Article 3, for the final paragraph substitute—

“The appropriate Minister and the competent authority shall have access to all the information covered by this title. The appropriate Minister shall take the measures necessary to ensure access to these data for all parties concerned, including consumer organisations having an interest which are recognised by the appropriate Minister, provided that the data confidentiality and protection prescribed by law are ensured.”

- (5) In Article 4—
 - (a) in paragraph 1, in the second subparagraph, for “intra-Union trade” substitute “export to a Member State”;
 - (b) in paragraph 2—
 - (i) for “Member State concerned” substitute “appropriate Minister”;
 - (ii) in point (d), for “intra-Union trade” substitute “export to a Member State”;
 - (c) in paragraph 4—
 - (i) in the first subparagraph, for “Member States” substitute “appropriate Minister”;
 - (ii) for the second subparagraph substitute—

“The appropriate Minister may not make the use of an electronic identifier compulsory as one of the two means of identification provided for in paragraph 1 before 18 July 2019.”;

- (iii) omit the third subparagraph;
- (d) omit paragraph 6.
- (6) In Article 4a, for “Member State in which the animal was born” substitute “appropriate Minister”.
- (7) In Article 4b—
 - (a) in paragraph 1—
 - (i) in the first subparagraph, in both places where it occurs, for “Union” substitute “United Kingdom”;
 - (ii) in the second subparagraph, for “Member State of destination” substitute “competent authority”;
 - (iii) in the third subparagraph, for “a Member State” substitute “the United Kingdom”;
 - (b) in paragraph 2, in the first subparagraph, for “Member State in which the holding of destination is located” substitute “appropriate Minister”;
 - (c) in paragraph 3, in the first subparagraph—
 - (i) for “holding of destination is situated in a Member State that” substitute “appropriate Minister”;
 - (ii) omit “national”;
 - (iii) omit “in the Union”;
 - (iv) for “Member State of destination” substitute “appropriate Minister”.
- (8) In Article 4c—
 - (a) in the heading, for “one Member State to another” substitute “a Member State to the United Kingdom”;
 - (b) in paragraph 1—
 - (i) in the first line—
 - (aa) for “one” substitute “a”;
 - (bb) for “another” substitute “the United Kingdom”;
 - (ii) omit “of the Member State of destination”;
 - (c) in paragraph 2—
 - (i) for “holding of destination is situated in a Member State that” substitute “appropriate Minister”;
 - (ii) omit “national”, in both places it occurs;
 - (iii) for “Member State where that holding of destination is located” substitute “appropriate Minister”;
 - (iv) for “situated in the territory of the Member State that” substitute “where the appropriate Minister”.
- (9) In Article 5—
 - (a) in the first paragraph, omit “of the Member States”;
 - (b) omit the second, third and fourth paragraphs.
- (10) Omit Articles 6 and 6a.

- (11) In Article 7, in the second indent of paragraph 1—
 - (a) for “Member State” substitute “appropriate Minister”;
 - (b) omit “Member States may request the Commission to extend the maximum period of seven days”.
- (12) In Article 9, for “Member States” substitute “The appropriate Minister”.
- (13) In Article 9a—
 - (a) in the first and third paragraphs for “Member States” substitute “The appropriate Minister”;
 - (b) omit the fourth paragraph.

Commission Regulation (EC) No 1082/2003

5.—(1) Commission Regulation (EC) No 1082/2003 laying down detailed rules for the implementation of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals is amended as follows.

- (2) In Article 2—
 - (a) in paragraph 4(g), for “Member States” substitute “appropriate Minister”;
 - (b) in paragraph 5, for “at national level” substitute “by the competent authority”.
- (3) Omit Article 5.
- (4) In Article 7, omit the second sentence.
- (5) Omit Annex 1.

Commission Regulation (EC) No 911/2004

6.—(1) Commission Regulation (EC) No 911/2004 implementing Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards eartags, passports and holding registers is amended as follows.

- (2) In paragraph 6 of Article 1—
 - (a) omit “by a Member State”;
 - (b) for “another” substitute “a”.
- (3) In Article 4, for “Member States” substitute “The appropriate Minister”.
- (4) Omit Article 5.
- (5) In Article 6—
 - (a) in paragraph 2, in the first subparagraph—
 - (i) for the words from “Chapter 1.A.1” to “during transport” substitute “Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations”;
 - (ii) for “Member States” substitute “the appropriate Minister”;
 - (b) in paragraph 3 omit the final sentence.
- (6) In Article 9, for “Member States” substitute “the appropriate Minister”.
- (7) Omit Article 10.
- (8) In Article 12, omit the second sentence.

Commission Regulation (EC) No 644/2005

7.—(1) Commission Regulation (EC) No 644/2005 authorising a special identification system for bovine animals kept for cultural and historical purposes on approved premises as provided for in Regulation (EC) No 1760/2000 of the European Parliament and of the Council is amended as follows.

(2) In Article 2(4), in the second subparagraph, for “in the same Member State” substitute “in the United Kingdom”.

(3) After Article 5, omit the words from “This” to “States”.

Commission Decision (EC) No 2006/28

8.—(1) Commission Decision (EC) No 2006/28 on extension of the maximum period for applying ear tags to certain bovine animals is amended as follows.

(2) In Article 1, for “Member States” substitute “The appropriate Minister”.

(3) In Article 2—

(a) in paragraphs 1 and 2 for “Member States” substitute “The appropriate Minister”;

(b) omit paragraph 3.

(4) Omit Article 7.

Commission Implementing Regulation (EU) No 2017/949

9.—(1) Commission Implementing Regulation EU No 2017/949 laying down rules for the application of Regulation (EC) No 1760/2000 of the European Parliament and of the Council with regard to the configuration of the identification code for bovine animals is amended as follows.

(2) In Article 2(a), after “country code” insert “of the United Kingdom or”.

(3) In Article 3, omit “of the Member State”.

(4) After Article 5, omit the words from “This” to “States”.

(5) In the Annex, the following is added to the table—

“Iceland	IS	352
Norway	NO	578”

Council Regulation (EC) No 21/2004

10.—(1) Council Regulation (EC) No 21/2004 establishing a system for the identification and registration of ovine and caprine animals is amended as follows.

(2) In Article 1—

(i) in paragraph 1, for “Each Member State” substitute “The appropriate Minister”;

(ii) in paragraph 2, for “Community rules” substitute “rules set out in retained EU direct legislation”.

(3) In Article 2—

(a) in point (d)—

(i) omit “central”;

(ii) for “of a Member State responsible for, or entrusted with,” substitute, “whose functions include”;

- (iii) for “entrusted with” (in the second place it occurs) substitute “whose functions include”;
- (b) for point (e) substitute—
- “(e) ‘the appropriate Minister’ means:
- (i) in relation to England, the Secretary of State;
- (ii) in relation to Wales, the Welsh Ministers;
- (iii) in relation to Scotland, the Scottish Ministers;
- (iv) in relation to Northern Ireland, the Department of Agriculture, Environment, and Rural Affairs;
- (f) ‘third country’ means any country or territory other than:
- (i) the United Kingdom;
- (ii) the Bailiwick of Jersey;
- (iii) the Bailiwick of Guernsey;
- (iv) the Isle of Man; or
- (v) a Member State.”.
- (4) In Article 3, for paragraph 2, substitute—
- “2. The appropriate Minister and the competent authority shall have access to all information covered by this Regulation. The appropriate Minister shall take the measures necessary to ensure access to that information for all parties having an interest, including consumers organisations recognised by the appropriate Minister, provided that the data protection and confidentiality requirements prescribed by national law are complied with.”.
- (5) In Article 4—
- (a) for “intra-Community trade”, in each place where it occurs, substitute “export to a Member State”;
- (b) in paragraph 1, in the first subparagraph, for “Member State” substitute “appropriate Minister”;
- (c) in paragraph 1, in the second subparagraph—
- (i) for “Member States”, in the first place where it occurs, substitute “the appropriate Minister”;
- (ii) omit the second sentence;
- (d) omit paragraph 2(d);
- (e) in paragraph 4—
- (i) in the first subparagraph—
- (aa) for “Community” substitute “United Kingdom”;
- (bb) for “Member State” substitute “appropriate Minister”;
- (ii) in the second subparagraph, for “Member State of destination” substitute “competent authority”;
- (iii) in the third subparagraph, omit “situated in the Member State”;
- (f) in paragraph 5, for ‘another’ substitute ‘a’;
- (g) omit paragraph 8;
- (h) in paragraph 9—
- (i) for “Member States which have” substitute “where the appropriate Minister has”;

- (ii) after the word “Annex” insert “, the appropriate Minister”.
- (6) In Article 5—
 - (a) in paragraph 2, for “Member States may” substitute “This article does not prevent the exercise by the appropriate Minister of any power to”;
 - (b) in paragraph 4, omit “in any Member State”;
 - (c) omit paragraph 6.
- (7) In Article 6—
 - (a) in paragraph 2, for “Member States” substitute “The appropriate Minister”;
 - (b) in paragraph 4, omit “ in any Member State”;
 - (c) omit paragraph 5.
- (8) In Article 7—
 - (a) in paragraph 1, for “Member States” substitute “The appropriate Minister”;
 - (b) in paragraph 2, omit “of the Member State”.
- (9) In Article 8—
 - (a) in paragraph 1, omit “of each Member State”;
 - (b) in paragraph 2(b)—
 - (i) for “in Member States applying” substitute “where”;
 - (ii) after “Article 6(4)” insert “is applied”
 - (c) in paragraph 3, omit “of each Member State”;
 - (d) in paragraph 4, for “Member States” substitute “The appropriate Minister”.
- (10) In Article 9—
 - (a) for the second and third subparagraphs of paragraph 3 substitute—

“However, if the total number of ovine and caprine animals in the United Kingdom is 600 000 or less, the appropriate Minister may make such electronic identification optional for animals not involved in export to the European Union.

If the total number of caprine animals in the United Kingdom is 160 000 or less the appropriate Minister may also make such electronic identification optional for caprine animals not involved in export to the European Union.”;
 - (b) omit paragraph 4.
- (11) In Article 11—
 - (a) omit paragraph 1;
 - (b) in paragraph 2, for “Member States” substitute “The appropriate Minister”.
- (12) In Article 12—
 - (a) in paragraph 1—
 - (i) for “Member States” substitute “The appropriate Minister”;
 - (ii) omit the second sentence;
 - (b) in paragraph 2, for “Member States” substitute “The appropriate Minister”;
 - (c) omit paragraphs 3 to 6.
- (13) Omit Article 13.
- (14) In Article 17, omit the third sentence.

(15) In the Annex—

(a) In part A—

(i) for “intra-Community trade”, in each place where it occurs, substitute “export to a Member State”;

(ii) in paragraph 2, in point (a), after “for” insert “the United Kingdom or for”;

(iii) in paragraph 7, in point (c), omit the words from “determined” to “Animals”

(b) In part C, in paragraph 2, for “intra-Community trade” substitute “export to a Member State”;

(c) In part D, in paragraph 1—

(i) in point (f), omit “in Member States”;

(ii) in point (g), omit “Community or”;

(d) in footnote 18, the following is added to the table.—

“Iceland	IS	352
Norway	NO	578”

Commission Regulation (EC) No 1505/2006

11.—(1) Commission Regulation (EC) No 1505/2006 implementing Council Regulation (EC) No 21/2004 as regards the minimum level of checks to be carried out in relation to the identification and registration of ovine and caprine animals is amended as follows.

(2) In Article 1, for “Member States” substitute “The competent authority”.

(3) In Article 2, for “the animals in the Member State” substitute “animals”.

(4) In Article 3, in point (g), for “Member State” substitute “appropriate Minister”.

(5) In Article 4, in paragraph 2, for “in Community legislation” substitute “under any enactment”.

(6) In Article 6, for “at national level by the Member State” substitute “by the appropriate Minister”.

(7) Omit Article 7.

(8) In Article 8, omit the third sentence.

(9) Omit the Annex.

Commission Decision (EC) No 2006/968

12.—(1) Commission Decision (EC) No 2006/968 implementing Council Regulation (EC) No 21/2004 as regards guidelines and procedures for the electronic identification of ovine and caprine animals is amended as follows.

(2) Omit Article 3.

(3) In the Annex, in Chapter 2, in paragraph 5 for “Member State concerned” substitute “United Kingdom”.

The EEA agreement

13.—(1) In Annex 1 to the EEA agreement, in Chapter 1—

(a) in part 1.1, in point 7b, omit the words from “The provisions of” to “shall be added” and the table;

(b) in part 1.2, omit point 154.

Date

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

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Livestock (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2019 No. 814

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in 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 under section 8(2)(a), (b), and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in relation to livestock records, identification and movement of cattle, sheep and goats.

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