
DRAFT STATUTORY INSTRUMENTS

2020 No.

**The Aquatic Animal Health and Alien Species in Aquaculture,
Animals, and Marketing of Seed, Plant and Propagating
Material (Legislative Functions and Miscellaneous
Provisions) (Amendment) (EU Exit) Regulations 2020**

PART 3

Amendments to retained direct EU legislation relating to animal health

Amendment of Regulation (EU) No 576/2013

8.—(1) Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals⁽¹⁾ is amended as follows.

(2) In Article 5—

- (a) in paragraph 3, for “Member States” substitute “The appropriate authority”;
- (b) in paragraph 4—
 - (i) for “[Directive 92/65/EEC](#)” substitute “the Trade Regulations”;
 - (ii) for “Member States” substitute “the appropriate authority”;
 - (iii) for “Directives [90/425/EEC](#) or [91/496/EEC](#), as appropriate” substitute “the Trade Regulations and Regulation (EU) 2017/625 of the European Parliament and the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products⁽²⁾”;
- (c) in paragraph 5, for the words from “Commission” to “rules” substitute “appropriate authority may make regulations”;
- (d) omit paragraph 6.

(3) In Article 11—

- (a) in paragraph 1, in the words before point (a)—
 - (i) for “Member States” substitute “the appropriate authority”;
 - (ii) for the words from “their territory” to “Article 13(1) or (2)” substitute “the relevant constituent territory from third countries listed in Part 1 or 2 of Annex 2 to the Commission Implementing Regulation”;
- (b) omit paragraph 3;
- (c) in paragraph 4—

⁽¹⁾ EUR 2013/576.

⁽²⁾ EUR 2017/625.

- (i) in the first sentence, for the words from the beginning to “implementing act” substitute “The appropriate authority may, by regulations”;
 - (ii) omit the second sentence.
- (4) In Article 12—
 - (a) in paragraph 1—
 - (i) in the words before point (a), for the words from “a Member State” to the end, substitute “Great Britain from a third country listed in Part 1 or 2 of Annex 2 to the Commission Implementing Regulation.”;
 - (ii) in point (b), omit “territories or”;
 - (iii) in point (c)—
 - (aa) omit “a territory or”;
 - (bb) for “pursuant to Article 13(1) or (2)” substitute “in Part 1 or 2 of Annex 2 to the Commission Implementing Regulation”;
 - (b) in paragraph 2—
 - (i) in the first sentence, for the words from the beginning to “implementing act” substitute “The appropriate authority may, by regulations”;
 - (ii) omit the second sentence.
- (5) In Article 13—
 - (a) for the heading, substitute—

“List of third countries”;
 - (b) in paragraph 1—
 - (i) for the words from the beginning to “the list in” substitute “The appropriate authority may, by regulations, amend the list of third countries in Part 1 of Annex 2 to the Commission Implementing Regulation by adding or removing third countries, taking account in particular of the extent to”;
 - (ii) omit “Section 1 of Chapter II.”;
 - (iii) for “rules adopted” substitute “regulations made”;
 - (c) in paragraph 2, in the words before point (a), for the words from the beginning to “the list in” substitute “The appropriate authority may, by regulations, amend the list of third countries in Part 2 of Annex 2 to the Commission Implementing Regulation by adding or removing third countries, taking account in particular of the extent to”;
 - (d) omit paragraph 3.
- (6) In Article 15—
 - (a) in the heading, omit “territories and”;
 - (b) for the words from the beginning to “territories and” substitute “The appropriate authority may, by regulations adopt a list of”;
 - (c) after “demonstrated” insert “to the satisfaction of the appropriate authority”;
 - (d) omit “Section 2 of Chapter II.”;
 - (e) for “rules adopted” substitute “regulations made”.
- (7) In Article 17(2), in the second subparagraph, for the words from “Commission” to “Article 39” substitute “appropriate authority may make regulations”.
- (8) In Article 19—

- (a) in paragraph 1—
 - (i) in the first subparagraph, for the words from “Commission” to “Article 39” substitute “appropriate authority may make regulations”;
 - (ii) omit the second subparagraph;
- (b) in paragraph 2, for “a delegated act adopted pursuant to” substitute “regulations made under”;
- (c) in paragraph 3—
 - (i) in the words before point (a), for “The delegated acts provided for in” substitute “Regulations made under”;
 - (ii) omit points (a) and (b).
- (9) In Article 25(2)—
 - (a) for the words from “Commission” to “down” substitute “appropriate authority may publish”;
 - (b) for “as well as” substitute “from time to time in such manner as appears to the appropriate authority to be appropriate. The appropriate authority may make regulations laying down”;
 - (c) for “animal” substitute “pet”;
 - (d) omit the final sentence;
- (10) In Article 30—
 - (a) in paragraph 1, in the words before point (a)—
 - (i) for the words from “Commission” to “adopt” substitute “appropriate authority may publish”;
 - (ii) for “which shall” substitute “from time to time in such manner as appears to the appropriate authority to be appropriate. The model must”;
 - (b) in paragraph 2—
 - (i) for the words from “implementing” to “also lay” substitute “appropriate authority may make regulations laying”;
 - (ii) for “that paragraph” substitute “paragraph 1”;
 - (iii) omit the second sentence;
 - (c) in paragraph 3, for “the Union” substitute “Great Britain”.
- (11) In Article 38, for the words from “Commission” to “Article 39 to” substitute “appropriate authority may, by regulations,”.
- (12) For Article 39 substitute—

“Article 39

Regulations

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010(3).

3. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

4. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the Welsh Parliament.

5. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

6. Regulations made under this Regulation may—

- (a) contain consequential, incidental, supplementary, transitional or saving provision, including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018);
- (b) make different provision for different purposes.

7. Except as specified in paragraph 8, before making any regulations under this Regulation, an appropriate authority must consult—

- (a) such bodies or persons as appear to the appropriate authority to be representative of the interests likely to be substantially affected by the regulations;
- (b) such other bodies or persons as the appropriate authority may consider appropriate.

8. Where the appropriate authority considers there to be duly justified imperative grounds of urgency relating to a serious risk to public or animal health, the duty to consult set out in paragraph 7 does not apply to regulations made under Article 13, 19 or 36, provided that any such regulations are stated to expire at a date no later than six months after the date on which they are made.”.

Amendment of Commission Implementing Regulation (EU) No 577/2013

9.—(1) Article 4 of Commission Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council⁽⁴⁾ is amended as follows.

(2) In Article 1—

- (a) in the heading, omit “7,”;
- (b) in paragraph 1—
 - (i) for “declarations” substitute “declaration”;
 - (ii) omit “of Article 7(2) and”.

(3) In Article 2—

- (a) in the heading, omit “territories and”;
- (b) in paragraphs 1 and 2, omit “territories and”.

(4) Omit Article 3.

(5) In Article 4—

- (a) in the heading—
 - (i) for “animal”, substitute “pet”;
 - (ii) for “the Union”, substitute “Great Britain”;
- (b) the existing paragraph is renumbered paragraph 1;

(4) EUR 2013/577.

- (c) in renumbered paragraph 1—
 - (i) in the words before point (a), for “animal”, substitute “pet”;
 - (ii) in point (a), for the words from “set out” to the end substitute “published by the appropriate authority from time to time, in such manner as appears to the appropriate authority to be appropriate;”;
 - (iii) omit point (b);
 - (iv) in point (c), for “that Annex”, in the first place it occurs, substitute “Annex 4”;
- (d) after paragraph 1 insert—

“2. Subject to paragraph 3, the pet health certificate referred to in Article 25(1) of Regulation (EU) No 576/2013 is valid for 10 days from the date of issue by the official veterinarian until the date of documentary and identity checks at the travellers’ point of entry.

3. In the case of transport by sea, the period of 10 days referred to in paragraph 2 is extended by an additional period corresponding to the duration of the journey by sea.”.
- (6) After Article 6, omit the words from “This Regulation” to “Member States.”.
- (7) In Annex 2—
 - (a) in the heading, omit “territories and”;
 - (b) in Part 1—
 - (i) in the heading, omit “territories and”;
 - (ii) in the table—
 - (aa) in the heading to the second column, omit “Territory or”;
 - (bb) in the first column, in a new row after the entry “CH”, insert “EU”;
 - (cc) in the second column, in a new row after the entry “Switzerland”, insert “EU Member States”;
 - (c) in Part 2—
 - (i) in the heading, omit “territories and”;
 - (ii) in the table, in the heading to the second column, omit “Territory or”.
- (8) Omit Annex 3.
- (9) In Annex 4—
 - (a) omit Parts 1 and 2;
 - (b) in Part 3—
 - (i) in Section A, in the table, in the heading to the second column, for “Animal”, substitute “Pet”;
 - (ii) in Section B, for the words from “at least” to “English”, substitute “English and may also be drawn up in other languages”.

Amendment of Commission Implementing Decision (EU) 2019/294

10.—(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⁽⁵⁾ is amended as follows.

- (2) In Article 1—

(5) EUDN 2019/294.

- (a) in the heading—
 - (i) omit “territories or”;
 - (ii) omit “in accordance with [Directive 92/65/EEC](#)”;
- (b) in paragraph 1, for the words before point (a) substitute—

“1. Consignments of dogs, cats or ferrets may only be imported into Great Britain if the third countries they come from and any third country 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, consignments of dogs, cats or ferrets destined for an approved body, institute or centre may only be imported into Great Britain if the third countries they come from, and any 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), read subject to point (a) of Article 12(1), of Regulation (EU) No 576/2013.

4. Dogs, cats and ferrets must, during transport to the place of destination, be accompanied by a health certificate completed and signed by an official veterinarian of the third country of dispatch, who has attested that a clinical examination was carried out no more than 48 hours before the 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) “the appropriate authority” means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales) and the Scottish Ministers (in relation to Scotland); but the “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;
- (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) “the competent authority” means the central authority of a constituent territory or a territory or third country, as the case may be, competent to carry out veterinary checks, or any authority to which it has delegated that competence;
- (d) “constituent territory” means England, Wales or Scotland;

- (e) “official veterinarian” means any veterinarian appointed or approved by the competent authority;
 - (f) “territory or third country” means a territory or country outside the British Islands.”.
- (4) In Article 2—
- (a) in the heading, omit “territories or”;
 - (b) in the words before (a), for “Member States” substitute “The appropriate authority”;
 - (c) in point (a)—
 - (i) for “drawn up in accordance with the model as set out in Part 1 of the Annex” substitute “in the form 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”;
 - (d) in point (b), in both places where it occurs, omit “territories or”.
- (5) Omit Articles 4 and 6, the words following Article 6, and the Annex.