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STATUTORY INSTRUMENTS

2019 No. 802

EXITING THE EUROPEAN UNION

ANIMALS

The Animal Welfare (Amendment) (EU Exit) Regulations 2019

Made - - - - *4th April 2019*

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(a).

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Animal Welfare (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

Amendment of Council Regulation (EC) No 1255/97

2.—(1) Council Regulation (EC) No 1255/97 concerning Community criteria for control posts and amending the route plan referred to in the Annex to Directive 91/628/EEC is amended as follows.

(2) In Article 1(2), omit “Community”.

(3) In Article 2—

(a) the existing text is renumbered as paragraph 1;

(b) in the existing text, for “91/496/EEC and 91/628/EEC” substitute “and 91/496/EEC and Council Regulation (EC) No 1/2005 (other than the definitions of ‘competent authority’ in Article 2(6) of Council Directive 90/425/EEC and Article 2(f) of Council Regulation (EC) No 1/2005)”;

(c) after paragraph 1 (as renumbered), insert—

“2. For the purposes of this Regulation, the following definitions apply:

(a) ‘Appropriate Minister’ means:

- (i) in relation to England, the Secretary of State;
 - (ii) in relation to Wales, the Welsh Ministers;
 - (iii) in relation to Scotland, the Scottish Ministers;
 - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.
- (b) ‘Competent authority’ means the authority responsible for carrying out veterinary checks or any authority to which it has delegated that responsibility.
- (c) ‘Holding’ means an agricultural establishment or premises of a dealer situated in the United Kingdom where the following are held or regularly kept:
- (i) animals, other than equidae, referred to in the legislation specified in Annexes A and B to Council Directive 90/425/EEC(a);
 - (ii) registered equidae, as defined in Article 2(e) of Commission Implementing Regulation (EU) 2015/262.
- (d) ‘TARP Regulation’ means:
- (i) in relation to England, the Trade in Animals and Related Products Regulation 2011(b);
 - (ii) in relation to Wales, the Trade in Animals and Related Products (Wales) Regulations 2011(c);
 - (iii) in relation to Scotland, the Trade in Animals and Related Products (Scotland) Regulations 2012(d);
 - (iv) in relation to Northern Ireland, the Trade in Animals and Related Products Regulations (Northern Ireland) 2011(e).
- (e) ‘Third country’ means any country other than the British Islands or a member State.

3. For the purposes of this Regulation, Liechtenstein, Norway and Switzerland are treated as if they were member States.”.

(4) Article 3 is amended in accordance with paragraphs (5) to (9).

(5) In paragraph 1—

- (a) in the first subparagraph—
 - (i) in the first sentence, for “competent authority” substitute “Appropriate Minister”;
 - (ii) omit the third sentence;
- (b) omit the second subparagraph.

(6) In paragraph 2, for the words from “the Commission” to the end substitute “each Appropriate Minister in relation to their own territories. The Secretary of State shall maintain a central list of all control posts in the United Kingdom”.

(7) In paragraph 3—

- (a) in the words before point (a)—
 - (i) for “Member States” substitute “The Appropriate Minister”;
 - (ii) before “competent”, in both places it occurs, insert “relevant”;
 - (iii) omit “as defined in Article 2(6) of Directive 90/425/EEC”;
- (b) in point (a), for “Community” substitute “retained direct EU”;
- (c) in point (c), for “Community rules” substitute “retained direct EU legislation”.

(a) OJ No L 224, 18.8.1990, p. 29, as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ No L 315, 19.11.2002, p. 14).

(b) S.I. 2011/1197, to which there are amendments not relevant to these Regulations.

(c) S.I. 2012/2379, to which there are amendments not relevant to these Regulations.

(d) S.S.I. 2012/1197, to which there are amendments not relevant to these Regulations.

(e) S.R. 2011 No. 438, to which there are amendments not relevant to these Regulations.

- (8) In paragraph 4—
- (a) for “A Member State” substitute “The Appropriate Minister”;
 - (b) for “Commission and the other Member States”, in both places it occurs, substitute “other Appropriate Ministers and the competent authorities”.
- (9) In paragraph 5—
- (a) for the words from the beginning to “1/2005,” substitute “The Appropriate Minister”;
 - (b) for “of the Commission” substitute “of the audit body”;
 - (c) for “that Regulation” substitute “Regulation (EC) No 1/2005”;
 - (d) for “Community” substitute “retained direct EU”.
- (10) In Article 4—
- (a) in paragraph 2—
 - (i) for “Member States” substitute “each Appropriate Minister in relation to their own territories”;
 - (ii) for the words from “defined in Article 2(o)” to “91/68/EEC” substitute “approved by a TARP Regulation”;
 - (b) in paragraph 3—
 - (i) in point (a), for “Community” substitute “retained direct EU”;
 - (ii) in point (b)(i)—
 - (aa) omit “Community”;
 - (bb) in the first paragraph, for “Annex A to Directive 90/425/EEC” substitute “Annex 2 to this Regulation”;
 - (cc) in the second paragraph, for “comply with the requirements of Article 4b(4) of Directive 91/68/EEC” substitute “that after leaving the holding of origin and before arrival at destination, transit was through only one approved assembly centre situated in the United Kingdom. Where the sheep and goats are for slaughter, the approved assembly centre may be substituted by an approved dealer’s premises situated in the United Kingdom”;
 - (iii) in point (b)(ii), for “Article 2(1) of Decision 93/444/EEC” substitute “a TARP Regulation”;
 - (c) omit paragraph 4.
- (11) In Article 5—
- (a) in point (a), for “Community” substitute “retained direct EU”;
 - (b) in point (e), for “Directive 93/119/EC” substitute “Council Regulation (EC) No 1099/2009”;
 - (c) in points (h) and (i), before “competent”, in both places it occurs, insert “relevant”.
- (12) In Article 6—
- (a) in paragraph 1—
 - (i) in the first sentence—
 - (aa) before “competent” insert “relevant”;
 - (bb) omit “Annex II of”;
 - (ii) in the second sentence, for “Member States” substitute “The Appropriate Minister”;
 - (b) omit paragraph 2.
- (13) In Article 6b—
- (a) in the first sentence, for “Member States” substitute “Appropriate Minister”;
 - (b) omit the second sentence.
- (14) In Article 7, omit the third paragraph.

(15) In the Annex, in the heading—

- (a) for “Annex” substitute “Annex 1”;
- (b) omit “Community”
- (c) in section B, paragraph 5, for “Directive 90/667/EEC” substitute “Regulation (EC) No 1069/2009”.

(16) After that Annex insert—

“ANNEX 2

RELEVANT VETERINARY LEGISLATION

This Annex lists the legislation relevant to Article 4:

- (a) the legislation which transposed the following:
 - (i) Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine(**a**);
 - (ii) Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species(**b**);
 - (iii) Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species(**c**);
 - (iv) Council Directive 90/426/EEC on the health policy conditions governing the movement of equidae and their import from third countries(**d**);
 - (v) Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of equidae(**e**);
 - (vi) Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(**f**);
 - (vii) Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals(**g**);
 - (viii) Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals(**h**);
 - (ix) Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I)(1) to Directive 90/425/EEC(**i**);
 - (x) Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to

(a) OJ No P 121, 29.7.1964, p. 1977, as last amended by Commission Implementing Decision (EU) 2015/819 (OJ No L 129, 27.5.2015, p. 28).

(b) OJ No L 194, 22.7.1988, p. 10, as last amended by Commission Implementing Decision (EU) 2011/629 (OJ No L 247, 24.9.2011, p. 22).

(c) OJ No L 302, 19.10.1989, p. 1, as last amended by Council Directive 2008/73/EC (OJ No L 219, 14.8.2008, p.40).

(d) OJ No L 224, 18.8.1990, p.42, as last amended by Council Directive 2009/156/EC (OJ No L 192, 23.7.2010, p. 1).

(e) OJ No L 192, 23.7.2010, p. 1, as last amended by Commission Implementing Decision (EU) 2016/1840 (OJ No L 280, 18.10.2016, p. 33).

(f) OJ No L 303, 31.10.1990, p.6, as last amended by Council Directive 2009/158/EC (OJ No L 343, 22.12.2009, p.74).

(g) OJ No L 328, 24.11.2006, p.14, as last amended by Commission Implementing Directive 2014/22/EU (OJ L 44, 14.2.2014, p.45).

(h) OJ No L 46, 19.2.1991, p.19, as last amended by Commission Implementing Decision (EU) 2016/2002 (OJ No L L 308, 16.11.2016, p.29).

(i) OJ No L 268, 14.9.1992, p.54, as last amended by Commission Implementing Decision (EU) 2017/2174 (OJ No L 306, 22.11.2017, p.28).

in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC^(a);

(2) the following instruments:

- (a) Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations;
- (b) Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption;
- (c) Regulation (EU) 2016/429 of the European Parliament and of the Council on transmissible animal diseases.”.

Amendment of Council Regulation (EC) No 1/2005

3.—(1) Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations is amended as follows.

(2) In Article 1—

- (a) in paragraph 1, for “Community”, in both places it occurs, substitute “United Kingdom”;
- (b) omit paragraphs 3 and 4.

(3) In Article 2—

- (a) the existing text is renumbered as paragraph 1;
- (b) for point (d) substitute—

“(d) ‘border inspection post’ means any inspection post designated and approved in accordance with:

- (i) in relation to England, the Trade in Animals and Related Products Regulations 2011;
- (ii) in relation to Wales, the Trade in Animals and Related Products (Wales) Regulations 2011;
- (iii) in relation to Scotland, the Trade in Animals and Related Products (Scotland) Regulations 2012;
- (iv) in relation to Northern Ireland, the Trade in Animals and Related Products Regulations (Northern Ireland) 2011;”;

(c) in point (e)—

- (i) for “Community” substitute “retained EU”;
- (ii) for “Chapter I of Annex A to Directive 90/425/EEC” substitute “Annex 2A to this Regulation”;

(d) in point (f)—

- (i) for the words from “central” to “carry” substitute “authority responsible for carrying”;
- (ii) for “competence” substitute “responsibility”;

(e) in point (i)—

- (i) for “a Member State” substitute “an Appropriate Minister”;
- (ii) for “customs territory of the Community” substitute “United Kingdom”;

(f) in point (p), for “the competent authority of the Member State” substitute “a competent authority”;

(g) for point (q)(iii) substitute—

(a) OJ No L 62, 15.3.1993. p.49, as last amended by Directive 2004/41/EC (OJ No L 157, 30.4.2004, p. 407).

- “(iii) a person who has signed Section 1 of the journey log:
 - for journeys where the place of departure was in a member State, as set out in Annex 2 to the EU Council Regulation(a);
 - for all other journeys, as set out in the form published by an Appropriate Minister from time to time;”;
- (h) in point (r), in the second paragraph, for “Community” substitute “retained EU”;
- (i) in point (u), for “means registered equidae as referred to in Directive 90/426/EEC” substitute—
 - “(u) ‘registered Equidae’:
 - (i) for equidae registered in the United Kingdom, has the meaning given in Article 2(e) of Commission Implementing Regulation (EU) 2015/262;
 - (ii) for all other registered equidae, has the meaning given in Article 2(c) of Council Directive 2009/156/EC;”;
- (j) after point (z), insert—
 - “(z1) ‘Appropriate Minister’ means:
 - (i) in relation to England, the Secretary of State;
 - (ii) in relation to Wales, the Welsh Ministers;
 - (iii) in relation to Scotland, the Scottish Ministers;
 - (iii) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
 - (z2) ‘third country’ means any country other than the United Kingdom or a member State;
 - (z3) ‘EU Council Regulation’ means Council Regulation (EC) No 1/2005 as it has effect in EU law as amended from time to time;
 - (z4) ‘Community veterinary legislation’ means legislation listed in Chapter 1 of Annex A to Directive 90/425/EEC and any implementing rules as they have effect in the European Union as amended from time to time.

2. For the purposes of this Regulation, Liechtenstein, Norway, Switzerland, the Channel Islands and the Isle of Man are to be treated as if they were member States.”.

(4) In Article 4(2), before “competent” insert “relevant”.

(5) In Article 5—

- (a) at the end of paragraph 1, insert “of this Regulation or authorised in a member State in accordance with Article 10(1) or 11(1) of the EU Council Regulation”.
- (b) in paragraph 3(b), before “competent” insert “relevant”;
- (c) for paragraph 4 substitute—

“4. For long journeys for domestic Equidae other than registered Equidae, and domestic animals of bovine, ovine, caprine and porcine species, transporters and organisers shall comply with:

- (a) for long journeys between the United Kingdom and third countries, the provisions on the journey log set out in the form published by an Appropriate Minister from time to time;
- (b) for long journeys between the United Kingdom and member States originating in the United Kingdom, the provisions on the journey log set out in the form published by an Appropriate Minister from time to time;

(a) OJ No L 3, 5.1.2005, p. 1.

- (c) for long journeys between the United Kingdom and a member State originating in a member State, the provisions of the journey log set out in Annex 2 to the EU Council Regulation.”.

(6) Article 6 is amended in accordance with paragraphs (7) to (12).

(7) In paragraph 1—

- (a) for the first sentence substitute—

“1. No person shall act as a transporter unless that person holds:

- (a) an authorisation issued by a competent authority pursuant to Article 10(1) or, for long journeys, Article 11(1), of this Regulation, or
- (b) an authorisation issued in a member State, where that authorisation is issued pursuant to Article 10(1), or for long journeys, Article 11(1) of the EU Council Regulation.”;

- (b) the second sentence becomes paragraph 1A;

- (c) in that paragraph, before “competent” insert “relevant”.

(8) In paragraph 2, before “competent” insert “relevant”.

(9) For paragraph 4 substitute—

“4. Transporters must entrust the handling of the animals to personnel who have received training on the relevant provisions of:

- (a) Annex 1 to this Regulation and the form to be published by the Appropriate Minister from time to time;
- (b) Annexes 1 and 2 to the EU Council Regulation.”.

(10) In paragraph 5—

- (a) for the first sentence substitute—

“5. No person shall drive, or act as an attendant on a road vehicle transporting domestic Equidae or domestic animals of bovine, ovine, caprine or porcine species or poultry unless he holds a certificate of competence pursuant to:

- (a) Article 17(2) of this Regulation, or
- (b) a certificate of competence issued in a member State pursuant to the EU Council Regulation;”;

- (b) the second sentence becomes paragraph 5A;

- (c) in that paragraph, before “competent” insert “relevant”.

(11) In paragraph 8, for the words from “the certificate” to the end substitute “to the relevant competent authority the certificate of approval as provided for in Article 18(2) or 19(2) of this Regulation or of the EU Council Regulation”.

(12) In paragraph 9—

- (a) in the first sentence omit the words from “, as from 1 January 2007” to the end;
- (b) in the second sentence, before “competent” insert “relevant”;
- (c) omit the third sentence.

(13) In Article 7—

- (a) at the end of paragraph 1, insert “of this Regulation or of the EU Council Regulation”.
- (b) in paragraph 2, for “Community port” substitute “port in the United Kingdom”.

(14) In Article 8—

- (a) in paragraph 2—

- (i) in the first sentence, for “Member States and with third countries” substitute “the United Kingdom and a member State or a third country”;
- (ii) in the second sentence, for the words from “comply with” to the end substitute—

“comply with:

- (a) for long journeys between the United Kingdom and third countries, the provisions on the journey log set out in the form published by an Appropriate Minister from time to time;
- (b) for long journeys between the United Kingdom and member States originating in the United Kingdom, the provisions on the journey log set out in the form published by an Appropriate Minister from time to time;
- (c) for long journeys between the United Kingdom and a member State originating in a member State, the provisions of the journey log set out in Annex 2 to the EU Council Regulation.”.

(15) In Article 9(2)—

- (a) in the words before point (a), for “Community” substitute “retained EU”;
- (b) in points (c) and (d), for “the competent” substitute “a competent”.

(16) In Article 10—

- (a) in paragraph 1—
 - (i) in the words before point (a), for “The” substitute “A”;
 - (ii) in point (a)—
 - (aa) after “established in a” insert “member State or a”;
 - (bb) for “Member State where they apply for authorisation” substitute “United Kingdom”;
 - (iii) in point (c)—
 - (aa) for “Community legislation” substitute “retained EU law”;
 - (bb) omit “national”;
 - (cc) for “Competent Authority” substitute “relevant competent authority”;
- (b) in paragraph 2, in the first sentence—
 - (i) for “The” substitute “A”;
 - (ii) for “specimen set out in Chapter I of Annex III” substitute “form published by the Appropriate Minister from time to time”.

(17) In Article 11—

- (a) in paragraph 1—
 - (i) in the words before point (a), for “The” substitute “A”;
 - (ii) in point (b)(i), for the words from “as provided” to the end substitute “for all drivers and attendants carrying out long journeys, as provided for in Article 17(2) of this Regulation or of the EU Council Regulation”;
 - (iii) in point (b)(ii), for the words from “as provided” to the end substitute “for all means of transport by road to be used for long journeys, as provided for in Article 18(2) of this Regulation or of the EU Council Regulation”;
- (b) omit paragraph 2(a) and (b);
- (c) in paragraph 3, in the first sentence—
 - (i) for “The” substitute “A”;
 - (ii) for “set out in Chapter II of Annex III” substitute “form published by the Appropriate Minister from time to time”.

(18) In Article 12, omit “, in no more than one Member State”.

(19) In Article 13—

- (a) in the heading, for “the” substitute “a”;
- (b) in paragraph 1—

- (i) for “The” substitute “A”;
- (ii) for “provided for in” substitute “issued by it under”;
- (c) in paragraph 2—
 - (i) in the first sentence—
 - (aa) for “The” substitute “A”;
 - (bb) for “Member State” substitute “United Kingdom”;
 - (ii) in the second sentence, for the words from “the official” to the end substitute “English and other languages may also appear”;
- (d) in paragraph 3—
 - (i) for “The” substitute “A”;
 - (ii) for “provided for in” substitute “issued by it under”;
 - (iii) for “authority” substitute “authorities”;
- (e) for paragraph 4 substitute—

“4. The relevant competent authority shall record authorisations it has issued pursuant to Article 11(1) in an electronic database. The transporter’s name and authorisation number shall be made publicly available by the issuing competent authority during the period of validity of the authorisation. Subject to rules regarding privacy protection, public access to other data in relation to transporters’ authorisations shall be granted by the relevant competent authority.”.

(20) In Article 14—

- (a) in the heading, for “the” substitute “a”;
- (b) in paragraph 1—
 - (i) in the words before point (a)—
 - (aa) for “Member States and with” substitute “the United Kingdom and member States or between the United Kingdom and”;
 - (bb) before “competent” insert “relevant”;
 - (ii) in point (c), for “the competent” substitute “that competent”;
 - (iii) in point (d)—
 - (aa) before “competent” insert “relevant”;
 - (bb) omit the words from “, of the exit” to the end.

(21) In Article 15—

- (a) in the heading, for “the” substitute “a”;
- (b) in paragraph 1, for “The” substitute “A”;
- (c) in paragraph 2—
 - (i) for “Member States and with third countries” substitute “member States and the United Kingdom and with third countries”;
 - (ii) for “veterinary Community” substitute “retained EU veterinary”.

(22) In Article 16—

- (a) in the heading, for “the” substitute “a”;
- (b) for “The competent” substitute “Each competent”;
- (c) for “Regulation (EEC) No 3821” insert “Regulation (EU) No 165/2014”.

(23) In Article 17—

- (a) in paragraph 1, after “Article 6(4)” insert “(a)”;
- (b) for paragraph 2 substitute—

“2. The certificate of competence for drivers and attendants of road vehicles transporting domestic Equidae or domestic animals of bovine, ovine, caprine or porcine species or poultry as referred to in Article 6(5)(a) shall be granted in accordance with the form published by an Appropriate Minister from time to time. The certificate of competence shall be drawn up in in English and other languages may also appear. The certificate of competence shall be issued by a competent authority and in accordance with the form published by an Appropriate Minister from time to time. The scope of the said certificate of competence may be limited to a specific species or group of species.”.

(24) In Article 18—

(a) in paragraph 1—

- (i) in the words before point (a), for the words from the beginning to “Member State” substitute “A competent authority”;
- (ii) in point (a), omit “in the same or another Member State”;
- (iii) in point (b), for the words from “the competent” to “Member State” substitute “a competent authority”;

(b) in paragraph 2, for the first and second sentences substitute—

“A competent authority shall issue each certificate with a number unique in the United Kingdom and in accordance with the form published by an Appropriate Minister from time to time. The certificate shall be drawn up in English and other languages may also appear.”;

(c) in paragraph 3—

- (i) for “The competent authority” substitute “The issuing competent authority”;
- (ii) omit “in a manner enabling them to be rapidly identified by the competent authorities in all Member States, in particular in the event of failure to comply with the requirements of this Regulation”.

(25) In Article 19—

(a) in paragraph 1—

- (i) in the words before point (a), for the words from the beginning to “Member State” substitute “A competent authority”;
- (ii) in point (a), for “Member State where the application is made” substitute “United Kingdom”;
- (iii) in point (b), omit “in the same or another Member State”;
- (iv) in point (c), for the words from “the competent” to “Member State” substitute “a competent authority”;

(b) for paragraph 2 substitute—

“A competent authority shall issue each certificate with a number unique in the United Kingdom. The certificate shall be drawn up in English and other languages may also appear. Certificates shall be valid for a period of not more than five years from the date of issue and shall become invalid as soon as the means of transport are modified or refitted in a way that affects the welfare of the animals.”;

(c) in paragraphs 3 and 4, for “The” substitute “A”.

(26) In Article 20(1) and (2), in the words before point (a), before “competent” insert “relevant”.

(27) In Article 21—

(a) in paragraph 1—

- (i) for “Regulation (EC) No 639/2003” substitute “Regulation (EC) No 817/2010”;
- (ii) in the words before point (a), for “the Member States” substitute “a competent authority”;
- (iii) in points (a) and (b), at the end insert “of this Regulation or of the EU Council Regulation”;

- (b) in paragraph 2—
 - (i) in the first sentence, for “Annex II” substitute “accordance with the form published by an Appropriate Minister from time to time”;
 - (ii) for “or print out as referred to in Annex I or Annex IB to Regulation (EEC) No 3821/85” substitute “as defined in Regulation (EU) No 165/2014”;
 - (c) in paragraph 3, before “competent” insert “relevant”.
- (28) In Article 22—
- (a) in paragraph 1, for “The competent”, in both places it occurs, substitute “A competent”;
 - (b) in paragraph 2, for “the competent” substitute “a competent”.
- (29) In Article 23—
- (a) in paragraph 1, in the second subparagraph, for “Competent authority” substitute “competent authority taking action”;
 - (b) in paragraph 3, before “competent” insert “acting”;
 - (c) in paragraph 4, before “competent” insert “acting”;
 - (d) in paragraph 5, in the first sentence—
 - (i) for “the competent authorities” substitute “ a competent authority”;
 - (ii) after “the authorisation” insert “, if different,”.
- (30) Omit Articles 24 and 25.
- (31) In Article 26—
- (a) in paragraph 1, for “the competent” substitute “a competent”;
 - (b) in paragraph 2, for “competent authority which granted the authorisation” insert “authority which granted the authorisation, if different,”;
 - (c) in paragraph 3, in the first sentence—
 - (i) after “destination” insert “in the United Kingdom”;
 - (ii) after “departure” insert “if different”;
 - (d) in paragraph 5—
 - (i) after “Article 17(2)” insert “of this Regulation”;
 - (ii) for “the competent” substitute “a competent”;
 - (e) in paragraph 6—
 - (i) for “Member State” substitute “competent authority”;
 - (ii) omit the words from “, even if” to the end;
 - (f) omit paragraph 7.
- (32) In Article 27—
- (a) in the heading, for “the competent authorities” substitute “a competent authority”;
 - (b) in paragraph 1—
 - (i) in the first sentence, for “The competent” substitute “A competent”;
 - (ii) in the second sentence, for “each Member State” substitute “the United Kingdom”;
 - (iii) omit the third and fourth sentences;
 - (c) omit paragraph 2.
- (33) In Article 28, for the words from “the Commission” to “concerned” substitute “an audit body may, in collaboration with the relevant competent authority”.
- (34) In Article 29—
- (a) in the first sentence, for “Member States” substitute “The Appropriate Minister”;
 - (b) omit the second and third sentences.

- (35) Omit Article 30(7).
- (36) Omit Articles 31 and 32.
- (37) For Article 33 substitute—
- “33. References to Directive 91/628/EEC^(a) and Regulation (EC) No 411/98 shall be construed as references to this Regulation.”.
- (38) Omit Articles 34 to 36.
- (39) After Article 37, omit the words from “This Regulation” to “Member States.”
- (40) In Annex 1—
- (a) in Chapter 1, in paragraph 3(b), for “Council Directive 86/609/EEC” substitute “the Animals (Scientific Procedures) Act 1986^(b)”;
 - (b) in Chapter 2, in paragraph 1.6, omit “Community or national”;
 - (c) in Chapter 3, in paragraph 2.2, omit the words from “provided that” to the end;
 - (d) in Chapter 4, in paragraph 1, for “the competent” substitute “a competent”;
 - (e) in Chapter 5—
 - (i) in paragraph 1.7(b), for “Community” substitute “United Kingdom”;
 - (ii) in paragraph 1.9—
 - (aa) for “Member States” substitute “competent authorities”;
 - (bb) for “on their own territory” substitute “in the United Kingdom”;
 - (f) in Chapter 6—
 - (i) in paragraph 3.3, for “the competent” substitute “a competent”;
 - (ii) omit paragraph 3.5;
 - (iii) in paragraph 4.1, for “as referred to in Annex II, Section 4” substitute “in accordance with the form published by an Appropriate Minister from time to time”;
 - (iv) omit paragraphs 4.2 and 4.3.
- (41) In Annex 2—
- (a) in paragraph 2, for the final sentence substitute—

“The Appropriate Minister may publish models for each section.”;
 - (b) in paragraph 3(b) and (c), for “the competent” substitute “a competent”;
 - (c) in paragraph 3(e), for “to a third country” substitute “from the United Kingdom”;
 - (d) in paragraph 4—
 - (i) for “territory of the Community” substitute “United Kingdom”;
 - (ii) before “competent” insert “relevant”;
 - (e) in paragraph 5—
 - (i) in the first subparagraph, for “territory of the Community” substitute “United Kingdom”;
 - (ii) in the second subparagraph, for “the competent” substitute “a competent”;
 - (f) in paragraph 6, for “territory of the Community” substitute “United Kingdom”;
 - (g) in paragraph 8—
 - (i) before “competent”, in each place it occurs, insert “relevant”;
 - (ii) in the third subparagraph, omit the words from “in accordance” to “31(2),”;
 - (h) omit the Appendix.

(a) OJ No L 340, 11.12.1991, p. 17, as last amended by Council Regulation (EC) No 1/2005 (OJ No L 3, 5.1.2005, p. 1).

(b) 1986 c. 14.

(42) After Annex 2 insert—

“ANNEX 2A

RELEVANT RETAINED EU VETERINARY LEGISLATION

This Annex lists the retained EU veterinary legislation relevant to this Regulation:

- (1) The legislation which transposed the following Directives:
 - (i) Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine;
 - (ii) Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species;
 - (iii) Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species;
 - (iv) Council Directive 90/426/EEC on animal health conditions governing the movement and import from third countries of equidae;
 - (v) Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of equidae;
 - (vi) Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs;
 - (vii) Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals;
 - (viii) Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals;
 - (ix) Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I)(1) to Directive 90/425/EEC;
 - (x) Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC;
- (2) The following instruments:
 - (i) Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations;
 - (ii) Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption.”.

(43) Omit Annex 3.

(44) In Annex 4—

- (a) in paragraph 1, for “the competent” substitute “a competent”;
- (b) in paragraph 2, in the words before point (a), for “Community legislation” substitute “retained EU law”.

Amendment of Council Regulation (EC) No 1099/2009

4.—(1) Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing is amended as follows.

- (2) In Article 1(3)(a)(i), for “of a competent authority” substitute—
- “of:
- in England, Wales or Scotland, the Secretary of State;
 - in Northern Ireland, the Department of Health”.
- (3) In Article 2—
- (a) the existing paragraph is renumbered as paragraph 1;
 - (b) for point (q) substitute—

“(q) ‘competent authority’ means the authority responsible for ensuring compliance with the requirements of this Regulation or any other authority to which it has delegated that responsibility;”;
 - (c) after point (r), insert—

“(s) ‘Appropriate Minister’ means:

 - (i) in relation to England, the Secretary of State;
 - (ii) in relation to Wales, the Welsh Ministers;
 - (iii) in relation to Scotland, the Scottish Ministers;
 - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(t) ‘third country’ means any country other than the British Islands or a member State.
2. For the purposes of this Regulation, Liechtenstein, Norway and Switzerland are treated as if they were member States.”.
- (4) In Article 13—
- (a) in paragraph 1—
 - (i) for “Member States” substitute “The Appropriate Minister”;
 - (ii) after ““dissemination” insert “from time to time”;
 - (b) in paragraph 2(a), omit “, competent authorities”;
 - (c) in paragraph 3—
 - (i) before “competent” insert “relevant”;
 - (ii) omit “Community”;
 - (d) in paragraph 4, before “competent” substitute “relevant”;
 - (e) omit paragraph 5.
- (5) In Article 17(6)—
- (a) in the third subparagraph, in the words before point (a), for “Member States” substitute “the Appropriate Minister”;
 - (b) in point (a), for the words from “within the” to “Regulation)” substitute “the live weight of which is more than 300kg”.
- (6) In Article 18—
- (a) in paragraph 1, in the second subparagraph, for “Community” substitute “retained EU”;
 - (b) for paragraph 4 substitute—

“4. By 30 June each year, each competent authority shall publish a report on the depopulation operations carried out during the previous year.”;
- (7) In Article 20—
- (a) in paragraph 1, in the words before point (a)—
 - (i) for “Each Member State” substitute “The Appropriate Minister”;
 - (ii) for “authorities” substitute “authority”;

- (b) in paragraph 2—
 - (i) in the first subparagraph, for “Member States concerned” substitute “United Kingdom”;
 - (ii) in the second subparagraph—
 - (aa) in the first sentence, for “Member State” substitute “Appropriate Minister”;
 - (bb) in the second sentence, for “with its counterparts and the Commission” substitute “with its counterparts at the other competent authorities.”
- (8) In Article 21—
 - (a) in paragraph 1, in the words before point (a), for “Member States shall designate the competent authority” substitute “each competent authority is”;
 - (b) omit paragraph 4;
 - (c) in paragraph 5, in the words before point (a), for “The” substitute “A”;
 - (d) in paragraph 6, for “Community law and/or national law” substitute “provisions in retained EU law or any other law applicable in the United Kingdom”;
 - (e) in paragraph 7, for “Member States” substitute “Each competent authority”;
- (9) In Article 22(2), after “granting competent authority” insert “, if different.”.
- (10) Omit Articles 23 and 25.
- (11) In Article 26—
 - (a) in the heading, omit “national”;
 - (b) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “Member States” substitute “the Appropriate Minister”;
 - (bb) omit “national”;
 - (ii) omit the second subparagraph;
 - (c) in paragraph 2—
 - (i) in the first subparagraph—
 - (aa) for “Member States” substitute “The Appropriate Minister”;
 - (bb) omit “national”;
 - (ii) omit the second subparagraph;
 - (d) omit paragraphs 3 and 4.
- (12) Omit Article 27.
- (13) In Article 28—
 - (a) in paragraph 1—
 - (i) omit the first subparagraph;
 - (ii) in the second subparagraph, in the words before point (a), omit “However.”;
 - (b) in paragraph 2, omit “repealed”.
- (14) Omit Article 29(2).
- (15) After Article 30, omit the words from “This Regulation” to “Member States”.

4th April 2019

David Rutley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained direct EU legislation to operate effectively and other deficiencies (in particular under section 8(2)(b), (c), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to retained direct EU legislation in the fields of control posts, animal welfare at transport and animal welfare at slaughter.

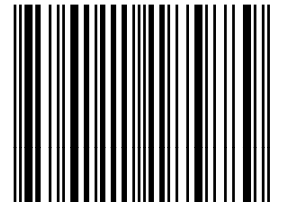
An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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