



## EUROPEAN UNION AND TRADE ACT 2019 (DEFICIENCIES) (DEFA) (NO. 4) REGULATIONS 2019

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Statutory Document No. 2019/0185



*European Union and Trade Act 2019*

## **EUROPEAN UNION AND TRADE ACT 2019 (DEFICIENCIES) (DEFA) (NO. 4) REGULATIONS 2019**

*Approved by Tynwald:*

*Coming into Operation: in accordance with regulation 2*

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The Council of Ministers makes the following Regulations under sections 7 and 12 of, and paragraph 7 of Schedule 4 to, the European Union and Trade Act 2019.

The Council of Ministers is of the opinion that, by reason of urgency, it is necessary to make these Regulations subject to the Tynwald procedure set out in section 31 of the Legislation Act 2015 (“affirmative”) instead of the “approval required” Tynwald procedure applied by virtue of sections 7(1) and 12(1) of the European Union and Trade Act 2019.

### **1 Title**

These Regulations are the European Union and Trade Act 2019 (Deficiencies) (DEFA) (No. 4) Regulations 2019.

### **2 Commencement**

These Regulations come into operation on the day they are made<sup>1</sup>.

### **3 Interpretation**

In these Regulations —

“**retention regulations**” means the European Union and Trade Act 2019 (Retained Direct EU Legislation) (DEFA and OFT) Regulations 2019<sup>2</sup>; and

“**deficiencies regulations**” means the European Union and Trade Act 2019 (Deficiencies) (DEFA) (No. 2) Regulations 2019<sup>3</sup>.

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<sup>1</sup> Paragraph 7 of Schedule 4 to the European Union and Trade Act 2019 provides that if a statutory document contains a declaration that the Council of Ministers is of the opinion that, by reason of urgency, it is necessary to make the statutory document subject to the Tynwald procedure set out in section 31 of the Legislation Act 2015 (“affirmative”), that procedure applies to the statutory document instead of the “approval required” Tynwald procedure applied by virtue of any provision of the European Union and Trade Act 2019.

<sup>2</sup> SD 2019/0037, as amended by SD 2012/0122.

**4 Retention regulations amended**

The Schedule to the retention regulations is amended in accordance with Schedule 1 to these Regulations.

**5 Deficiencies regulations amended**

Schedules 2, 3, 4 and 9 to the deficiencies regulations are amended in accordance with Schedule 2 to these Regulations.

**6 Construction**

To avoid doubt, any retained EU law is to be construed and have effect subject to these Regulations.

**MADE 11 APRIL 2019**

**W GREENHOW**  
*Chief Secretary*

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<sup>3</sup> SD 2019/0122.

## SCHEDULE 1

[Regulation 4]

### RETENTION REGULATIONS AMENDED

#### 1 Part 1 (agricultural trade) amended

- (1) Part 1 (agricultural trade) of the Schedule to the retention regulation is amended as follows.
- (2) After paragraph 1(11) insert —
  - 11A** Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage<sup>4</sup>.

#### 2 Part 2 (animal diseases) amended

- (1) Part 2 (animal diseases) of the Schedule to the retention regulations is amended as follows.
- (2) For paragraph 13 (disease control) substitute —
  - 13 Disease control**
  - (1) Commission Decision of 1 June 1993 laying down derogations from the conditions of approval for border inspection posts located in ports where fish is landed (93/352/EEC)<sup>5</sup>.
  - (2) Commission Decision of 12 November 1997 laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries (97/794/EC)<sup>6</sup>.
  - (3) Commission Decision of 20 June 2003 on certain protection measures with regard to monkey pox virus (2003/459/EC)<sup>7</sup>.
  - (4) Commission Decision of 16 February 2007 laying down detailed rules in relation to an alternative identification mark pursuant to Council Directive 2002/99/EC (2007/118/EC)<sup>8</sup>.
  - (5) Commission Implementing Decision (EU) 2018/320 of 28 February 2018 on certain animal health protection measures for


<sup>4</sup> OJ L 206, 30.7.2016, p. 71.

<sup>5</sup> OJ L 144, 16.6.1993, p. 25.



<sup>6</sup> OJ L 323, 26.11.1997, p. 31.

<sup>7</sup> OJ L 154, 21.6.2003, p. 112.



<sup>8</sup> OJ L 051, 20.2.2007, p. 19.

intra-Union trade in salamanders and the introduction into the Union of such animals in relation to the fungus *Batrachochytrium salamandrivorans*<sup>9</sup>. .

### 3 Part 10 (food safety) amended

- (1) Part 10 (food safety) of the Schedule to the retention regulations is amended as follows.
- (2) After paragraph 63(2) insert —
  -  (2A) Commission Implementing Regulation (EU) No 743/2013 of 31 July 2013 introducing protective measures on imports of bivalve molluscs from Turkey intended for human consumption<sup>10</sup>. .

### 4 Part 12 (importation of products from third countries) amended

- (1) Part 12 (importation of products from third countries) of the Schedule to the retention regulations is amended as follows.
- (2) After paragraph 66(12) insert —
  -  (12A) Commission Regulation (EC) No 119/2009 of 9 February 2009 laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild *leporidae*, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements<sup>11</sup>. .

### 5 Part 15 (residues) amended

- (1) Part 15 (residues) of the Schedule to the retention regulations is amended as follows.
- (2) Omit paragraph 72(5).
- (3) Omit paragraph 72(7).
- (4) Omit paragraph 72(8).
- (5) Omit paragraph 72(11).

### 6 Part 17 (zootechnical standards) amended

- (1) Part 17 (zootechnical standards) of the Schedule to the retention regulations is amended as follows.
- (2) Omit paragraph 77(15).
- (3) Omit paragraph 77(26).

<sup>9</sup> OJ L 062, 5.3.2018, p. 18.

<sup>10</sup> OJ L 205, 1.8.2013, p. 1.

<sup>11</sup> OJ L 039, 10.2.2009, p. 12.

- (4) Omit paragraph 77(28).

## SCHEDULE 2

[Regulation 5]

## DEFICIENCIES REGULATIONS AMENDED

**1 Schedule 2 (retained direct EU legislation concerning animal diseases amended) amended**

- (1) Schedule 2 to the deficiencies regulations is amended as follows.
- (2) In paragraph 18 (regulation (EC) No 2160/2003 amended) –
  - (a) for subparagraph (2)(c), substitute –

(c)	in paragraph 5, for “Community” substitute retained EU law. <del>22</del> , <del>22</del>
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  - (b) for subparagraph (3)(a) substitute –

(a)	in paragraph 1, after “Regulation (EC) No 178/2002”, insert other than the definitions of ‘appropriate authority’ and ‘third country’ <del>22</del> , <del>22</del> .
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  - (c) omit subparagraph (3)(b)(ii);
  - (d) omit subparagraph (7)(a)(i); and
  - (e) for subparagraph (11)(a) substitute –

(a)	for the heading substitute Trade between the Island and member States <del>22</del> ; <del>22</del> .
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**2 Schedule 3 (retained direct EU legislation concerning animal welfare amended) amended**

- (1) Schedule 3 (retained direct EU legislation concerning animal welfare amended) to the deficiencies regulations is amended as follows.
- (2) Omit paragraph 22 (Commission Implementing Regulation (EU) 2018/659) amended).

**3 Schedule 4 (retained direct EU legislation concerning aquaculture amended) amended**

- (1) Schedule 4 (retained direct EU legislation concerning aquaculture amended) to the deficiencies regulations is amended as follows.
- (2) In paragraph 4 (Commission Decision 2008/946/EC amended), for subparagraph (11), substitute –

(11)	In Article 11, in each place where it appears, for “Community” substitute the Island <del>22</del> , <del>22</del> .
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- (3) In paragraph 6 (Commission Decision 2010/221/EU amended) –



- (a) for subparagraph (5)(b) substitute —
  - (b) in paragraph 1 —
    - (i) for the words from “Member States” to “Annex II” substitute ▫appropriate authority ▫; and
    - (ii) for “of that table” substitute ▫of the table in Annex 2 ▫;
- (b) for subparagraph (10)(a) substitute —
  - (a) in the heading, for “Member States and areas” substitute ▫Areas ▫; ▫;
- (c) for subparagraph (12)(a)(i) substitute —
  - (i) for “Member States and parts thereof” substitute ▫Constituent UK territories or Crown Dependencies, and areas, ▫; and
- (d) for subparagraph (12)(b) substitute —
  - (b) in the heading to the second column of the table, for “Member State” substitute ▫Constituent UK territory or Crown Dependency ▫; ▫.

**4 Schedule 9 (retained direct EU legislation concerning plant health and plant protection amended) amended**

- (1) Schedule 9 (retained direct EU legislation concerning plant health and plant protection amended) to the deficiencies regulations is amended as follows.
- (2) Omit paragraph 2 (Regulation (EC) No 1107/2009 amended).

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations amend the Schedule to the European Union and Trade Act 2019 (Retained Direct EU Legislation) (DEFA and OFT) Regulations 2019 (the “retention regulations”) to insert six additional items of EU legislation and to remove seven items of EU legislation.

These Regulations also amend Schedules 2, 3, 4 and 9 of the European Union and Trade Act 2019 (Deficiencies) (DEFA) (No. 2) Regulations 2019 (the “deficiencies regulations”) to amend or remove amendments to the retained direct EU legislation prescribed in the retention regulations.

To ensure these provisions are in operation in Manx law before exit day these Regulations have been made to come into operation on the day they are made, subject to approval under the Tynwald affirmative procedure, further to the vires provided by paragraph 7 of Schedule 4 to, the European Union and Trade Act 2019.