

Statutory Document No. 2019/0149



*Customs and Excise Act 1993*

## **SEAL PRODUCTS (AMENDMENT) (EU EXIT) REGULATIONS 2018 (APPLICATION) ORDER 2019**

*Approved by Tynwald: 22<sup>nd</sup> May 2019*  
*Coming into Operation: in accordance with article 2*

The Treasury makes the following Order under section 1 of the Customs and Excise Act 1993.

### **1 Title**

This Order is the Seal Products (Amendment) (EU Exit) Regulations 2018 (Application) Order 2019.

### **2 Commencement**

If approved by Tynwald, this Order comes into operation on exit day<sup>1</sup>.

### **3 Interpretation**

In this Order, “**exit day**” has the same meaning as in the European Union and Trade Act 2019.

### **4 Application of The Seal Products (Amendment) (EU Exit) Regulations 2018**

- (1) The Seal Products (Amendment) (EU Exit) Regulations 2018<sup>2</sup> applies to the Island, as part of the law of the Island, subject to the following exceptions, modifications and adaptations —
- (a) in regulation 1 (citation and commencement) —
    - (i) omit the words from “and come” to the end; and
    - (ii) omit (in consequence of sub-paragraph (i)), “and commencement” in the heading to that article;
  - (b) in regulation 2 (which amends the Seal Products Regulations 2010) —

<sup>1</sup> Tynwald procedure – affirmative under section 3 of the Customs and Excise Act 1993.

<sup>2</sup> S.I. 2018/1034.

- (i) omit paragraph (2)(a); and
  - (ii) in paragraph (4) for “section 1(1) of the Customs and Excise Management Act 1979” substitute **“section 184(1) of the Customs and Excise Management Act 1986”**; and
  - (c) omit Part 3.
- (2) The text of the applied legislation is annexed to the Order.

**5 Amendment of the Seal Products Regulations 2010 (Application) Order 2010**

- (1) As a consequence of article 3, the Seal Products Regulations 2010 (Application) Order 2010<sup>3</sup> is amended as follows.
- (2) For the Schedule, substitute –

**“SCHEDULE**

**EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH THE SEAL PRODUCTS REGULATIONS 2010 [S.I. 2010 NO. 2068] SHALL HAVE EFFECT IN THE ISLAND**

Regulation	Subject matter	Exception, adaptation or modification
1	Title and commencement	Omit the words from “and come” to the end.
2	Interpretation	(1) Omit the definition of “general customs official”. (2) In the definition of “the EU Regulation”, omit “EU”.
3	Penalty for breach of the EU Regulation	(1) Omit “EU” in the heading and in the opening words. (2) Omit “(1)”. (3) In paragraph (a), for “the statutory maximum”, substitute <b>“level 5 on the standard scale”</b> . (4) In paragraph (b), for “indictment”, substitute <b>“information”</b> .
4	Enforcement authorities	For regulation 4, substitute - <b>“4 Enforcement of the Regulation is an assigned matter within the meaning of section 184(1) of the</b>

<sup>3</sup> SD 773/10.



5	Competent authority		Customs and Excise Management Act 1986. <del>22</del> .
		(1)	For “Secretary of State”, substitute <del>46</del> Treasury <del>22</del> .
		(2)	Omit “EU”.

MADE 28/03/2019

**A L CANNAN**  
*Minister for the Treasury*

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

This Order applies in the Island law the Seal Products (Amendment) (EU Exit) Regulations 2018 (“the applied Regulations”).

The applied Regulations make minor and technical changes to the Seal Products Regulations 2010<sup>4</sup>. The applied Regulations update the legislation in order to ensure that the ban on imports of seal products from commercial hunts (with some exceptions) will continue to operate effectively in the Island after the United Kingdom leaves the European Union.

The applied Regulations provide for the enforcement of controls on trade in seal products, which are set out in Regulation (EC) No 1007/2009<sup>5</sup> of the European Parliament and of the Council of 16 September 2009 on trade in seal products, and Commission Implementing Regulation (EU) 2015/1850<sup>6</sup> 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 (the “EU Regulations”). The EU Regulations are being retained as Manx law by regulations made under the European Union and Trade Act 2019.

Article 5 makes consequential amendments to the Seal Products Regulations 2010 (Application) Order 2010 as a result of the applied Regulations.

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<sup>4</sup> SI 2010/2068, which was applied to the Island by SD 773/10.

<sup>5</sup> OJ L286, 31.10.2009, p.36.

<sup>6</sup> OJ L271, 16.10.2015, p.1.

**Annex**

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STATUTORY INSTRUMENTS

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**2018 No. 1034**

**EXITING THE EUROPEAN UNION**

**ANIMALS**

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

Sift requirements satisfied 11<sup>th</sup> September 2018

Made - - - - 25<sup>th</sup> September 2018

Laid before Parliament 27<sup>th</sup> September 2018

Coming into force in accordance with regulation 1

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

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**  
Introductory

**Citation and commencement**

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

**PART 2**  
Amendment of subordinate legislation

**The Seal Products Regulations 2010**

2. (1) The Seal Products Regulations 2010<sup>8</sup> are amended as follows.
- (2) In regulation 2—
- (a) ~~omit the definition of “general customs official”;~~
- (b) in the definition of “the EU Regulation” omit “EU”.
- (3) In regulation 3—
- (a) in the heading omit “EU”;

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<sup>7</sup> 2018 c.16.

<sup>8</sup> S.I. 2010/2068.

- (b) in paragraph (1) omit "EU".
- (4) For regulation 4 substitute—
  - "4. Enforcement of the Regulation is an assigned matter within the meaning of ~~section 1(1) of the Customs and Excise Management Act 1979~~ **section 184(1) of the Customs and Excise Management Act 1986.**".
- (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 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 "Community" substitute "United Kingdom";
  - (b) in paragraph 5, in the definition of "import", for "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 Articles 5a to 7.
- (7) Omit Article 8.

**Commission Implementing Regulation (EU) No 2015/1850**

4. (1) Commission Implementing Regulation (EU) 2015/1850 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 territory" 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”.~~

~~———— (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) ——— for the words from “Without prejudice” to “2913/92, 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) ——— for paragraph 1 substitute ———
  - ~~“1. ——— The Secretary of State shall designate one or more competent authorities who will be responsible for verification, upon request of the customs authorities pursuant to Article 4(7), of attesting documents for imported seal products.”;~~~~
- ~~(b) ——— omit paragraphs 2 and 3.~~

~~———— (7) ——— Omit Article 7(2).~~

~~———— (8) ——— In Article 8 ———~~

- ~~(a) ——— for “Union law” substitute “retained direct EU legislation”;~~
- ~~(b) ——— for “Directive 95/46/EC” substitute “Regulation (EU) No 2016/679”.~~

~~———— (9) ——— Omit Article 10.~~

~~———— (10) ——— In the Annex ———~~

- ~~(a) ——— in each of the model attesting documents ———
  - ~~(i) ——— in the heading ———
    - ~~(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.~~

*David Rutley*

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

25<sup>th</sup> September 2018

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#### EXPLANATORY NOTE

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

These Regulations are made in exercise of the powers in section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) 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 EU.

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.