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STATUTORY INSTRUMENTS

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**2019 No. 451**

**The Aquatic Animal Health and Alien Species in  
Aquaculture (Amendment etc.) (EU Exit) Regulations 2019**

**PART 3**

**Amendment of retained direct EU legislation on  
alien and locally absent species in aquaculture**

**Council Regulation (EC) No 708/2007**

**9.**—(1) Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture is amended as follows.

(2) In Article 2—

- (a) in paragraph 1, for “Union” substitute “United Kingdom”;
- (b) in paragraph 2, for “Member States” substitute “the United Kingdom”;
- (c) in paragraph 3, for “jurisdiction of Member States” substitute “United Kingdom”;
- (d) in paragraph 4, for the words from “Article 6” to the end substitute “Article 4 of Regulation 1251/2008”;
- (e) in paragraph 5—
  - (i) for “Member States wish” substitute “the appropriate authority wishes”;
  - (ii) for “territory” substitute “constituent UK territory”;
- (f) in paragraph 6, for “Member States wish” substitute “the appropriate authority wishes”;
- (g) in paragraph 7, in the second subparagraph—
  - (i) for “Member States” substitute “The appropriate authority”;
  - (ii) for “their territory” substitute “the constituent UK territory”;
  - (iii) omit the last sentence.

(3) In Article 3—

(a) for paragraph 1 substitute—

“**1.** “aquaculture” means the rearing or cultivation of aquatic organisms using techniques designed to increase the production of the organisms in question beyond the natural capacity of the environment, where the organisms remain the property of a natural or legal person throughout the rearing and culture stage, up to and including harvesting;”;

(b) in paragraph 8, before “[Directive 2006/88/EC](#)”, insert “retained EU law which transposed”;

(c) for paragraph 18 substitute—

“**18.** “the appropriate authority” means—

- (a) in relation to England, the Secretary of State;

- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

but the appropriate authority is the Secretary of State if consent is given—

- (a) in relation to Scotland, by the Scottish Ministers;
- (b) in relation to Wales, by the Welsh Ministers;
- (c) in relation to Northern Ireland, by the Department of Agriculture, Environment and Rural Affairs.”.

- (d) for paragraph 19 substitute—

“19. “constituent UK territory” means England, Wales, Scotland or Northern Ireland, as the case may be.”.

- (4) In the heading to Chapter 2, omit “of the Member States”.
- (5) In Article 4—
  - (a) in paragraph 1, for “Member States” substitute “the appropriate authority”;
  - (b) in paragraph 2, for “authorities in the Member States” substitute “authorities”.
- (6) In Article 5—
  - (a) for “Member States” substitute “The appropriate authority”;
  - (b) for “a Member State” substitute “the appropriate authority”.
- (7) In Article 6, omit “of the receiving Member State”.
- (8) In Article 10, in paragraph 2, for “Member States which are signatories to ICES” substitute “The appropriate authority”.
- (9) Omit Article 11.
- (10) In Article 13—
  - (a) in the heading, omit “Union”;
  - (b) in point (a), before “Directive”, insert “retained EU law which transposed(1)”;
  - (c) in point (b), before “Council Directive”, insert “retained EU law which transposed(2)”.
- (11) In Article 15—
  - (a) in paragraph 2, for “territory of the Union” substitute “United Kingdom”;
  - (b) omit paragraph 3;
  - (c) in paragraph 4, omit “of the receiving Member State”.
- (12) In Article 19—
  - (a) in the heading, omit “Union”;
  - (b) in paragraphs (a) and (b), before “Directive”, in each place where it appears, insert “retained EU law which transposed”.
- (13) In Article 21—
  - (a) for “receiving Member State” substitute “competent authority”;
  - (b) for “Commission”, in each place where it appears, substitute “appropriate authority”.

(1) See in particular S.I. 2009/463, S.S.I. 2009/85 and S.R. 2009 No. 129.

(2) See in particular S.I. 2015/610, S.I. 2005/2517, S.I. 2018/1064 (W.223), S.S.I. 2005/613, S.R. 2018 No. 184 and S.R. 2006 No. 66.

- (14) In Article 23—
  - (a) in the first paragraph, for “Member States” substitute “The appropriate authority”;
  - (b) omit the second and third paragraphs.
- (15) Omit Article 25.
- (16) After Article 25, omit the words from “This Regulation” to “Member States”;
- (17) In Annex 3—
  - (a) omit “in the Member State of its location”;
  - (b) for “receiving Member State”, in each place where it appears, substitute “receiving constituent UK territory”;
  - (c) in the second paragraph under the heading “Mortalities and disposal”, for “and Member States” substitute “which”.

### **Commission Regulation (EC) No 535/2008**

**10.**—(1) **Commission Regulation (EC) No 535/2008** laying down detailed rules for the implementation of Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture is amended as follows.

- (2) In Article 2, in point (b), for “a certain Member State” substitute “the United Kingdom”.
- (3) After Article 2 insert—

*“Article 2a*

*Interpretation*

In this Regulation, “the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

but the appropriate authority is the Secretary of State if consent is given—

- (a) in respect of functions exercisable in relation to Wales, by the Welsh Ministers;
- (b) in respect of functions exercisable in relation to Scotland, by the Scottish Ministers;
- (c) in respect of functions exercisable in relation to Northern Ireland, by the Department of Agriculture, Environment and Rural Affairs.”.

- (4) Omit Article 3.
- (5) In Article 4—
  - (a) in paragraph 1, for “Member States”, in each place where it appears, substitute “The appropriate authority”;
  - (b) omit paragraphs 2 and 3.
- (6) Omit Article 5.
- (7) After Article 5, omit the words from “This Regulation” to “Member States.”.