
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in sections 8(1) and 8C(1) of the European Union (Withdrawal) Act 2018 (c. 16) (“the Act”).

Part 2 amends deficiencies in the retained domestic version of Regulation (EC) 1523/2007 of the European Parliament and of the Council banning the import, export and placing on the market of cat and dog fur and products containing such fur (“the EC Regulation”), as that Regulation applies in Great Britain. A regulation making power is conferred on the Secretary of State to derogate from the general prohibition in Article 3 of the EC Regulation by permitting the movement of cat and dog fur and products containing such fur to or from Great Britain from any other country or territory and the placing on the market in Great Britain of any such fur or products for educational or taxidermy purposes. The EC Regulation directly applies to and in the United Kingdom in respect of Northern Ireland by virtue of the application of section 7A of the European Union (Withdrawal) Act 2018 and the Protocol on Ireland/Northern Ireland to the EU withdrawal agreement.

Parts 3 and 4 of these Regulations amend the Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008 (S.I. 2008/2795) (“the 2008 Regulations”) as those Regulations apply in England and Wales, Scotland and Northern Ireland respectively. The amendments ensure that the penalties imposed under the 2008 Regulations apply throughout the United Kingdom to the import, export and placing on the market of cat and dog fur and products containing such fur where this constitutes an offence under either Article 3 of the EC Regulation as it directly applies in Northern Ireland or Article 3 of the retained EC Regulation, as amended by Part 2 of these Regulations, as it applies in Great Britain. The amendments made by Part 4 also provide that the movement of cat and dog fur and products containing such fur from Northern Ireland to Great Britain is not to be treated as an offence contravening the prohibition in Article 3 of the EC Regulation as it directly applies in Northern Ireland. This is provided that the fur or the products in question are “qualifying Northern Ireland goods” as defined in regulations made under section 8C(6) of the Act. This is in line with the principle of unfettered market access for goods moving within the United Kingdom as set out in Article 6(1) of the Protocol on Ireland/Northern Ireland to the EU withdrawal agreement. Nonetheless the placement on the market of these products remains prohibited throughout the United Kingdom.

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