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STATUTORY INSTRUMENTS

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**2018 No. 1408**

**EXITING THE EUROPEAN UNION  
WILDLIFE**

**The Trade in Endangered Species of Wild Fauna  
and Flora (Amendment) (EU Exit) Regulations 2018**

*Sift requirements satisfied* 29th November 2018

*Made* - - - - 18th December 2018

*Laid before Parliament* 21st December 2018

*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<sup>(1)</sup>.

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**

**Introduction**

**Citation and commencement**

**1.** These Regulations may be cited as the Trade in Endangered Species of Wild Fauna and Flora (Amendment) (EU Exit) Regulations 2018 and come into force on exit day<sup>(2)</sup>.

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(1) 2018 c. 16.

(2) Section 20(1) of the European Union (Withdrawal) Act 2018 defines “exit day”.

## PART 2

### Amendment of subordinate legislation

#### **Amendment of the Control of Trade in Endangered Species (Fees) Regulations 2009**

2. In regulation 6(5)(c) and (7)(b)(iii) of the Control of Trade in Endangered Species (Fees) Regulations 2009<sup>(3)</sup>, for “a member State” substitute “the United Kingdom”.

#### **Amendment of the Control of Trade in Endangered Species Regulations 2018**

3. The Control of Trade in Endangered Species Regulations 2018<sup>(4)</sup> are amended as follows—
- (a) in regulation 2(1), in the definition of “import” and “imported unlawfully”, for “European Union” substitute “United Kingdom”;
  - (b) omit regulation 13.

## PART 3

### Amendment of retained direct EU legislation

#### **Amendment of Council Regulation (EC) No 338/97**

4.—(1) Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein is amended as follows.

- (2) In Article 2—
- (a) omit point (a);
  - (b) in point (e), for “Community” substitute “United Kingdom”;
  - (c) in point (g), for “‘management authority’ shall mean a national administrative authority designated, in the case of a Member State,” substitute “‘the management authority’ shall mean the person”;<sup>(5)</sup>
  - (d) omit point (h);
  - (e) in point (k), for “Community” substitute “United Kingdom”;
  - (f) in point (n), for “Community” in both places substitute “United Kingdom”;
  - (g) after point (n) insert—
    - “(na) ‘Regulation 338/97 (pre-exit)’ shall mean Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein<sup>(6)</sup>, as it had effect immediately before exit day;”;
  - (h) in point (o), for “Community” in both places substitute “United Kingdom”;
  - (i) in point (q)—
    - (aa) omit “, in the case of a Member State”;
    - (bb) for “Article 13(1)(b)” substitute “Article 13(2)”;

(3) S.I. 2009/496, to which there are amendments not relevant to these Regulations.

(4) S.I. 2018/703.

(5) The Secretary of State is designated as the management authority under regulation 12 of the Control of Trade in Endangered Species Regulations 2018 (S.I. 2012/03).

(6) OJ No L 61, 3.3.1997, p1; as last amended by Commission Regulation (EU) No 2017/160 amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein; (OJ No L 27, 1.2.2017, p. 1–98).

- (j) omit point (r);
  - (k) after point (t) insert—
    - “(ta) ‘third country’ shall mean a country other than the United Kingdom;”;
  - (l) in point (u)—
    - (i) for “Community” in both places substitute “United Kingdom”;
    - (ii) omit “including within a Member State”;
  - (m) in point (v), for “Community” in both places substitute “United Kingdom”;
  - (n) in point (w)—
    - (i) for “more than 50 years before the entry into force of this Regulation” substitute “before 3rd March 1947”;
    - (ii) omit “of the Member State concerned”;
  - (o) in point (x), for “Community provisions so provide” substitute “United Kingdom legislation so provides”.
- (3) In Article 3—
- (a) in paragraph 1—
    - (i) in point (a), for “Member States have” substitute “United Kingdom has”;
    - (ii) in point (b)(i), for “Community” substitute “United Kingdom”;
  - (b) in paragraph 2—
    - (i) in point (a), for “Member States have” substitute “United Kingdom has”;
    - (ii) in point (d), for “Community” in both places substitute “United Kingdom”;
  - (c) in paragraph 3(a), for “Member States have” substitute “United Kingdom has”;
  - (d) in paragraph 4(a), for “Community” substitute “United Kingdom”;
  - (e) omit paragraph 5.
- (4) In Article 4—
- (a) in the heading, for “Community” substitute “United Kingdom”;
  - (b) in paragraph 1—
    - (i) in the first subparagraph (beginning “The introduction into”)—
      - (aa) for “Community” substitute “United Kingdom”;
      - (bb) for “a management authority of the Member State of destination” substitute “the management authority”;
    - (ii) in point (a)—
      - (aa) omit “after considering any opinion by the Scientific Review Group”;
      - (bb) for “Community” substitute “United Kingdom”;
  - (c) in paragraph 2—
    - (i) in the first subparagraph (beginning “The introduction into”)—
      - (aa) for “Community” substitute “United Kingdom”;
      - (bb) for “a management authority of the Member State of destination” substitute “the management authority”;
    - (ii) in point (a)—
      - (aa) omit “and considering any opinion by the Scientific Review Group”;
      - (bb) for “Community” substitute “United Kingdom”;

- (d) in paragraph 3, in the first sentence, (beginning “The introduction into”), for “Community” substitute “United Kingdom”;
  - (e) in paragraph 4, for “Community” substitute “United Kingdom”;
  - (f) in paragraph 5(a), for “Community” in both places substitute “United Kingdom”.
- (5) In Article 5—
- (a) in the heading, for “Community” substitute “United Kingdom”;
  - (b) in paragraph 1—
    - (i) for “Community” substitute “United Kingdom”;
    - (ii) for “a management authority of the Member State in which the specimens are located” substitute “the management authority”;
  - (c) in paragraph 2—
    - (i) in point (b), omit the words from “where the application is made” to the end;
    - (ii) in point (c)(ii), for “not listed in Annex I” substitute “listed in Appendix I”; and
    - (iii) in point (d), omit “of the Member State”;
  - (d) in paragraph 3—
    - (i) in point (a), for “Community” substitute “United Kingdom”;
    - (ii) after point (a) insert—
      - “(aa) were introduced into the United Kingdom before exit day and in accordance with the requirements of Regulation 338/97 (pre-exit);”;
    - (iii) in point (b)—
      - (aa) for “Community” substitute “United Kingdom”;
      - (bb) for “this Regulation” substitute “Regulation 338/97 (pre-exit)”;
    - (iv) in point (c) for “Community” substitute “United Kingdom”; and
    - (v) in point (d)—
      - (aa) for “a Member State” substitute “the United Kingdom”;
      - (bb) for “(a)” substitute “(aa)”;
      - (cc) omit “or became applicable in that Member State”;
  - (e) in paragraph 4, in the first subparagraph (beginning “The export or re-export”)—
    - (i) for “Community” substitute “United Kingdom”;
    - (ii) for “a management authority of the Member State in whose territory the specimens are located” substitute “the management authority”;
  - (f) omit paragraph 5;
  - (g) in paragraph 6(ii), for “this Regulation” substitute “Regulation 338/97 (pre-exit)”;
  - (h) in paragraph 7(a)—
    - (i) omit “in each Member State”;
    - (ii) for “that Member State” substitute “the management authority”;
    - (iii) omit “competent” in the second place it occurs.
- (6) In Article 6—
- (a) omit paragraphs 1, 2 and 4;
  - (b) in paragraph 3, for “competent authority to which the application is submitted” substitute “management authority”.

- (7) In Article 7(2)(a) for “Community” substitute “United Kingdom”.
- (8) In Article 8—
- (a) omit paragraph 2;
  - (b) in paragraph 3—
    - (i) in the first sentence (beginning “In accordance with”)—
      - (aa) for “Community” substitute “United Kingdom”;
      - (bb) for “a management authority of the Member State in which the specimens are located” substitute “the management authority”;
    - (ii) for point (a) substitute—
      - “(a) were—
        - (i) acquired in, or were introduced into, a member State before the provisions relating to species listed in Appendix I to the Convention or in Annex C1 to Regulation (EEC) No 3626/82 or in Annex A to Regulation 338/97 (pre-exit) became applicable to the specimens; and
        - (ii) introduced into the United Kingdom before exit day; or”;
    - (iii) after point (a) insert—
      - “(aa) were acquired in, or were introduced into, the United Kingdom before the provisions relating to species listed in Appendix I to the Convention or in Annex C1 to Regulation (EEC) No 3626/82 or in Annex A to Regulation 338/97 (pre-exit) became applicable to the specimens; or”;
    - (iv) in point (c), for “Community” substitute “United Kingdom”;
    - (v) in point (e) for the words from “Council Directive 86/609/EEC” to “other scientific purposes”, substitute “, and in accordance with, the Animals Scientific Procedures Act 1986,”(7);
    - (vi) in point (h), for “a Member State”, and for “that Member State”, substitute “the United Kingdom”;
  - (c) in paragraph 5—
    - (i) for “competent” substitute “management”;
    - (ii) omit “of the Member State concerned”;
    - (iii) for “Community” substitute “United Kingdom”;
  - (d) in paragraph 6, for “competent authorities of the Member States” substitute “management authority”.
- (9) In Article 9—
- (a) in paragraph 1—
    - (i) for “Community” substitute “United Kingdom”;
    - (ii) after “in compliance with this Regulation” insert “, or Regulation 338/97 (pre-exit),”;
    - (iii) for “a management authority of the Member State in which the specimen is located” substitute “the management authority”;
  - (b) in paragraph 2—
    - (i) in point (a), omit the words from “of such Member State” to “of the latter”;
    - (ii) in point (b), omit “and”;

- (iii) omit point (c);
- (c) in paragraph 4, for “Community” substitute “United Kingdom”;
- (d) in paragraph 5—
  - (i) for “Community”, in the first place it occurs, substitute “United Kingdom”;
  - (ii) for “Community”, in the second place it occurs, substitute “any applicable United Kingdom”.
- (10) In Article 10, for “a management authority of a Member State” substitute “the management authority”.
- (11) In Article 11—
  - (a) omit paragraphs 1 and 2;
  - (b) in paragraph 3—
    - (i) in the first sentence, for “issuing” substitute “management”;
    - (ii) omit the second sentence;
  - (c) in paragraph 4, for “Community” substitute “United Kingdom”.
- (12) In Article 12—
  - (a) in paragraph 1—
    - (i) for “Member States shall” substitute “The Secretary of State must”;
    - (ii) for “Community” substitute “United Kingdom”;
    - (iii) omit “within the meaning of Regulation (EEC) No 2913/92,”;
  - (b) in paragraph 2—
    - (i) for “Member States shall” substitute “The Secretary of State must”;
    - (ii) for “Community” substitute “United Kingdom”;
  - (c) for paragraph 3 substitute—
 

“3. A list of the customs offices designated in accordance with paragraph 1 must be published in such form and manner as the Secretary of State considers appropriate.”;
  - (d) in paragraph 5, for “Member States” substitute “The Secretary of State”.
- (13) In Article 13—
  - (a) in paragraph 1—
    - (i) in point (a)—
      - (aa) for “Each Member State” substitute “The Secretary of State”;
      - (bb) for “and for communication with the Commission” substitute “(the management authority)”;
    - (ii) in point (b) for “Each Member State” substitute “The Secretary of State”;
  - (b) in paragraph 2 for “Each Member State shall” substitute “The Secretary of State may”;
  - (c) omit paragraph 3.
- (14) In Article 14—
  - (a) in paragraph 1—
    - (i) in point (a), for “of the Member States shall” substitute “must”;
    - (ii) omit point (c);
  - (b) omit paragraphs 2 and 3.

- (15) In Article 15—
- (a) omit paragraphs 1, 3 and 5;
  - (b) in paragraph 2, for “ The Commission shall” substitute “The Secretary of State must”;
  - (c) in paragraph 4—
    - (i) omit points (a) and (c);
    - (ii) in point (b)—
      - (aa) for “On the basis of the information referred to in (a), the Commission shall” substitute “The Secretary of State must”;
      - (bb) for “Community” substitute “United Kingdom”;
    - (iii) for point (d) substitute—
      - “(d) The Secretary of State must publish a report on the implementation and enforcement of this Regulation when reporting that information under the Convention, to the Convention Secretariat.”;
  - (d) in paragraph 6—
    - (i) omit “Without prejudice to Council [Directive 90/313/EEC](#) of 7 June 1990 on the freedom of access to information on the environment”;
    - (ii) for “ the Commission” substitute “ The Secretary of State”;
    - (iii) after “this Regulation” insert “, having regard to the Environment Information Regulations 2004 ([S.I. 2004/3391](#)) and the Environment Information (Scotland) Regulations 2004 ([S.I. 2004/520](#))(8)”.
- (16) In Article 16—
- (a) in paragraph 1, for the words from “Member States” to “infringements” substitute “The following are infringements”;
  - (b) omit paragraph 2;
  - (c) in paragraph 3—
    - (i) for “Member State of confiscation” substitute “United Kingdom”;
    - (ii) in point (a), for “that Member State” substitute “the United Kingdom”;
    - (iii) in point (b), for “Community” substitute “United Kingdom”;
  - (d) in paragraph 4—
    - (i) for “Community” substitute “United Kingdom”;
    - (ii) for “Member State responsible for the point of introduction” substitute “United Kingdom”.
- (17) Omit Articles 17 and 20 to 22.
- (18) Omit—
- (a) the words “This Regulation shall be binding” to the end;
  - (b) “Done at Brussels, 9 December 1996”;
  - (c) the signatory text.

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(8) These Regulations together implement Council [Directive 2003/4/EC](#) on public access to environmental information and repealing Council [Directive 90/313/EEC](#) (OJ No L 41, 14.2.2003, p26). [S.I. 2004/520](#) implements [Directive 2003/4/EC](#) as regards Scottish public authorities. (Scottish public authorities are defined in regulation 2 of those Regulations).

**Amendment of Commission Regulation (EC) No 865/2006**

5.—(1) **Commission Regulation (EC) No 865/2006** laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, is amended as follows.

- (2) In Article 1—
  - (a) in point (4a)—
    - (i) omit “competent”, in the first place it occurs;
    - (ii) for “Member State concerned” substitute “United Kingdom”;
  - (b) in point (5), for “Community” in both places substitute “United Kingdom”.
- (3) In Article 7(1), for “Community” substitute “United Kingdom”.
- (4) In Article 8—
  - (a) in paragraph 1, in the second subparagraph, (beginning “In order to ensure”), for “national” substitute “United Kingdom” and omit “issuing”;
  - (b) in paragraph 2, for “Community” in both places substitute “United Kingdom”;
  - (c) in paragraph 3—
    - (i) in the first subparagraph (beginning “Management authorities shall”), for “Management authorities” substitute “The management authority”;
    - (ii) in the second subparagraph, (beginning “However, where”), omit “issuing”.
- (5) In Article 11—
  - (a) in paragraph 3—
    - (i) in the second subparagraph, (beginning “The management authority”), omit “of the Member State in which the specimen is located”;
    - (ii) in the third subparagraph, (beginning “Where a transaction”)—
      - (aa) (in the first sentence), for “issuing Member State” substitute “United Kingdom”;
      - (bb) (in the second sentence), omit “in a Member State other than the issuing Member State, they shall be issued” and omit “and”;
      - (cc) (in the third sentence), omit “and the Member State(s) country in whose territory it is valid”;
  - (b) in paragraph 5 omit “issuing”.
- (6) In Article 13(1), for “Community” substitute “United Kingdom”.
- (7) In Article 14—
  - (a) in the first subparagraph, (beginning “In the case of”), for “Community” in both places substitute “United Kingdom”;
  - (b) in the second subparagraph, (beginning “However, certificates of origin”), for “Union” in both places substitute “United Kingdom”.
- (8) In Article 15—
  - (a) in paragraph 1, omit “competent”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph (beginning “The derogation”)—
      - (aa) omit “competent” in the first place it occurs;
      - (bb) for “Member State” substitute “United Kingdom”;



- (ii) in the second subparagraph (beginning “As regards specimens”)—
  - (aa) omit “competent”;
  - (bb) for “Member State” substitute “United Kingdom”;
- (c) in paragraph 3, in the second subparagraph, (beginning “In the case of”), for “Community”, in each place it occurs, substitute “United Kingdom”.
- (9) In Article 16, and in the heading to that Article, for “Community” substitute “United Kingdom”.
- (10) In Article 17(1)(a), for “Member States” substitute “the management authority”.
- (11) In Article 18(1)—
  - (a) in point (a), for “each Member State” substitute “the management authority”;
  - (b) in point (b), for “Member States” substitute “the management authority”;
  - (c) in point (c), for “Member States” substitute “the management authority”, and omit “of the relevant Member State”.
- (12) In Article 19—
  - (a) in paragraph 1—
    - (i) in the first sentence, for “Member States” substitute “the Management Authority”;
    - (ii) in point (a), after “a competent scientific authority ” insert “of the United Kingdom”;
    - (iii) in point (b), for “each Member State” substitute “the management authority”;
    - (iv) in points (c) and (d), for “Member States” substitute “the management authority”;
  - (b) in paragraph 2, omit the words “and (5)”.
- (13) In Article 20—
  - (a) in paragraph 1, for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, omit “ of the Member State of destination”.
- (14) In Article 20a, for “Member States” substitute “The management authority”.
- (15) In Article 22, in the first subparagraph, (beginning “Without prejudice”), for “Community” substitute “United Kingdom”.
- (16) In Article 23, omit the second subparagraph, (beginning “The original import permit”).
- (17) In Article 24(1), for “Community” substitute “United Kingdom”.
- (18) In Article 25, omit the second subparagraph, (beginning “The original import permit”).
- (19) In Article 26—
  - (a) in paragraph 1, for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, for “Member State in whose territory the specimens are located” substitute “United Kingdom”;
  - (c) in paragraph 6, for “another Member State” substitute “a third country”;
  - (d) in paragraph 8, for “a Member State” substitute “the United Kingdom”;
  - (e) in paragraph 9—
    - (i) for “Community” substitute “United Kingdom”;
    - (ii) for “another Member State” substitute “a third country”;
  - (f) in paragraph 10—
    - (i) for “a management authority”, in the first place it occurs, substitute “the management authority”;

- (ii) for “another Member State” substitute “a third country”.
- (20) In Article 26a, for “Member States” substitute “The United Kingdom”.
- (21) In Article 28, omit the second subparagraph, (beginning “The copy for return”).
- (22) In Article 29, for “a Member State” substitute “the United Kingdom”.
- (23) In Article 30(1)—
  - (a) in the first sentence, for “Member States” substitute “The management authority” and for “either” substitute “at least one”;
  - (b) after point (a) insert—
    - “(aa) they were—
      - (i) acquired in, or introduced into, a member State before the provisions relating to species listed in Appendices I, II or III to the Convention, or in Annex C to Regulation (EEC) No 3626/82, or in Annexes A, B and C to Regulation 338/97 (pre-exit) became applicable to them, and
      - (ii) were introduced into the United Kingdom before exit day; or”;
  - (c) in point (b)—
    - (aa) for “Community” substitute “United Kingdom”;
    - (bb) for “Regulation (EC) No 338/97” substitute “Regulation 338/97 (pre-exit)”.
- (24) In Article 32—
  - (a) in paragraph 1, for “Community” substitute “United Kingdom”, and omit “of the Member State” to the end;
  - (b) in paragraph 2, omit “of the Member State of first destination”;
  - (c) in paragraph 3, for “a Member State” substitute “the United Kingdom”, and omit “of that Member State”.
- (25) In Article 33(1)—
  - (a) in point (b), for “Member State” substitute “third country”;
  - (b) in point (c), for “each Member State” substitute “the third countries”.
- (26) In Article 34—
  - (a) in paragraph 1, in the second subparagraph (beginning “Member States”), for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, omit the words from “of the Member State in which” to “first destination”.
- (27) In Article 35—
  - (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “In the case of” substitute “For”;
      - (bb) for “Article 32(1)” substitute “this Regulation, Regulation 338/97 (pre-exit), or the Convention”;
    - (ii) omit the second subparagraph, (beginning “The customs office shall”);
  - (b) omit paragraph 2.
- (28) In Article 37(1), for “Member States” substitute “The management authority”.
- (29) In Article 39—
  - (a) in paragraph 1, for “Community” substitute “United Kingdom”, and omit the words “of the Member State” to the end;

- (b) in paragraph 2, omit “of the Member State of first destination”;
  - (c) in paragraph 3—
    - (i) in the second subparagraph, (beginning “The specimen covered”), omit “of [Commission Regulation \(EC\) No 865/2006](#)”;
    - (ii) omit the fourth subparagraph, (beginning “This certificate shall in no way”);
  - (d) in paragraph 4, for “a Member State” substitute “the United Kingdom”, and omit “of that State”.
- (30) In Article 40(1)—
- (a) in point (a) for “Member State” substitute “country”;
  - (b) omit point (b).
- (31) In Article 41—
- (a) in paragraph 1, in the second subparagraph, (beginning “Member States”), for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, in the first subparagraph (beginning “The duly completed”), for the words from “a management authority of the Member State in” to “of first destination” substitute “the management authority”.
- (32) In Article 42—
- (a) in paragraph 1, omit the second subparagraph, (beginning “The customs office shall”);
  - (b) in paragraph 2, omit the second subparagraph (beginning “The customs office shall”).
- (33) In Article 44a, for “Member States” substitute “The management authority”.
- (34) In Article 44c—
- (a) in paragraph 1, for “Community” substitute “United Kingdom”, and omit the words “of the Member State” to the end;
  - (b) in paragraph 2, omit the words “of the Member State of first destination”.
- (35) In Article 44d(1), for “Community” substitute “United Kingdom”.
- (36) In Article 44e—
- (a) in paragraph 1, in the second subparagraph, (beginning “Member States”), for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, in the first subparagraph, for the words from “a management authority of the Member State” to “first destination” substitute “the management authority”.
- (37) In Article 44f(1)—
- (a) omit the second subparagraph, (beginning “The customs office shall”);
  - (b) omit the third subparagraph, (beginning “However, at the time”).
- (38) In Article 44h(1), for “Member States” substitute “The management authority”.
- (39) In Article 44j, omit paragraph 1.
- (40) In Article 44k—
- (a) in point (b), for “Member State in which it is registered” substitute “United Kingdom”;
  - (b) in point (c), for “applicant’s State of usual residence” substitute “United Kingdom”.
- (41) In Article 44l—
- (a) in paragraph 1, in the second subparagraph, (beginning “Member States”), for “Member States” substitute “The management authority”;

- (b) in paragraph 2, for “a management authority of the Member State of usual residence of the applicant” substitute “the management authority”.
- (42) In Article 44m—
- (a) in the first subparagraph, (beginning “In the case of”), for “Union” substitute “United Kingdom”;
- (b) omit the second subparagraph, (beginning “The customs office shall”).
- (43) In Article 44p, and in the heading to that Article, for “Union” in both places substitute “United Kingdom”.
- (44) Omit Article 45.
- (45) In the heading to Chapter X, (beginning “Certificates Provided For”), omit “5(2)(b)”.
- (46) In Article 46, omit “5(2)(b),” and omit “of the Member State in which the specimens are located.”.
- (47) In Article 47—
- (a) in the heading to that Article, for “Article 5(2)(b),” substitute “Article 5”;
- (b) in the first sentence (beginning “The certificates provided for”), for “Article 5(2)(b),” substitute “Article 5”;
- (c) in point (1), for “Member State of origin” substitute “United Kingdom”;
- (d) in point (2), for “Member State where the recovery took place” substitute “United Kingdom”;
- (e) in point (3), for “Community” substitute “United Kingdom after exit day”;
- (f) after point (3) insert—
- “(3A) they were acquired in, or introduced into the United Kingdom before exit day, in accordance with Regulation 338/97 (pre-exit);”;
- (g) in point (4), for “Community” substitute “United Kingdom”;
- (h) in point (5) for “Community” substitute “United Kingdom”;
- (i) in point (6)—
- (i) for “(3)” substitute “(3A)”;
- (ii) after “applicable in that Member State” insert “, and were introduced into the United Kingdom before exit day”.
- (48) In Article 48—
- (a) in paragraph 1—
- (i) for point (a) substitute—
- “(a) they were—
- (i) acquired in, or introduced into, a member State before the provisions relating to species listed in Annex A to Regulation 338/97 (pre-exit), or in Appendix I to the Convention, or in Annex C1 to Regulation (EEC) No 3626/82 became applicable to them; and
- (ii) introduced into the United Kingdom before exit day;”;
- (b) after point (a) insert—
- “(aa) they were acquired in, or introduced into the United Kingdom before the provisions relating to species listed in Annex A to Regulation 338/97 (pre-exit),

- or in Appendix I to the Convention, or in Annex C1 to Regulation (EEC) No 3626/82 became applicable to them;”;
- (i) in point (b), for “a Member State” substitute “the United Kingdom”, and for “that Member State” substitute “the United Kingdom”;
- (c) in paragraph 2, omit “competent” and “of a Member State”.
- (49) In Article 50—
- (a) in paragraph 1, in the second subparagraph, (beginning “Member States”), for “Member States” substitute “The management authority”;
- (b) in paragraph 2, for “a management authority of the Member State in which the specimens are located” substitute “the management authority”.
- (50) In Article 51—
- (a) in paragraph 1, in the second subparagraph, (beginning “For the purposes of point (b)”), for “another Member State” substitute “a third country”;
- (b) in paragraph 2, omit “issuing the certificate”;
- (c) omit paragraph 4.
- (51) In Article 52(2)—
- (a) in the first subparagraph (beginning “A registration number”), omit “of the Member State in which they are located”;
- (b) in the second subparagraph (beginning “That registration number”), for “Member State concerned” substitute “United Kingdom”.
- (52) In Article 53(1) for “Community”, in both places, substitute “United Kingdom”.
- (53) In Article 54, in the first sentence (beginning “Without prejudice”), for “Member State” substitute “United Kingdom”.
- (54) In Article 56(1)—
- (a) for “a competent management authority” substitute “the management authority”;
- (b) for “a competent scientific authority” substitute “the competent scientific authority”;
- (c) omit “of the Member State concerned”.
- (55) In Article 57—
- (a) in the heading, and in paragraphs 1(b), 2, and 5, for “Community” substitute “United Kingdom”;
- (b) in paragraph 3—
- (i) in the first subparagraph, (beginning “The first introduction”), for “Community” substitute “United Kingdom”;
- (ii) omit the second subparagraph (beginning “Customs shall forward”);
- (c) in paragraph 3a, for “Union” substitute “United Kingdom”;
- (d) in paragraph 4—
- (i) in the first sentence, for “Community” in both places substitute “United Kingdom”;
- (ii) in points (a) and (c), for “Community” substitute “United Kingdom”.
- (56) In Article 58—
- (a) in the heading, and in paragraph 1(b), for “Community” substitute “United Kingdom”;
- (b) in paragraph 3, in the first sentence, and in points (a) and (c), in each place occurring, for “Community” substitute “United Kingdom”;

- (c) in paragraph 3a, for “Union” substitute “United Kingdom” and for “State” substitute “country”.
- (57) In Article 58a—
- (a) in the heading, for “Union” substitute “United Kingdom”;
- (b) in paragraph 1—
- (i) in the first subparagraph (beginning “Commercial activities”), for “Union” substitute “United Kingdom”, and for “a Member State” substitute “the United Kingdom”;
- (ii) in point (a), for “Union” substitute “United Kingdom”;
- (iii) in point (b), for “Member State concerned” substitute “United Kingdom” and for “Union” substitute “United Kingdom”;
- (c) in paragraph 2, for “Union”, in both places occurring, substitute “United Kingdom”.
- (58) In Article 59—
- (a) in paragraphs 1, 1a, and 5, omit “competent”;
- (b) in paragraphs 2 and 3, omit “competent” the first time it occurs;
- (c) in paragraph 4, omit “competent” and for “Member State” substitute “third country”.
- (59) In Article 60, in the first sentence, (beginning “Without prejudice”)—
- (a) for “a management authority” substitute “the management authority”;
- (b) for “a scientific authority” substitute “the scientific authority”.
- (60) In Article 63—
- (a) in paragraph 1, for “a Member State” substitute “the United Kingdom”;
- (b) in paragraph 2, for “a Member State” substitute “the United Kingdom”, and for “Community” substitute “United Kingdom”.
- (61) In Article 64—
- (a) in the heading, for “Community” substitute “United Kingdom”;
- (b) in paragraph 1(e), for “Community” in both places occurring substitute “United Kingdom”.
- (62) In Article 66—
- (a) in paragraphs 2, 3 and 4, omit “competent”;
- (b) in paragraph 5, for “Community” substitute “United Kingdom”;
- (c) in paragraph 7—
- (i) in the first subparagraph (beginning “Only those processing”)—
- (aa) omit “of a Member State”;
- (bb) omit “or intra-Community trade”;
- (cc) after “for export” insert “or”;
- (ii) in the fourth subparagraph (beginning “The list of facilities”), omit “and to the Commission”.
- (63) In Article 67, for “Community” substitute “United Kingdom”.
- (64) In Article 68(1), for “Member State” (in the first place it occurs) substitute “United Kingdom”, and for “other Member States” substitute “third countries”.
- (65) In Article 69—
- (a) in paragraph 1—

- (i) in the first subparagraph, (beginning “Member States shall collect data”)—
  - (aa) for “Member States” substitute “The Secretary of State”;
  - (bb) for “Community” substitute “United Kingdom”;
  - (cc) for “their management authorities” substitute “the management authority”;
  - (dd) omit the words from “, irrespective of the” to the end;
- (ii) in the second subparagraph, (beginning “Member States shall, in compliance with”)—
  - (aa) for “Member States” substitute “The Secretary of State”;
  - (bb) for “Article 15(4)(a)” substitute “Article 15(4)(b)”;
  - (cc) for “report” substitute “publish”;
  - (dd) omit the words from “to the Commission” to “computerised form and”;
- (b) in paragraph 2(b) for “Community” substitute “United Kingdom”;
- (c) in paragraph 3, for “Member States” substitute “the Secretary of State”, and for “Community” substitute “United Kingdom”;
- (d) for paragraph 4, substitute—

“4. The Secretary of State shall publish the information referred to in paragraphs 1, 2 and 3 when reporting that information under the Convention, to the Convention Secretariat.”;
- (e) in paragraph 5—
  - (i) in the first subparagraph (beginning “The information referred”), for “Article 15(4)(c)” substitute “Article 15(4)(d)”;
  - (ii) in the second subparagraph (beginning “In addition”), for “Member States” substitute “The Secretary of State”, and after “shall” insert “publish a”;
- (f) for paragraph 6, substitute—

“6. The Secretary of State shall publish the information referred to in paragraph 5 when reporting that information under the Convention to the Convention Secretariat.”.
- (66) Omit Article 70.
- (67) In Article 71—
  - (a) in paragraph 1, for “Member States” substitute “the management authority”;
  - (b) in paragraph 2, omit “competent” and “of the Member State”;
  - (c) in paragraph 4(c), for “Community” substitute “United Kingdom”.
- (68) In Article 72, omit paragraph 3.
- (69) Omit Articles 73, 74 and 75.
- (70) Omit—
  - (a) the words “This Regulation shall be binding” to the end;
  - (b) “Done at Brussels, 4 May 2006.”;
  - (c) the signature text.

#### **Amendment of Commission Implementing Regulation (EU) No 792/2012**

**6.—(1)** Commission Implementing Regulation (EU) No 792/2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) 338/97

on the protection of species of wild fauna and flora by regulating trade therein, and amending [Commission Regulation \(EC\) No 865/2006](#), is amended as follows.

(2) In Article 2(5), in the second subparagraph (beginning “Member States may”), for “Member States” substitute “The management authority”.

(3) In Article 3—

(a) in paragraph 7—

- (i) omit “in one of the official Union languages”;
- (ii) for “management authorities” substitute “management authority”;
- (iii) omit the words from “of each Member State” to the end;

(b) in paragraph 8, for “Member States” substitute “The management authority”.

(4) Omit Article 5.

(5) In Annex I—

(a) in the first, second, third, fourth and fifth forms—

- (i) in the header to each form, omit “European Union”;
- (ii) in box number 12, in each form, for “EU Annex” substitute “UK Annex”;

(b) after the first, second and third forms, in the “Instructions and explanations” to those forms—

(i) in point 2 (beginning “The period of validity”), in the last sentence, for “Union” substitute “United Kingdom”;

(ii) in point 15 to 17 (beginning “The country of origin”)—

- (aa) omit “third”;
- (bb) after “country” insert “other than the United Kingdom”;
- (cc) omit the words from “Where specimens originating in” to the end;

(iii) in point 18 to 20 (beginning “The country of last re-export”), for “Union” substitute “United Kingdom”;

(iv) in point 27 (beginning “To be completed”)—

- (aa) for “Union” substitute “United Kingdom”;
- (bb) for “Member State concerned”, in both places it occurs, substitute “United Kingdom”;

(c) after the fourth and fifth forms, in the “Instructions and explanations” to those forms—

(i) in point 15 to 17 (beginning “The country of origin”)—

- (aa) omit “third”;
- (bb) after “country” insert “other than the United Kingdom”;
- (cc) omit the words from “Where specimens originating in” to the end;

(ii) in point 18 to 20, (beginning “The country of last re-export”), for “Union” substitute “United Kingdom”.

(6) In Annex II—

(a) in the first and second forms—

- (i) in the header to both forms, omit “European Union”; and
- (ii) in every box number 12, in both forms, for “EU Annex” substitute “UK Annex”;

(b) after the first and second forms, in the “Instructions and explanations” to both forms, in point 13 (beginning “The importer”), for “Union” substitute “United Kingdom”.



- (7) In Annex III—
- (a) in first, second and third forms—
    - (i) in the boxed heading to each form, omit “European Union”;
    - (ii) in box number 13, in each form, for “EU Annex” substitute “UK Annex”;
    - (iii) in box number 18 in each form, for “a Member State of the Union” substitute “the United Kingdom”;
  - (b) after the first form, in the “Instructions and explanations”—
    - (i) in point 2 (beginning “The date of expiry”), omit “third”, and after “country” insert “other than the United Kingdom”;
    - (ii) in point 14 (beginning “Use the codes”), for “Union” substitute “United Kingdom”;
    - (iii) in point 15 to 16 (beginning “The country of origin”)—
      - (aa) omit “third”;
      - (bb) after “country” insert “other than the United Kingdom”;
      - (cc) omit the words from “Where specimens originating in” to the end;
    - (iv) in point 18 (beginning “Enter the date”), for “Union” substitute “United Kingdom”;
    - (v) in point 19 (beginning “To be completed”), omit “third”, and after “country” insert “other than the United Kingdom”;
    - (vi) in point 21 (beginning “This block has been pre-printed”)—
      - (aa) in the sentence beginning “The holder”, omit “third”, in each place it occurs; and after “country”, in each place it occurs, insert “other than the United Kingdom”;
      - (bb) in the sentence beginning “The customs office shall”, omit “third”, and after “country” insert “other than the United Kingdom”; and for “Member State’s” substitute “the United Kingdom’s”;
  - (c) after the second and third forms, in the “Instructions and explanations”—
    - (i) in point 14, (beginning “Use the codes”), for “Union” substitute “United Kingdom”;
    - (ii) in point 15/16, (beginning “The country of origin”)—
      - (aa) for “third country (i.e. a non-EU country)” substitute “country other than the United Kingdom”; and
      - (bb) omit the words from “Where specimens originating in” to the end;
    - (iii) in point 18, (beginning “Enter the date”), for “Union” substitute “United Kingdom”.
- (8) In Annex IV in the boxed heading to the form, omit “European Union”.
- (9) In Annex V—
- (a) in the first, second and third forms—
    - (i) in the header to each form, omit “European Union”;
    - (ii) in the box at the top of each form, headed “Certificate”, for “European Union” substitute “United Kingdom”;
    - (iii) in box number 8, in each form, for “EU Annex” substitute “UK Annex”;
    - (iv) in box number 13, in each form, for “Member State” substitute “Country”;
    - (v) in box number 18, in each form—
      - (aa) in tick-boxes a) and b), for “issuing Member State” substitute “United Kingdom”;

- (bb) in tick-box d), for “the Union” substitute “a member State”, and after “Council Regulation (EC) No 338/97” insert “as it had effect immediately before exit day”;
- (cc) in tick-box e), for “the Union” substitute “a member State”;
- (dd) in tick-box f), for “the Union” substitute “a member State”;
- (ee) in tick-box g), for “issuing Member State” substitute “United Kingdom”, and after “(EC) No 338/97” insert “(as it had effect immediately before exit day)”;
- (vi) in box number 19, omit tick-box e) in each form;
- (b) after the first form, in the “Instructions and explanations”—
  - (i) in point 2 (beginning “Only to be completed”), for “a Member State” substitute “the United Kingdom”;
  - (ii) in point 13 to 15 (beginning “The Member State”), for “Member State”, in both places, substitute “country”;
- (c) after the second and third forms, in the “Instructions and explanations”, in point 13 to 15, (beginning “The Member State”), for “Member State”, in both places, substitute “country”.

#### **Amendment of Commission Implementing Regulation (EU) No 2017/1915**

7.—(1) Commission Implementing Regulation (EU) No 2017/1915 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora is amended as follows.

- (2) In the heading to the Regulation for “Union” substitute “United Kingdom”.
- (3) In Article 1, for “Union” substitute “United Kingdom”.
- (4) Omit Articles 2 and 3.
- (5) In the headings to both tables in the Annex, for “Union” substitute “United Kingdom”.

*Thérèse Coffey*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

18th December 2018

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## EXPLANATORY NOTE

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

These Regulations are made 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 (c.16) in order to address failures of retained EU Law to operate effectively and correct other deficiencies, (in particular under paragraphs (a), (b), (c), (e) and (g) of section 8(2)), arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of international trade in endangered species of wild fauna and flora, and in particular amends legislation relating to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES controls the import, export and transshipment of protected flora and fauna, including dead or living controlled species as well as parts or derivatives (e.g. skin, fur, teeth, shell, feathers or blood and parts of some plants, for example, seeds). Part 2 amends subordinate legislation, Part 3 amends retained direct EU legislation (EU Regulations).

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