

DRAFT MARCH 2018

FOR HOUSE OF LORDS - NON-NEGOTIATED ITERATION

This is an extract of the amendments that are likely to be in this SI. It deals with provisions that are subject to the negative procedure only.

STATUTORY INSTRUMENTS

2018 No. 000

EXITING THE EUROPEAN UNION

ENVIRONMENTAL PROTECTION

**The Timber and Timber Products (Placing on the Market) and
[...] (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, and paragraph 16 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

PART 1

Introduction

Citation and commencement

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

PART 2

Amendment of subordinate legislation

The Timber and Timber Products (Placing on the Market) Regulations 2013

2.—(1) The Timber and Timber Products (Placing on the Market) Regulations 2013(b) are amended as follows.

(a) 2018 c. [*].
(b) S.I. 2013/233.

- (2) Omit regulation 2.
- (3) Omit regulation 7(9)(a)(ii).

PART 3

Amendment of retained direct EU legislation

Regulation (EU) No 995/2010 of the European Parliament and of the Council

3.—(1) Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market^(a) is amended as follows.

- (2) In Article 1, for “internal market” substitute “UK market”.
- (3) In Article 2—
 - (a) in point (b)—
 - (i) for “internal market”, in each place it occurs, substitute “UK market”;
 - (ii) for the words from “Directive 97/7/EC” to “distance contracts” substitute “regulation 5 of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013^(b)”;
 - (b) in point (d), for “internal market”, in both places it occurs, substitute “UK market”;
 - (c) after point (h) insert—
 - i(i) “competent authority” means the Secretary of State.¹
- (4) In Article 4 omit the second sentence of paragraph 3.
- (5) In Article 5, in the second paragraph, for “competent authorities if they so request” substitute “the competent authority if it so requests”.
- (6) In Article 6—
 - (a) in paragraph 1, in the fourth indent of the second paragraph of point (b), for “Council of the European Union” substitute “United Kingdom”;
 - (b) in paragraph 2—
 - (i) omit “necessary to ensure the uniform implementation of paragraph 1”;
 - (ii) for the words from “shall be adopted in” to the end substitute “are set out in Commission Implementing Regulation (EU) No 607/2012 on the detailed rules concerning the due diligence system and the frequency and nature of the checks on monitoring organisations”.
- (7) Omit Article 7.
- (8) In Article 8—
 - (a) in paragraph 1(c), for “competent authorities” substitute “the competent authority”;
 - (b) in paragraph 2(a), for “Union” substitute “United Kingdom”;
 - (c) in paragraph 3—
 - (i) for “Commission, after consulting the Member State(s) concerned,” substitute “competent authority”;
 - (ii) omit the second subparagraph;
 - (d) in paragraph 4—
 - (i) for “competent authorities” substitute “competent authority”;

(a) OJ No L 295, 12.11.10, p 23.

(b) S.I. 2013/3134.

- (ii) for “competent authorities” substitute “competent authority’s”;
 - (iii) omit “of the Member State”;
 - (iv) for “Directive 2003/4/EC” substitute “the [Environmental Information Regulations 2004(a)]”;
- (e) omit paragraph 5;
- (f) in paragraph 6—
- (i) for “Commission” substitute “competent authority”;
 - (ii) omit “, in particular on the basis of the information provided pursuant to paragraph 5,”;
 - (iii) omit the words from “Before withdrawing” to the end;
- (g) in paragraph 7—
- (i) for “In order to supplement” substitute “Commission Delegated Regulation (EU) No 363/2012 on the procedural rules for the recognition and withdrawal of recognition of monitoring organisations supplements”;
 - (ii) omit the words from “and, if experience” to the end;
- (h) in paragraph 8, for the words from “and the uniform implementation” to the end substitute “are set out in Commission Implementing Regulation (EU) No 607/2012”.
- (9) In Article 9—
- (a) for “Commission” substitute “competent authority”;
 - (b) omit from “in the Official Journal of the European Union, C series,” to the end of the sentence and substitute “in such manner as the competent authority sees fit”.
- (10) In Article 10—
- (a) in paragraph 1, for “competent authorities” substitute “competent authority”;
 - (b) in paragraph 2, for “a competent authority” substitute “the competent authority”;
 - (c) in paragraph 5, in the words before point (a)—
 - (i) for “competent authorities” substitute “competent authority”;
 - (ii) for “Member States” substitute “the competent authority”.
- (11) In Article 11—
- (a) in paragraph 1, for “competent authorities” substitute “competent authority”;
 - (b) in paragraph 2, for “Directive 2003/4/EC” substitute “the [Environmental Information Regulations 2004]”.
- (12) Omit Article 12.
- (13) In Article 13—
- (a) in paragraph 1, for “Member States, assisted by the Commission where appropriate,” substitute “the competent authority”;
 - (b) in paragraph 2, for “Member States, assisted by the Commission where appropriate,” substitute “The competent authority”;
 - (c) in paragraph 3, for “competent authorities and preserves their” substitute “the competent authority and preserves its”.
- (14) Omit Articles 16 to 18.
- (15) For Article 20 substitute—

(a) S.I. 2004/3391.

i20 Progress reports

1. The Secretary of State must from time to time—
 - (a) carry out a review of the application of this Regulation,
 - (b) set out the conclusions of the review in a report,
 - (c) publish the report, and
 - (d) lay a copy of the report before Parliament.
2. The first report under this Article must be published [before the end of the period of two years beginning with x/by x].
3. Subsequent reports must be published at intervals not exceeding [two] years.
4. In preparing a report under this Article, the Secretary of State must have regard to the progress made in respect of the conclusion and operation of [Partnership Agreements] pursuant to Regulation (EC) No 2173/2005 and their contribution to minimising the presence of illegally harvested timber and timber products derived from such timber on the [UK market].

20A Review reports

1. The Secretary of State must from time to time—
 - (a) carry out a review of this Regulation,
 - (b) set out the conclusions of the review in a report,
 - (c) publish the report, and
 - (d) lay a copy of the report before Parliament.
2. The first report under this Article must be published [before the end of the period of six years beginning x/by x].
3. Subsequent reports under this Article must be published at intervals not exceeding [six] years.
4. A report under this Article must in particular—
 - (a) address the functioning and effectiveness of this Regulation in preventing illegally harvested timber or timber products derived from such timber being placed on the market;
 - (b) address the administrative consequences for small and medium sized businesses within the meaning given by section 7(1) of the Small Business, Enterprise and Employment Act 2015(a);
 - (c) address the consequences for product coverage.i.

(16) In Article 21 omit the second paragraph.

(17) After Article 21 omit the words from “This Regulation” to “Member States.”

Commission Delegated Regulation (EU) No 363/2012

4.—(1) Commission Delegated Regulation (EU) No 363/2012 on the procedural rules for the recognition and withdrawal of the recognition of monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market(b) is amended as follows.

(a) 2015 c. 26.

(b) OJ No L 115, 27.04.12, p 12.

- (2) In Article 1—
 - (a) omit point (1);
 - (b) in point (2), for the words from “an authority in a State” to the end substitute “[xxxx]”.
- (3) In Article 2—
 - (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) [for “Union” substitute “United Kingdom”];
 - (bb) for “Commission” substitute “competent authority”;
 - (ii) omit the second subparagraph;
 - (b) in paragraph 3, for “Commission”, in both places it occurs, substitute “competent authority”;
 - (c) in paragraph 4, in the first subparagraph—
 - (i) for “Commission’s” substitute “competent authority’s”;
 - (ii) for “Commission”, in both places it occurs, substitute “competent authority”;
 - (d) omit paragraph 5.
- (4) In Article 3—
 - (a) in paragraph 1—
 - (i) for “Commission”, in both places it occurs, substitute “competent authority”;
 - (ii) omit “or the competent authorities concerned”;
 - (b) in paragraph 2—
 - (i) for “Commission”, in both places it occurs, substitute “competent authority”;
 - (ii) omit the last sentence of the first subparagraph.
- (5) In Article 4—
 - (a) for “Commission”, in both places it occurs, substitute “competent authority”;
 - (b) in the second paragraph omit from “and shall communicate” to the end of the paragraph.
- (6) In Article 5—
 - (a) [in the heading omit “within the Union”];
 - (b) in paragraph 1—
 - (i) for “Where an applicant is legally established in more than one Member State, it” substitute “[An applicant]”;
 - (ii) omit “within the Union”;
 - (iii) omit “set up in the territory of any Member State”;
 - (iv) omit the second subparagraph;
 - (c) omit paragraph 2.
- (7) In Article 9—
 - (a) in paragraph 1—
 - (i) in the words before point (a), for “Commission” substitute “competent authority”;
 - (ii) in point (b) omit “within the Union”;
 - (iii) omit point (c);
 - (iv) in point (d), for “Member State” substitute “[jurisdiction]”;
 - (b) omit paragraph 2.
- (8) In Article 10—
 - (a) for “Commission”, in each place it occurs, substitute “competent authority”;
 - (b) in paragraph 1—

- (i) in point (a), for “a competent authority concerned informs the Commission that it” substitute “the competent authority”;
 - (ii) omit point (b);
 - (c) omit paragraph 2;
 - (d) in paragraph 3—
 - (i) for “review team” substitute “competent authority”;
 - (ii) omit the second sentence of the first subparagraph;
 - (e) in paragraph 4—
 - (i) omit the first three subparagraphs;
 - (ii) in the fourth subparagraph, for “review team” substitute “competent authority”;
 - (f) omit paragraph 5.
- (9) In Article 11—
- (a) in paragraph 1—
 - (i) for Commission, in each place it occurs, substitute “competent authority”;
 - (ii) for “a competent authority concerned informs the Commission that it” substitute “the competent authority”;
 - (iii) omit point (b);
 - (b) in paragraphs 1 and 2, for “Commission” substitute “competent authority”;
 - (c) in paragraph 3 omit the words from “and communicated to” to the end.
- (10) In Article 12, for the words from “laid down” to the end substitute “under any enactment or rule of law”.
- (11) After Article 13 omit the words from “This Regulation” to “Member States.”

Commission Implementing Regulation (EU) No 607/2012

5.—(1) Commission Implementing Regulation (EU) No 607/2012 on the detailed rules concerning the due diligence system and the frequency and nature of the checks on monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market^(a) is amended as follows.

- (2) In Article 6—
- (a) in paragraph 1, for “competent authorities” substitute “competent authority”;
 - (b) in paragraph 2—
 - (i) in point (a), for “a competent authority” substitute “the competent authority”;
 - (ii) in point (b)—
 - (aa) for “the Commission has informed the competent authorities that a monitoring organisation” substitute “a monitoring organisation has informed the competent authority that it”;
 - (bb) for “Article 9(2)” substitute “Article 9(1)”;
 - (c) in paragraph 4, for “competent authorities” substitute “competent authority”;
 - (d) in paragraph 5, in the words before point (a), for “Competent authorities” substitute “The competent authority”.
- (3) In Article 7—
- (a) in paragraph 1—

(a) OJ No L 177, 7.07.12, p 16.

- (i) for “competent authorities” substitute “competent authority”;
 - (ii) for “they have” substitute “it has”;
 - (iii) for “their” substitute “its”;
 - (b) in paragraphs 2 and 3, for “competent authorities”, in each place it occurs, substitute “competent authority”.
- (4) In Article 8 omit the second paragraph.
- (5) After Article 8 omit the words from “This Regulation” to “Member States.”

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

Date

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. [*]) to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

They amend legislation in relation to the placing on the market of timber and timber products. Part 2 amends subordinate legislation and Part 3 amends 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].