
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Invasive Non-native Species
(Amendment etc.) (EU Exit) Regulations 2019

PART 3

Amendment of retained direct EU legislation

Amendment of Chapter 6 (final provisions)

10.—(1) Chapter 6 is amended as follows.

(2) In Article 24—

(a) in paragraph 1—

(i) in the first sentence—

(aa) for “Member States” substitute “the responsible authorities”;

(bb) for “transmit to the Commission” substitute “publish”;

(ii) omit point (c);

(iii) in point (e), for “the entire national territory” substitute “England, Wales and Northern Ireland”;

(b) omit paragraph 2;

(c) in paragraph 3 —

(i) for “Commission shall” substitute “responsible authorities, acting jointly, must”;

(ii) in the first sentence, from the words “submit a report to the European Parliament and to the Council” to the end of the sentence, substitute “publish a report”;

(iii) in the second sentence, omit the words from “the effectiveness” to “concern,”;

(iv) in the last sentence, omit the words from “and whether further harmonisation” to the end;

(d) in paragraph 4—

(i) for “Commission shall, by means of implementing acts” substitute “responsible authorities, acting jointly, may”;

(ii) omit “for the Member States”;

(iii) omit the last sentence.

(3) Omit Article 25.

(4) In Article 26—

(a) the existing text becomes paragraph 1;

(b) for “Member States”, and “the Member States” substitute “the appropriate authority”;

(c) after paragraph 1, insert—

“For the purposes of this Article, the reference to Article 2(3) of [Directive 2003/35/EC](#) is to be read as if references in Article 2(3) to “Member States” included the United Kingdom.”.

- (5) In Article 27—
- (a) in paragraph 1—
 - (i) for “Commission” substitute “responsible authorities”;
 - (ii) omit the second sentence;
 - (b) for paragraphs 2 and 3 substitute—
 - 2.** The responsible authorities, acting jointly, may appoint members to the Committee.
 - 3.** The Committee may determine its rules of procedure.”.
- (6) In Article 28—
- (a) for “Commission”, in both places where it occurs, substitute “responsible authorities”;
 - (b) omit “appointed by the Member States”;
 - (c) after “Articles 4, 5,” insert “9,”.
- (7) Omit Article 29 and 30.
- (8) In Article 31—
- (a) in paragraph 2—
 - (i) for “Competent authorities” substitute “The responsible authorities”;
 - (ii) for “Member States” substitute “the responsible authorities”;
 - (b) in paragraph 3, for “Member States” substitute “The responsible authorities”;
 - (c) in paragraph 4, for “Member States” substitute “the responsible authorities”.
- (9) In Article 32, for “Member State” substitute “appropriate authority”.
- (10) After Article 32, insert—

“Article 32A

Regulations

- 1.** A power to make regulations under this Regulation is exercisable by statutory instrument.
- 2.** A statutory instrument containing regulations under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
- 3.** Regulations made under paragraph 1 may—
 - (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
 - (b) make different provision for different purposes.
- 4.** The Secretary of State may not make regulations under paragraph 1 without the consent of each person who is a relevant authority.
- 5.** In paragraph 4, “relevant authority” means—
 - (a) in relation to Scotland, for the purposes of any provision mentioned in sub-paragraph (a) of regulation 2(1) of the Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019, so far as it falls within paragraph (i) or (ii)(bb) of that sub-paragraph, the Scottish Ministers;

- (b) in relation to Wales, the Welsh Ministers;
 - (c) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs .”.
- (11) Omit Article 33 and the words after Article 33.