

SCHEDULE 34

Amendment of Regulation (EC) No 1223/2009 and related amendments

Amendment to Article 27

24. In Article 27 (safeguard clause)—

- (a) in paragraph 1 for “a competent authority” substitute “an enforcement authority”
- (b) for paragraph 2 substitute—

“**2.** An enforcement authority which is not the Secretary of State must obtain authorisation from the Secretary of State by requesting the authorisation in accordance with regulation 11 of the Enforcement Regulations prior to taking provisional measures under this Article.”;

(c) in paragraph 3—

(i) for “Commission shall” substitute “Secretary of State must”;

(ii) for “it shall” substitute “the Secretary of State must”;

(iii) for the words from “the interested” to “SCCS” substitute “any person the Secretary of State considers has an interest in the measure”;

(d) for paragraph 4 substitute—

“**4.** Where the provisional measures are justified the Secretary of State must give authorisation to the enforcement authority to take those measures.”;

(e) omit paragraph 5.