
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Aquatic Animal Health (Scotland) Regulations 2009 (“the 2009 Regulations”) implement Council Directive [2006/88/EC](#) (O.J. L 238, 24.11.2006, p.14) on animal health requirements for aquaculture animals and products thereof and on the prevention and control of certain diseases in aquatic animals.

Article 6 of Commission Decision 2010/221/EU (O.J. L 98, 20.4.2010, p.7) repealed Commission Decision [2004/453/EC](#) (O.J. L 156, 30.4.2004, as corrected by O.J. L 202, 7.6.2004 p.4). Commission Decision 2011/187/EU (O.J. L 80, 26.3.2011, p.15) amends Commission Decision 2010/221/EU.

Regulation 2(2) amends the 2009 Regulations to remove references to repealed legislation and regulation 2(3) updates the offence provisions in regulation 17(1) and (2) of the 2009 Regulations in consequence of the repeal of Commission Decision [2004/453/EC](#). The animal health certificate formerly under Article 5 of Decision [2004/453/EC](#) is now provided for in Chapter III or IV of Commission Regulation (EC) No. 1251/2008 (O.J. L 337, 16.12.2008, p.41) (“Regulation 1251/2008”), as last amended by Commission Regulation (EU) No. 350/2011 (O.J. L 97, 12.4.2011, p.9). The third country import certificates in Annex IV of Regulation 1251/2008 (referred to in Chapter IV of Regulation 1251/2008) are provided for in Commission Regulation (EU) No. 346/2010 (O.J. L 104, 24.4.2010, p.1). Regulation 2(4) adds OsHV-1 μ var to the list of notifiable diseases in Schedule 1 to the 2009 Regulations.

A Business and Regulatory Impact Assessment (“BRIA”) has been prepared in relation to these Regulations and placed in the Scottish Parliament Information Centre. Copies of the BRIA associated with the 2009 Regulations are available from Marine Scotland, Victoria Quay, Leith, Edinburgh, EH6 6QQ.