

DRAFT MARCH 2018

FOR HOUSE OF LORDS - NON-NEGOTIATED ITERATION

The draft deals with provisions that are subject to the negative procedure only.

STATUTORY INSTRUMENTS

2018 No. 000

EXITING THE EUROPEAN UNION

ANIMALS

The Seal Products (Amendments) (EU Exit) Regulations 2018

Made - - - - *******

Laid before Parliament *******

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 7 of the European Union (Withdrawal) Act 2018(a).

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Seal Products (Amendments) (EU Exit) Regulations 2018 and come into force on [...].

PART 2

Amendment of subordinate legislation

The Seals Products Regulations 2010

2.—(1) The Seal Products Regulations 2010(b) are amended as follows.

(2) In regulation 2, in the definition “the EU Regulation”, omit “EU”.

(3) In regulation 3—

(a) in the heading, omit “EU”;

(a) 2018 c. [*].

(b) S.I. 2010/2068.

- (b) in paragraph (1), omit “EU”.
- (4) For regulation 4 substitute—
 - Enforcement of the Regulation is an assigned matter within the meaning of section 1(1) of the Customs and Excise Management Act 1979(a);
- (5) In regulation 5, omit “EU”.

PART 3

Amendment of retained direct EU legislation

Regulation (EC) No 1007/2009 of the European Parliament and of the Council

3.—(1) Regulation (EC) 1007/2009 of the European Parliament and of the Council on trade in seal products(b) is amended as follows.

- (2) In Article 1, omit “harmonised”.
- (3) In Article 2—
 - (a) in paragraph 3, in the definition of ‘placing on the market’, for the word “Community” substitute “United Kingdom”;
 - (b) in paragraph (5), in the definition of ‘import’, for the word “Community” substitute “United Kingdom”.
- (4) In Article 3(1a), in the second subparagraph, for “Commission” substitute “Secretary of State”.
- (5) Omit Article 4.
- (6) Omit Article 5a.
- (7) Omit Article 6.
- (8) Omit Article 7.
- (9) After Article 8, omit the words from “This Regulation” to “Member States”.

Commission Implementing Regulation (EU) No 2015/1850

4.—(1) Commission Implementing Regulation (EU) 2015/1850(c) laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products is amended as follows.

- (2) In Article 2—
 - (a) in paragraph 1—
 - (i) in point (b), for “Union” substitute “United Kingdom”;
 - (ii) in point (c)—
 - (aa) for “Union” substitute “United Kingdom”;
 - (bb) omit “of the Member State concerned”.
- (3) In Article 3—
 - (a) in paragraph 1(f), omit the words from “, and to take measures” to the end;
 - (b) in paragraph 2, for “Commission” substitute “Secretary of State”;
 - (c) in paragraph 3, for “Commission” substitute “Secretary of State”.

(a) 1979 c. 2; section 1(1) was amended by the Commissioners for Revenue and Customs Act 2005 (c.11), s 50(6), Sch 4, paras 20, 22(a).

(b) OJ No L 286, 31.10.2009, p 36, as amended by Regulation (EU) 2015/1775 of the European Parliament and of the Council (OJ No L 262, 7.10.2015, p 1).

(c) OJ No L 271, 16.10.2015, p. 1–11

- (4) In Article 4—
- (a) in paragraph 6—
 - (i) omit “for free circulation”;
 - (ii) omit “pursuant to Article 79 of Council Regulation (EEC) No 2913/92”;
 - (iii) omit the words “Without prejudice” to “2913/92”;
 - (iv) for “the”, substitute “The”;
 - (b) in paragraph 7, for “Member State” substitute “country”.
- (5) In Article 5(4), for the words from “the official language” to the end substitute “English, where the product is to be placed on the market in the United Kingdom”.
- (6) In Article 6—
- (a) in paragraph 1—
 - (i) in the words before point (a), for “Each Member State” substitute “The Secretary of State”;
 - (ii) in point (b), for “ that Member State” substitute “ the United Kingdom”;
 - (iii) in point (c), for “that Member State” substitute “the United Kingdom”;
 - (b) omit paragraph 2;
 - (c) omit paragraph 3.
- (7) Omit Article 7(2).
- (8) [In Article 8—
- (a) Omit the words “under Union law” to “No 45/2001”].
- (9) After Article 10, omit the words from “This Regulation” to “Member States”.
- (10) In the Annex—
- (a) in the original model attesting document and the model copies for the issuing body, customs and competent authority —
 - (i) in the headings—
 - (aa) for “EUROPEAN UNION” substitute “UNITED KINGDOM”;
 - (bb) for “UNION’S MARKET” substitute “MARKET IN THE UNITED KINGDOM”;
 - (ii) in box 4, after “Country of placing on the market” insert “: United Kingdom”;
 - (iii) in box 5, after “ISO Code” insert “: UK”;
 - (b) in the Notes for guidance omit the rows relating to boxes 4 and 5.

Name
Minister of State

Date Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in order to address failures of retained direct EU legislation to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation relating to seal products. Regulation 2 amends subordinate legislation and regulations 3 and 4 amend retained direct EU legislation.

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