



EUROPEAN UNION AND TRADE ACT 2019 (RETAINED DIRECT EU LEGISLATION) (CUSTOMS) REGULATIONS 2019

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Statutory Document No. 2019/0064



European Union and Trade Act 2019

EUROPEAN UNION AND TRADE ACT 2019 (RETAINED DIRECT EU LEGISLATION) (CUSTOMS) REGULATIONS 2019

*Approved by Tynwald: 20th March 2019
Coming into Operation: in accordance with Regulation 2*

The Council of Ministers makes the following Regulations under sections 7, 12 and 15 of the European Union and Trade Act 2019.

1 Title

These Regulations are the European Union and Trade Act 2019 (Retained Direct EU Legislation) (Customs) Regulations 2019.

2 Commencement

If approved by Tynwald, these Regulations come into operation on exit day¹.

3 Prescribed EU regulations, EU decisions and EU tertiary legislation

- (1) The EU regulations, EU decisions and EU tertiary legislation specified in the Schedule, as they have effect in EU law immediately before exit day, are prescribed for the purposes of section 7(1) of the European Union and Trade Act 2019.
- (2) To avoid doubt, the EU regulations, EU decisions and EU tertiary legislation prescribed under regulation 3(1) include any adaptations made to such EU regulations, EU decisions and EU tertiary legislation under the EEA agreement and which have effect immediately before exit day.

¹ Tynwald approval required under section 7(1), 12(1) and 15(1) of the European Union and Trade Act 2019.

4 Interpretation of prescribed EU regulations, EU decisions and EU tertiary legislation

- (1) Throughout the EU regulations, EU decisions and EU tertiary legislation prescribed under regulation 3(1) and unless the context otherwise requires –
 - (a) references to “Member State”, “Member States”, “the Community”, the “European Union”, the “EU” and “the Union” are to be construed as including the United Kingdom, the Channel Islands and the Island;
 - (b) references to “national” (where used as an adjective) are to be construed as including the United Kingdom, the Channel Islands and the Island;
 - (c) references to the “United Kingdom” are to be construed as including the Channel Islands and the Island;
 - (d) references to a “competent authority” or “relevant authority” are to be construed as references to the Treasury; and
 - (e) references to a “third country” are to be construed as references to a country or state other than the Island, the United Kingdom and the Channel Islands.
- (2) The EU regulations, EU decisions and EU tertiary legislation prescribed under regulation 3(1) are to be construed and have effect subject to any contrary provision contained in or having effect under the customs arrangements between the United Kingdom and the Island.
- (3) Despite any provisions to the contrary in the EU regulations, EU decisions and EU tertiary legislation prescribed under regulation 3(1), such EU regulations, EU decisions and EU tertiary legislation do not impose any obligation on the Treasury to provide –
 - (a) any funding to any person, body or organisation; and
 - (b) any information to any person, body or organisation,unless the Treasury decides otherwise.
- (4) References to an Annex in the EU regulations, EU decisions and EU tertiary legislation prescribed under regulation 3(1) are references to that Annex as amended from time to time by EU law on or after exit day.

5 Construction

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

MADE 18TH FEBRUARY 2019

W GREENHOW
Chief Secretary

SCHEDULE

[Regulation 3]

RETAINED DIRECT EU LEGISLATION

1 Common Customs Tariff

- (1) Council Regulation (EEC) No 2658/87² of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff.
- (2) Council Regulation (EC) No 1147/2002³ of 25 June 2002 temporarily suspending the autonomous Common Customs Tariff duties on certain goods imported with airworthiness certificates.
- (3) Council Regulation (EC) No 150/2003⁴ of 21 January 2003 suspending import duties on certain weapons and military equipment.
- (4) Council Regulation (EU) No 973/2010⁵ of 25 October 2010 temporarily suspending the autonomous Common Customs Tariff duties on imports of certain industrial products into the autonomous regions of the Azores and Madeira.
- (5) Council Regulation (EU) No 1386/2011⁶ of 19 December 2011 temporarily suspending autonomous Common Customs Tariff duties on imports of certain industrial products into the Canary Islands.
- (6) Council Regulation (EU) No 1387/2013⁷ of 17 December 2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products and repealing Regulation (EU) No 1344/2011.

2 Kimberley Process certification scheme for the international trade in rough diamonds

Council Regulation (EC) No 2368/2002⁸ of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds.

² OJ L256, 7.9.1987, p.1 as that Regulation was amended by Council Regulation (EEC) No 1969/93 (OJ L180, 23.7.1993, p.9), Council Regulation (EC) No 254/2000 (OJ L28, 3.2.2000, p.16) and Commission Implementing Regulation (EU) 2018/1602 (OJ L273, 31.10.2018, p.1).

³ OJ L170, 29.6.2002, p.8.

⁴ OJ L25, 30.1.2003, p.1.

⁵ OJ L285, 30.10.2010, p.4.

⁶ OJ L345, 29.12.2011, p.1.

⁷ OJ L354, 28.12.2013, p.201 as that Regulation was amended by Council Regulation (EU) 2015/982 (OJ L159, 25.6.2015, p.5), Council Regulation (EU) 2015/2449 (OJ L345, 30.12.2015, p.11), Council Regulation (EU) 2016/2390 (OJ L360, 30.12.2016, p.14), Council Regulation (EU) 2017/1134 (OJ L164, 27.6.2017, p.6), Council Regulation (EU) 2017/2467 (OJ L351, 30.12.2017, p.7) and Council Regulation (EU) 2018/914 (OJ L162, 27.6.2018, p.8).

3 Drug precursors

- (1) Regulation (EC) No 273/2004⁹ of the European Parliament and of the Council of 11 February 2004 on drug precursors.
- (2) Council Regulation (EC) No 111/2005¹⁰ of 22 December 2004 laying down rules for the monitoring of trade between the Union and third countries in drug precursors.
- (3) Commission Implementing Regulation (EU) 2015/1013¹¹ of 25 June 2015 laying down rules in respect of Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and of Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Union and third countries in drug precursors.

4 Statistics relating to trade

- (1) Regulation (EC) No 638/2004¹² of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91.
- (2) Commission Regulation (EC) No 1982/2004¹³ of 18 November 2004 implementing Regulation (EC) No 638/2004 of the European Parliament and of the Council on Community statistics relating to the trading of goods between Member States and repealing Commission Regulations (EC) No 1901/2000 and (EEC) No 3590/92.

⁸ OJ L358, 31.12.2002, p.28 as that Regulation was amended by Council Regulation (EC) No 254/2003 (OJ L36, 12.2.2003, p.7), Commission Implementing Regulation (EU) No 947/2012 (OJ L282, 16.10.2012, p.27), Regulation (EU) No 257/2014 (OJ L84, 20.3.2014, p.69), Commission Implementing Regulation (EU) 2016/667 (OJ L115, 29.4.2016, p.28) and Commission Implementing Regulation (EU) 2018/578 (OJ L97, 17.4.2018, p.1).

⁹ OJ L47, 18.2.2004, p.1 as that Regulation was amended by Regulation (EU) No 1258/2013 (OJ L330, 10.12.2013, p.21), Commission Delegated Regulation (EU) 2016/1443 (OJ L235, 1.9.2016, p.6) and Commission Delegated Regulation (EU) 2018/729 (OJ L123, 18.5.2018, p.4).

¹⁰ OJ L22, 26.1.2005, p.1 as that Regulation was amended by Regulation (EU) No 1259/2013 (OJ L330, 10.12.2013, p.30), Commission Delegated Regulation (EU) 2016/1443 (OJ L235, 1.9.2016, p.6) and Commission Delegated Regulation (EU) 2018/729 (OJ L123, 18.5.2018, p.4).

¹¹ OJ L162, 27.6.2015, p.33.

¹² OJ L102, 7.4.2004, p.1 as that Regulation was amended by Regulation (EC) No 222/2009 (OJ L87, 31.3.2009, p.160), Commission Regulation (EU) No 1093/2013 (OJ L294, 6.11.2013, p.28) and Regulation (EU) No 659/2014 (OJ L189, 27.6.2014, p.128).

¹³ OJ L343, 19.11.2004, p.3 as that Regulation was amended by Commission Regulation (EC) No 1915/2005 (OJ L307, 25.11.2005, p.8), Commission Regulation (EU) No 91/2010 (OJ L31, 3.2.2010, p.1), Commission Regulation (EU) No 96/2010 (OJ L34, 5.2.2010, p.1) and Commission Regulation (EU) No 1093/2013 (OJ L294, 6.11.2013, p.28).

- (3) Regulation (EC) No 471/2009¹⁴ of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95.
- (4) Commission Regulation (EU) No 92/2010¹⁵ of 2 February 2010 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards data exchange between customs authorities and national statistical authorities, compilation of statistics and quality assessment.
- (5) Commission Regulation (EU) No 113/2010¹⁶ of 9 February 2010 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards trade coverage, definition of the data, compilation of statistics on trade by business characteristics and by invoicing currency, and specific goods or movements.
- (6) Commission Regulation (EU) No 1106/2012¹⁷ of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories.

5 Trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment

Council Regulation (EC) No 1236/2005¹⁸ of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

6 Ban on the placing on the market, import or export of cat and dog fur, and products containing such fur

Regulation (EC) No 1523/2007¹⁹ of the European Parliament and of the Council banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur.

¹⁴ OJ L152, 16.6.2009, p.23 as that Regulation was amended by Regulation (EU) 2016/1724 (OJ L266, 30.9.2016, p.1) and Commission Regulation (EU) 2016/2119 (OJ L329, 3.12.2016, p.66).

¹⁵ OJ L31, 3.2.2010, p.4 as that Regulation was amended by Commission Implementing Regulation (EU) 2016/1253 (OJ L205, 30.7.2016, p.12).

¹⁶ OJ L37, 10.2.2010, p.1.

¹⁷ OJ L328, 28.11.2012, p.7.

¹⁸ OJ L200, 30.7.2005, p.1 as that Regulation was amended by Commission Implementing Regulation (EU) No 775/2014 (OJ L210, 17.7.2014, p.1), Commission Delegated Regulation (EU) 2015/1113 (OJ L182, 10.7.2015, p.10), Regulation (EU) 2016/2134 (OJ L338, 13.12.2016, p.1) and Commission Delegated Regulation (EU) 2018/181 (OJ L40, 13.2.2018, p.1).

7 Export of cultural goods

- (1) Council Regulation (EC) No 116/2009²⁰ of 18 December 2008 on the export of cultural goods.
- (2) Commission Implementing Regulation (EU) No 1081/2012²¹ of 9 November 2012 for the purposes of Council Regulation (EC) No 116/2009 on the export of cultural goods.

8 European statistics

Regulation (EC) No 223/2009²² of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities.

9 Control of exports, transfer, brokering and transit of dual-use items

Council Regulation (EC) No 428/2009²³ of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.

10 Trade in seal products

- (1) Regulation (EC) No 1007/2009²⁴ of the European Parliament and of the Council of 16 September 2009 on trade in seal products.
- (2) Commission Implementing Regulation (EU) 2015/1850²⁵ of 13 October 2015 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.

¹⁹ OJ L343, 27.12.2007, p.1.

²⁰ OJ L39, 10.2.2009, p.1.

²¹ OJ L324, 22.11.2012, p.1.

²² OJ L87, 31.3.2009, p.164 as that Regulation was amended by Regulation (EU) 2015/759 (OJ L123, 19.5.2015, p.90).

²³ OJ L134, 29.5.2009, p.1 as that Regulation was amended by Regulation (EU) No 1232/2011 (OJ L326, 8.12.2011, p.26), Regulation (EU) No 559/2014 (OJ L173, 12.6.2014, p.79) and Commission Delegated Regulation (EU) 2018/1922 (OJ L319, 14.12.2018, p.1).

²⁴ OJ L286, 31.10.2009, p.36 as that Regulation was amended by Regulation (EU) 2015/1775 (OJ L262, 7.10.2015, p.1).

²⁵ OJ L271, 16.10.2015, p.1.

11 Reliefs from customs duty

Council Regulation (EC) No 1186/2009²⁶ of 16 November 2009 setting up a Community system of reliefs from customs duty.

12 Control of import, export and transit of firearms, their parts and components and ammunition

Regulation (EU) No 258/2012²⁷ of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition.

13 Generalised tariff preferences

Regulation (EU) No 978/2012²⁸ of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008.

14 Marketing and use of explosives precursors

Regulation (EU) No 98/2013²⁹ of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors.

²⁶ OJ L324, 10.12.2009, p.23.

²⁷ OJ L94, 30.3.2012, p.1.

²⁸ OJ L303, 31.10.2012, p.1 as that Regulation was amended by Commission Delegated Regulation (EU) No 1421/2013 (OJ L355, 31.12.2013, p.1), Commission Delegated Regulation (EU) No 1/2014 (OJ L1, 4.1.2014, p.1), Commission Delegated Regulation (EU) No 182/2014 (OJ L57, 27.2.2014, p.1), Commission Delegated Regulation (EU) No 1015/2014 (OJ L283, 27.9.2014, p.20), Commission Delegated Regulation (EU) No 1016/2014 (OJ L283, 27.9.2014, p.23), Commission Delegated Regulation (EU) No 1386/2014 (OJ L369, 24.12.2014, p.33), Commission Delegated Regulation (EU) 2015/602 (OJ L100, 17.4.2015, p.8), Commission Delegated Regulation (EU) 2015/1978 (OJ L289, 5.11.2015, p.1), Commission Delegated Regulation (EU) 2015/1979 (OJ L289, 5.11.2015, p.3), Commission Delegated Regulation (EU) 2016/79 (OJ L17, 26.1.2016, p.1), Commission Delegated Regulation (EU) 2017/217 (OJ L34, 9.2.2017, p.7), Commission Delegated Regulation (EU) 2017/836 (OJ L125, 18.5.2017, p.1) and Commission Delegated Regulation (EU) 2018/216 (OJ L42, 15.2.2018, p.1).

²⁹ OJ L39, 9.2.2013, p.1 as that Regulation was amended by Commission Delegated Regulation (EU) 2017/214 (OJ L34, 9.2.2017, p.1), Commission Delegated Regulation (EU) 2017/215 (OJ L34, 9.2.2017, p.3) and Commission Delegated Regulation (EU) 2017/216 (OJ L34, 9.2.2017, p.5).

15 Customs enforcement of intellectual property rights

- (1) Regulation (EU) No 608/2013³⁰ of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003.
- (2) Commission Implementing Regulation (EU) No 1352/2013³¹ of 4 December 2013 establishing the forms provided for in Regulation (EU) No 608/2013 of the European Parliament and of the Council concerning customs enforcement of intellectual property rights.

16 Union Customs Code

- (1) Regulation (EU) No 952/2013³² of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code.
- (2) Commission Delegated Regulation (EU) 2015/2446³³ of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code.
- (3) Commission Implementing Regulation (EU) 2015/2447³⁴ of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code.
- (4) Commission Delegated Regulation (EU) 2016/341³⁵ of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446.
- (5) Commission Implementing Decision (EU) 2016/578³⁶ of 11 April 2016 establishing the Work Programme relating to the development and

³⁰ OJ L181, 29.6.2013, p15.

³¹ OJ L341, 18.12.2013, p.10 as that Regulation was amended by Commission Implementing Regulation (EU) 2018/582 (OJ L98, 18.4.2018, p.4).

³² OJ L269, 10.10.2013, p.1 as that Regulation was amended by Regulation (EU) 2016/2339 (OJ L354, 23.12.2016, p.32).

³³ OJ L343, 29.12.2015, p.1 as that Regulation was amended by Commission Delegated Regulation (EU) 2016/651 (OJ L111, 27.4.2016, p.1), Commission Delegated Regulation (EU) 2016/698 (OJ L121, 11.5.2016, p.1), Commission Delegated Regulation (EU) 2018/1063 (OJ L192, 30.7.2018, p.1) and Commission Delegated Regulation (EU) 2018/1118 (OJ L204, 13.8.2018, p.11).

³⁴ OJ L343, 29.12.2015, p.558 as that Regulation was amended by Commission Implementing Regulation (EU) 2017/989 (OJ L149, 13.6.2017, p.19) and Commission Implementing Regulation (EU) 2018/604 (OJ L101, 20.4.2018, p.22).

³⁵ OJ L69, 15.3.2016, p.1 as that Regulation was amended by Commission Delegated Regulation (EU) 2016/698 (OJ L121, 11.5.2016, p.1).

³⁶ OJ L99, 15.4.2016, p.6.

deployment of the electronic systems provided for in the Union Customs Code.

17 Autonomous tariff quotas

Council Regulation (EU) No 1388/2013³⁷ of 17 December 2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products, and repealing Regulation (EU) No 7/2010.

³⁷ OJ L354, 28.12.2013, p.319 as that Regulation was amended by Council Regulation (EU) 2015/981 (OJ L159, 25.6.2015, p.1), Council Regulation (EU) 2016/2389 (OJ L360, 30.12.2016, p.1), Council Regulation (EU) 2017/1133 (OJ L164, 27.6.2017, p.1), Council Regulation (EU) 2017/2466 (OJ L351, 30.12.2017, p.1), Council Regulation (EU) 2018/913 (OJ L162, 27.6.2018, p.3) and Council Regulation (EU) 2018/1977 (OJ L317, 14.12.2018, p.2).

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

Regulation 3 of, and the associated Schedule to, these Regulations prescribe the EU regulations, EU decisions and EU tertiary legislation, which form part of Manx law on and after exit day in relation to customs.

Regulation 4 of these Regulations specifies the interpretation provisions to be applied when interpreting the prescribed EU regulations, EU decisions and EU tertiary legislation after exit day. These interpretation provisions may be enhanced or superseded by regulations made under section 12 of the European Union and Trade Act 2019.

Regulation 4 also includes an ambulatory provision which provides that references to an Annex to the prescribed EU regulations, EU decisions and EU tertiary legislation are to be read as those Annexes as amended from time to time.