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STATUTORY INSTRUMENTS

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**2020 No. 1388**

The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020

PART 5

Amendments to domestic EU Exit legislation

CHAPTER 1

The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019

**The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019**

**20.**—(1) The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019<sup>(1)</sup> are amended as follows.

(2) In regulation 2—

(a) in paragraph (2)—

(i) in sub-paragraph (a)(iii), for the inserted definition of “constituent nation” substitute—

“(q) constituent nation: one of the following nations of the British Islands: England, Guernsey, Isle of Man, Jersey, Scotland or Wales;”;

(ii) in subparagraph (b), in the inserted definition of “appropriate authority”—

(aa) in 1A, omit sub-paragraph (d);

(bb) in 1B, omit sub-paragraph (c);

(b) in paragraph (3)—

(i) in sub-paragraph (c), in the substituted text for Article 5(6), for “the United Kingdom” substitute “Great Britain” in both places where it occurs;

(ii) for sub-paragraph(d) substitute—

“(d) omit paragraph (8).”;

(c) in paragraph 4(c), omit “Assembly or”;

(d) in paragraph (6)—

(i) in sub-paragraph (a), in the substituted text, for paragraph 1(b) substitute—

“(b) not be imported into Great Britain from any country other than a member State.”;

- (ii) in sub-paragraph (b), in the substituted text for “United Kingdom” substitute “Great Britain”;
- (iii) for sub-paragraph (c) substitute—
  - “(c) in paragraph 4, for “the Community’s” substitute “Great Britain’s.”;
- (e) after paragraph (6) insert—
  - “(6A) In Article 9, in paragraph 2, omit the second subparagraph.”;
- (f) in paragraph (11), omit sub-paragraph (a);
- (g) in paragraph (12), omit sub-paragraphs (a) and (b);
- (h) for paragraph (15) substitute—
  - “(15) Omit Article 19.”;
- (i) in paragraph (21), after sub-paragraph (a) insert—
  - “(aa) in point 6.1, for “Chapter III of Section I of Annex I to Regulation (EC) No 854/2004” substitute “Article 18(4) of Regulation (EU) No 2017/625.”;
- (j) in paragraph (22)—
  - (i) in sub-paragraph (a)(i)(bb), for “the United Kingdom” substitute “Great Britain”;
  - (ii) in sub-paragraph (b), after (ii) insert—
    - “(iii) in the footnotes to Tables A and B, omit “in the individual Member States” in both places where it occurs.”;
- (k) in paragraph (32)—
  - (i) for sub-paragraph (a)(ii), substitute—
    - “(ii) in point (c), in the last paragraph, for “TRACES” substitute “the appropriate computerised information management system.”;
  - (ii) omit sub-paragraph (c);
- (l) for paragraph (37) substitute—
  - “(37) In point 5—
    - (a) omit the words from “Notwithstanding” to “Article 5(2), and”;
    - (b) omit “in all Member States.”;
- (m) in paragraph (42)(b), for the substituted text substitute “unless prior approval has been provided by the relevant authority in the receiving country”;
- (n) in paragraph (48)—
  - (i) in sub-paragraphs (b)(i) and (c)(ii), in the words to be substituted, for “United Kingdom” substitute “Great Britain”;
  - (ii) for sub-paragraph (d) substitute—
    - “(d) in point (c)—
      - (i) in the last indent before point (i), for “Member State” substitute “appropriate authority”;
      - (ii) in the final paragraph before point (i), for the words from “By way of derogation” to “decide” substitute “Nothing in this Regulation prevents the appropriate authority from deciding”;
      - (iii) in point (i), in the first indent for “Member State” substitute “appropriate authority”;

- (iv) in point (ii), for “derogation” substitute “action”;
- (v) in point (iii)—
  - (aa) for the words from “The application” to “Member State” substitute “Such action shall be limited to cases where the appropriate authority”;
  - (bb) in the penultimate sentence, for “Member State” substitute “appropriate authority”;
  - (cc) in the last sentence, for the words “In the case” to “the present paragraph” substitute “Where such action is taken”;
- (iii) for paragraph (e) substitute—
  - “(e) in point (d)—
    - (i) in the fourth indent after the opening paragraph, for “Member State” substitute “appropriate authority”;
    - (ii) in the third paragraph for “Member State” substitute “appropriate authority” in both places where it occurs;
    - (iii) in the last paragraph, for “The Member States” substitute “Any appropriate authority”;
- (o) after paragraph (49), insert—
  - “(49A) In point 3.3, in the fourth indent, for “Member State” substitute “appropriate authority”;
- (p) in paragraph 50(b)(ii), for “United Kingdom” substitute “Great Britain”;
- (q) for paragraphs (51) and (52) substitute—
  - “(51) In point 4.2—
    - (a) in the paragraph before the indents, for the words from “However” to “may”, substitute “Nothing in this Regulation prevents the appropriate authority from deciding that instead of the measures in points 3.2 and 3.3 the authority may decide to”;
  - (51a) In point 4.3(b)—
    - (i) in the opening paragraph, for “Member State” substitute “appropriate authority”;
    - (ii) in the second indent, for “territory of the same Member State” substitute “United Kingdom”;
  - (52) In point 4.4, for “Member State” substitute “appropriate authority”;
- (r) in paragraph (53), for “points 4.5 and 4.6” substitute “point 4.6”;
- (s) for paragraph (60), substitute—
  - “(60) The following amendments are made in points 2, 3 and 4—
    - (a) in the heading to point 2, for “Member States or zones of a Member State”, substitute “A constituent nation of an appropriate authority or a zone within a constituent nation”;
    - (b) in point 2.1—
      - (i) in the opening paragraph before (a)—
        - (aa) for “a Member State” substitute “an appropriate authority”;

- (bb) for the words from “shall submit” to “in particular” substitute “must have clear and presentable evidence”;
- (ii) in (e) for “Member States” substitute “countries”;
- (c) omit point 2.2;
- (d) omit point 2.3;
- (e) in point 3.1—
  - (i) in the words before point (a), for “a Member State which has” substitute “each constituent nation must have”;
  - (ii) in point (a), for the words from “may” to “outlining” substitute “which outlines”;
  - (iii) in the first indent, for “Member State” substitute “constituent nation”;
  - (iv) omit point (b);
- (f) in point 3.2, for the opening words substitute “Within the European Union the national scrapie control programmes for the following Member States have been approved by the European Commission.”;
- (g) omit point 4.”
- (t) for paragraph (64), substitute—
  - “(64) In Annex 9—
    - (a) in Chapter D, in Section B, in point 2, in the words after point (b), for “Union” substitute “retained direct EU”;
    - (b) in Chapter E—
      - (i) in the opening paragraph, for “the Union” substitute “Great Britain”;
      - (ii) after point (4), omit “In addition to the conditions set out in points 1 to 4, the animal health certificate shall attest that.”;
      - (iii) in point (5), in the words before point (a) for “the Union and intended for Member States” substitute “parts of Great Britain”;
      - (iv) in point (6), in the words before point (a) for “the Union and intended for a Member State” substitute “parts of Great Britain”;
    - (c) in Chapter F, in points (1) and (2), for “the Union” substitute “Great Britain” in both places where it occurs;
    - (d) in Chapter H, in the opening paragraph before point (1), for “the Union” substitute “Great Britain”;
  - (u) for paragraph (65) substitute—
    - “(65) Annex 10 is amended in accordance with paragraphs (68) to (74);”.
  - (v) omit paragraphs (66) and (67);
  - (w) for paragraph (72)(b)(i) substitute—
    - “(i) in point (i), for the words from “, listed in” to the end substitute “approved by the national reference laboratory”.
- (3) In regulation 3, in paragraph 4(c), after “constituent nation” insert “of the British Islands”.
- (4) In regulation 4—
  - (a) in paragraph (2), in the inserted paragraph 2 in the definition of “appropriate authority”, omit subparagraph (d);

- (b) in paragraph (3)(b)(ii), for “the United Kingdom” substitute “Great Britain, the Channel Islands and the Isle of Man”.
- (5) Omit regulations 5 and 6.