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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—

[<sup>F1</sup>(a) in paragraph 1—

(i) for “the Union” substitute “Great Britain”;

(ii) omit the words from “taking place” to the end;

(b) in paragraph 2, for “Member States” substitute “Great Britain”;

(c) in paragraph 3, for “the jurisdiction of Member States” substitute “Great Britain”;

(d) in paragraph 4, for the words from “comply with” to the end substitute “are closed ornamental facilities within the meaning of Article 2(a) of Commission Regulation 1251/2008.”;]

(e) in paragraph 5—

(i) for “Member States wish” substitute “the appropriate authority wishes”;

[<sup>F2</sup>(ii) for “their territory” substitute “the constituent GB territory for which it is responsible”];]

(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”;

[<sup>F3</sup>(ii) for “their territory” substitute “the constituent GB territory for which it is responsible”];]

(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 ”;
- [<sup>F4</sup>(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;
- but the appropriate authority is the Secretary of State if consent is given—
- (a) in relation to Wales, by the Welsh Ministers;
- (b) in relation to Scotland, by the Scottish Ministers;”;
- (d) for paragraph 19 substitute—
- “19. ‘constituent GB territory’ means England, Wales or Scotland, as the case may be.”.]
- (4) In the heading to Chapter 2, omit “of the Member States”.
- (5) In Article 4—
- [<sup>F5</sup>(a) in paragraph 1—
- (i) for “Member States” substitute “The appropriate authority”;
- (ii) after “biodiversity” insert “in Great Britain”];
- (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 [<sup>F6</sup>competent] 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 <sup>M1</sup> ”;
- (c) in point (b), before “Council Directive”, insert “ retained EU law which transposed <sup>M2</sup> ”.
- (11) In Article 15—
- [<sup>F7</sup>(a) in paragraph 2, for “the territory of the Union” substitute “Great Britain”;
- (b) for paragraph 3, substitute—
- “3. The quarantine facility may be located in a constituent GB territory which is not the constituent GB territory in which the receiving aquaculture facility is located, provided that the appropriate authorities concerned agree and that this option has been included in the risk assessment under Article 9.”];
- (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”.

[<sup>F8</sup>(13) In Article 21, for the unnumbered paragraph substitute—

“1. The competent authority may, in exceptional cases and subject to approval where required by paragraph 2, require quarantine in accordance with Article 15(2), (3) and (4) before release of species from non-routine translocations into open aquaculture facilities.

2. Where the appropriate authority is a different person to the competent authority, prior approval of the appropriate authority is required. The request for approval by the appropriate authority must indicate the reasons why quarantine is required. The appropriate authority must reply to such requests within 30 days.”.]

(14) In Article 23—

- (a) in the first paragraph, for “Member States” substitute “The appropriate authority”;

<sup>F9</sup>(b) .....

(15) Omit Article 25.

(16) After Article 25, omit the words from “This Regulation” to “Member States”;

[<sup>F10</sup>(17) In Annex 3—

- (a) in the second paragraph—

- (i) omit “in the Member State of its location”;

- (ii) for the last sentence, substitute—

“If the quarantine facility is not located in the constituent GB territory into which the alien species is to be introduced or the locally absent species is to be translocated (“the receiving constituent GB territory”), the advisory committee responsible for the quarantine facility and the advisory committee in the receiving constituent GB territory must agree on the duration.”;

- (b) in the paragraphs under the heading “Mortalities and disposal”—

- (i) after “competent authority”, in both places where it occurs, insert “responsible for the facility”;

- (ii) in the second paragraph, for “and Member States” substitute “, which”.]

### Textual Amendments

- F1** Reg. 9(2)(a)-(d) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **2(2)(a)(i)**
- F2** Reg. 9(2)(e)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **2(2)(a)(ii)**
- F3** Reg. 9(2)(g)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **2(2)(a)(iii)**
- F4** Reg. 9(3)(c)(d) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and](#)

- Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **2(2)(b)**
- F5** Reg. 9(5)(a) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **2(2)(c)**
- F6** Word in reg. 9(6)(b) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **2(2)(d)**
- F7** Reg. 9(11)(a)(b) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **2(2)(e)(i)**
- F8** Reg. 9(13) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **2(2)(f)**
- F9** Reg. 9(14)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **2(2)(g)**
- F10** Reg. 9(17) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **2(2)(h)**

#### Commencement Information

- I1** Reg. 9 in force at 31.12.2020 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

#### Marginal Citations

- M1** See in particular S.I. 2009/463, S.S.I. 2009/85 and S.R. 2009 No. 129.
- M2** 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.

### 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.

[<sup>F11</sup>(2) In Article 2—

- (a) in the words before point (a), for “Article 24(2)” substitute “Article 24(3)”;
- (b) in point (b), for “a certain Member State” substitute “Great Britain”.

(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.”.

[<sup>F12</sup>(8) In the Annex, in points 2.1.2.2, 3.2 and 3.4.3, omit “also in a second Community language (some lines)”.]

#### **Textual Amendments**

- F11** Reg. 10(2)(3) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **2(3)(a)**
- F12** Reg. 10(8) inserted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **2(3)(b)**

#### **Commencement Information**

- I2** Reg. 10 in force at 31.12.2020 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2019, PART 3.