

2019 No. 16

EXITING THE EUROPEAN UNION

WILDLIFE

**The Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit)
Regulations 2019**

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| <i>Sift requirements satisfied</i> | <i>6th December 2018</i> |
| <i>Made - - - -</i> | <i>8th January 2019</i> |
| <i>Laid before Parliament</i> | <i>10th January 2019</i> |
| <i>Coming into force in accordance with regulation 1</i> | |

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

PART 2

Amendment of retained direct EU legislation

Council Regulation (EEC) No 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards

2.—(1) Council Regulation (EEC) No 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain

wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards is amended as follows.

(2) In Article 2—

- (a) omit the words “in the Community”;
- (b) omit the words “by 1 January 1995 at the latest”.

(3) In Article 3—

- (a) in paragraph (1)—
 - (i) for “Community” substitute “United Kingdom”;
 - (ii) for the words “inasmuch as” substitute “where”;
 - (iii) omit the words “as of 1 January 1995”;
- (b) omit paragraph (2);
- (c) after paragraph (2), insert—

“3. Paragraph 1 does not apply to the introduction into the United Kingdom from a member State.”.

(4) In Article 4, for the first paragraph substitute—

“Designated competent authorities of countries, other than member States, exporting or re-exporting to the United Kingdom any of the goods listed in Annex II, where they incorporate pelts of the species listed in Annex I, must certify that such pelts originate in an approved country as referred to in Article 3 in accordance with Commission Regulation (EC) No 35/97 laying down provisions on the certification of pelts and goods covered by Council Regulation (EEC) No 3254/91.”.

(5) Omit Article 6.

(6) After Article 6, omit the words from “This Regulation” to “Member States.”.

Commission Regulation (EC) No 35/97 laying down provisions on the certification of pelts and goods covered by Council Regulation (EEC) No 3254/91.

3.—(1) Commission Regulation (EC) No 35/97 laying down provisions on the certification of pelts and goods covered by Council Regulation (EEC) No 3254/91 is amended as follows.

(2) In Article 1—

- (a) in paragraph 1—
 - (i) for “that for external transit” substitute “a transit procedure”;
 - (ii) for “customs territory of the Community” substitute “United Kingdom”;
 - (iii) in subparagraph (a), for the words from “a country appearing in the list” to “that country” substitute “an approved country”;
 - (iv) omit subparagraph (b);
- (b) in paragraph 2, for the words from “shall surrender” to “Community” substitute “must, on the importation of goods into the United Kingdom, present to the border customs office a certificate”;
- (c) after paragraph 2, insert—

“3. In this Article, “an approved country”, in relation to the pelts of any species (and goods incorporating such pelts) means a country listed in the Annex to Council Decision 97/602/EC concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97.”.

(3) In Article 2—

- (a) in paragraph 1, for the words from “one of the official languages” to the end substitute “English”;
 - (b) omit paragraph 3.
- (4) In Article 3—
- (a) in paragraph 1—
 - (i) for “Community” in each place where it occurs substitute “United Kingdom”;
 - (ii) before “re-export” insert the words “export or”;
 - (b) in paragraph 2—
 - (i) for “Community” substitute “United Kingdom”;
 - (ii) for “Regulation (EEC) No 3626/82” in the first place where it occurs substitute “Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein”;
 - (iii) for “Regulation (EEC) No 3262/82 in the second place where it occurs substitute “Council Regulation (EC) No 338/97”.
- (5) Omit Article 4.
- (6) After Article 4, omit the words from “This Regulation” to “Member States.”.
- (7) Omit the Annex.

Council Decision (EC) No 97/602 concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97

4.—(1) Council Decision (EC) No 97/602 concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97 is amended as follows.

- (2) For Article 1 substitute—
- “1. The Annex to this Decision lists the approved countries referred to in Article 3 of Regulation (EEC) No 3254/91, and specifies in respect of each country the species in relation to the pelts of which the country in question is approved. ”.
- (3) Omit Articles 2 and 3.
- (4) For the Annex, substitute the Annex set out in the Schedule.

PART 3

Revocation of retained direct EU legislation

5. The following instruments are revoked—
- (a) Commission Regulation (EC) No 1771/94 laying down provisions on the introduction into the Community of pelts and manufactured goods of certain wild animal species;
 - (b) Commission Decision (EC) No 98/188 amending Council Decision 97/602/EC concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97;
 - (c) Commission Decision No 98/596 amending Council Decision 97/602/EC concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97.

8th January 2019

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

SCHEDULE

Regulation 4(4)

Substituted Annex to Council Decision (EC) No 97/602/EC concerning the list referred to in the second subparagraph of Article 3(1) of Regulation (EEC) No 3254/91 and in Article 1(1)(a) of Commission Regulation (EC) No 35/97

“ANNEX

List of countries and species referred to in Article 1

| <i>Country</i> | <i>Species</i> |
|---|--------------------|
| Belize | Procyon lotor |
| Canada | Canis latrans |
| | Canis lupus |
| | Castor canadensis |
| | Felis rufus |
| | Lutra canadensis |
| | Lynx canadensis |
| | Martes americana |
| | Martes pennanti |
| | Mustela erminea |
| | Ondatra zibethicus |
| | Procyon lotor |
| | Taxidea taxus |
| People's Republic of China | Canis lupus |
| | Martes zibellina |
| | Mustela erminea |
| | Ondatra zibethicus |
| El Salvador | Procyon lotor |
| Greenland | Canis lupus |
| Jordan | Canis lupus |
| Republic of Korea | Canis lupus |
| | Martes zibellina |
| Lebanon | Canis lupus |
| Countries which are Member States of the European Union | Canis latrans |
| | Canis lupus |
| | Castor canadensis |
| | Felis rufus |
| | Lutra canadensis |
| | Lynx canadensis |
| | Martes americana |
| | Martes pennanti |
| | Martes zibellina |
| | Mustela erminea |
| | Ondatra zibethicus |
| | Procyon lotor |
| | Taxidea taxus |
| Mexico | Canis lupus |

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|--------------------------|--------------------|
| | Canis latrans |
| | Castor canadensis |
| | Felis rufus |
| | Ondatra zibethicus |
| | Procyon lotor |
| | Taxidea taxus |
| Moldova | Canis lupus |
| | Mustela erminea |
| Nicaragua | Procyon lotor |
| Norway | Canis lupus |
| | Mustela erminea |
| | Ondatra zibethicus |
| Pakistan | Canis lupus |
| | Mustela erminea |
| Panama | Procyon lotor |
| Russian Federation | Canis lupus |
| | Martes zibellina |
| | Mustela erminea |
| | Ondatra zibethicus |
| | Procyon lotor |
| Turkey | Canis lupus |
| United States of America | Canis latrans |
| | Canis lupus |
| | Castor canadensis |
| | Felis rufus |
| | Lutra canadensis |
| | Lynx canadensis |
| | Martes americana |
| | Martes pennanti |
| | Mustela erminea |
| | Ondatra zibethicus |
| | Procyon lotor |
| | Taxidea taxus” |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) in order to address failures of EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

The deficiencies identified are of a kind referred to in section 8(2)(a) (provisions which have no practical application in relation to the UK or are otherwise redundant or substantially redundant, 8(2)(d) (provisions for, or in connection with, arrangements which involve the EU or are otherwise dependent on the UK’s membership of the EU and which no longer exist or are no longer appropriate) and 8(2)(g) (EU references which are no longer appropriate) of the 2018 Act.

The Regulations make amendments to retained direct EU legislation concerning the use of leghold traps and the import of pelts and manufactured goods of certain wild animal species. Part 2 amends retained direct EU legislation and Part 3 revokes tertiary 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.