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STATUTORY INSTRUMENTS

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**2019 No. 817**

**The Aquatic Animal Health and Plant Health  
(Legislative Functions) (EU Exit) Regulations 2019**

**PART 2**

Functions relating to aquatic animal health

**Power to amend Annex 3 to Commission Regulation (EC) No 1251/2008**

7.—(1) The appropriate authority may by regulations amend Annex 3 where the amendment is necessary or appropriate in the light of an assessment of the risks to the health of aquatic animals in [<sup>F1</sup>Great Britain] from the introduction of aquaculture animals or products reared or produced in a third country, taking into account—

- (a) the legislation of the third country;
- (b) the way in which the relevant competent authority and its inspection services are organised, the powers of the inspection services, the supervision to which the inspection services are subject and the means at their disposal to apply the legislation effectively;
- (c) the requirements in or under the legislation of the third country that are in force in relation to the production, manufacture, handling, storage and dispatch of live aquaculture animals intended for export to [<sup>F2</sup>Great Britain];
- (d) the assurances given by the relevant competent authority as to the compliance of the health requirements that apply in the third country with, or their equivalence to, the aquatic animal health requirements in [<sup>F3</sup>Great Britain];
- (e) the extent to which exports of live aquaculture animals from the third country have complied with aquatic animal health requirements in [<sup>F4</sup>Great Britain];
- (f) the results of any assessment [<sup>F5</sup>made of the relevant competent authority on behalf of the appropriate authority] or any report submitted [<sup>F6</sup>to the appropriate authority] by the relevant competent authority [<sup>F7</sup>at the request of the appropriate authority] on any inspections carried out;
- (g) the health status of farmed and wild aquatic animals in the third country, including any exotic animal diseases and any aspects of the animal health situation in that country in general which might pose a risk to aquatic animal health in [<sup>F8</sup>Great Britain];
- (h) the regularity, speed and accuracy with which the third country has supplied information on the existence of infectious or contagious aquatic animal diseases in its territory, and in particular, the notifiable diseases listed by the World Organisation for Animal Health; and
- (i) the rules on the prevention and control of aquatic animal diseases, including on imports from other countries, which are in force in the third country and the way in which they have been implemented.

(2) Any assessment which is relied on or used for the purposes of paragraph (1) must be appropriate to the circumstances and must have been approved by the Secretary of State and the other responsible authorities.

(3) In the case of a [<sup>F9</sup>country or territory] which is not listed in Annex 3 <sup>F10</sup>... the assessment must demonstrate that the relevant competent authority <sup>F11</sup>... is able to provide appropriate guarantees regarding the compliance of aquaculture animals and products reared or produced in that country [<sup>F12</sup>or territory (as the case may be)] with relevant animal health requirements in [<sup>F13</sup>Great Britain] .

(4) Regulations under paragraph (1) may, among other things, add, vary or remove an entry in Annex 3.

(5) In this regulation—

“Annex 3” mean Annex 3 to Commission Regulation (EC) No 1251/2008;

[<sup>F14</sup>“relevant competent authority”, in relation to a country or territory, means the authority or authorities of that country or territory concerned with official responsibility for aquatic animal health.]

#### Textual Amendments

- F1** Words in reg. 7(1) 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), **5(7)(a)(i)**
- F2** Words in reg. 7(1)(c) 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), **5(7)(a)(i)**
- F3** Words in reg. 7(1)(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), **5(7)(a)(i)**
- F4** Words in reg. 7(1)(e) 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), **5(7)(a)(i)**
- F5** Words in reg. 7(1)(f) 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), **5(7)(a)(ii)(aa)**
- F6** Words in reg. 7(1)(f) 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), **5(7)(a)(ii)(bb)**
- F7** Words in reg. 7(1)(f) 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), **5(7)(a)(ii)(cc)**
- F8** Words in reg. 7(1)(g) 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), **5(7)(a)(i)**

- F9** Words in reg. 7(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), **5(7)(b)(i)**
- F10** Words in reg. 7(3) omitted (15.8.2022) by virtue of The Aquatic Animal Health (Amendment) Regulations 2022 (S.I. 2022/835), regs. 1(2), **9**
- F11** Words in reg. 7(3) 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), **5(7)(b)(ii)**
- F12** Words in reg. 7(3) 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), **5(7)(b)(iii)**
- F13** Words in reg. 7(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), **5(7)(b)(iv)**
- F14** Words in reg. 7(5) 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), **5(7)(c)**

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**Commencement Information**

- II** Reg. 7 in force at 31.12.2020 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 Plant Health (Legislative Functions) (EU Exit) Regulations 2019, Section 7.