

**2020 No. 1388**

**EXITING THE EUROPEAN UNION**

**AGRICULTURE**

**ANIMALS**

**AQUACULTURE**

**SEEDS**

**WILDLIFE**

**The Animals, Aquatic Animal Health, Invasive Alien Species,  
Plant Propagating Material and Seeds (Amendment) (EU Exit)  
Regulations 2020**

*Sift requirements satisfied* 20th November 2020

*Made* - - - - 30th November 2020

*Laid before Parliament* 1st December 2020

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by—

- (a) in relation to Part 1, the powers mentioned in paragraphs (b) and (c);
- (b) in relation to Parts 2 to 6, section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a);
- (c) in relation to Part 7, section 2(2) of the European Communities Act 1972(b).

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(a) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) and paragraph 21 of Schedule 7 was amended by section 41(4) of, and paragraph 53(2) of Schedule 5 to, that Act.

(b) 1972 c. 68; section 2(2) was amended by the section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51), and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7). The 1972 Act is repealed on exit day by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”), but continues to have effect until IP completion day pursuant to section 1A of the 2018 Act, inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020. The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by S.I. 2002/794.

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy<sup>(a)</sup> and the environment<sup>(b)</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

### Introduction

#### **Citation, commencement, extent and application**

**1.**—(1) These Regulations may be cited as the Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020.

(2) They come into force—

- (a) as regards this Part, Part 5 and regulations 39 and 40, immediately before IP completion day;
- (b) as regards regulation 41, on 4th May 2021;
- (c) otherwise on IP completion day.

(3) These Regulations extend as follows—

- (a) Regulations 2, 4 to 19 and the Schedule extend to England and Wales and Scotland;
- (b) Regulation 41 extends to England and Wales.

(4) Regulations 20, 22(2), 23, 25, 27, 28(2)(d), (6)(c) and (d), 30(6) and (7), 31, 33 and 34 apply in relation to England and Wales and Scotland only.

## PART 2

### Amendment of the EEA agreement

#### **The EEA agreement**

**2.** In Annex 1 to the EEA agreement, in Chapter 1, in Part 7.1—

- (a) in point 9b, omit point (a);
- (b) in point 9c, omit point (b).

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(a) S.I. 1972/1811, to which there are amendments not relevant to these Regulations. This instrument is prospectively revoked by S.I. 2018/1011, which comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.

(b) S.I. 2008/301. This instrument is prospectively revoked by S.I. 2018/1011, which comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.

## PART 3

### Amendment of retained direct EU law

#### CHAPTER 1

##### Seeds

#### **Council Decision 2005/834/EC**

**3.**—(1) Council Decision 2005/834/EEC on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries is amended as follows.

(2) In Article 1—

(a) omit “third”;

(b) for “by the Member States” substitute—

“:

(a) in relation to Directive 66/401/EEC, in the United Kingdom;

(b) in relation to the other Directives, in Great Britain”.

(3) Omit Articles 2, 3 and 6.

#### **Commission Implementing Decision (EU) 2020/1106**

**4.**—(1) Commission Implementing Decision (EU) 2020/1106 on the organisation of a temporary experiment under Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC and 2002/57/EC as regards the official checking rate for field inspection under official supervision for basic seed, bred seed of generations prior to basic seed and certified seed is amended as follows.

(2) Before Article 1 insert—

*“Article 11*

#### **Definitions**

1. For the purposes of this Decision, the following definitions apply:

(a) the “appropriate authority” means:

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

(ii) in relation to Wales, the Welsh Ministers;

(iii) in relation to Scotland, the Scottish Ministers;

(b) the “Seeds Marketing Regulations” means:

(i) in relation to England, the Seed Marketing Regulations 2011(a);

(ii) in relation to Wales, the Seed Marketing (Wales) Regulations 2012(b);

(iii) in relation to Scotland—

(aa) the Oil and Fibre Plant Seed (Scotland) Regulations 2004(c),

(bb) the Cereal Seed (Scotland) Regulations 2005(d),

(cc) the Fodder Plant Seed (Scotland) Regulations 2005(e), and

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(a) S.I. 2011/463, amended by S.I. 2011/2992, 2012/3035, 2014/487, 2016/613, 2017/288, 2019/131, 472, 2020/579, 682. It is prospectively amended by S.I. 2019/809.

(b) S.I. 2012/245 (W. 39), amended by S.I. 2013/889 (W. 101), 2014/519 (W. 61), 2016/1242 (W. 294), 2017/1095 (W. 276), 2019/368 (W. 90), 737 (W. 140), 2020/601 (W. 138), 833 (W. 182).

(c) S.S.I. 2004/317, amended by S.S.I. 2007/224, 536, 2009/223, 2010/219, 2016/68, 434, 2019/59, 2020/165.

(d) S.S.I. 2005/328, amended by S.S.I. 2006/448, 2007/224, 536, 2009/223, 2010/219, 2011/1043, 2016/68, 434, 2019/59, 2020/165. It is prospectively amended by S.S.I. 2019/190.

(e) S.S.I. 2005/329, amended by S.S.I. 2006/448, 2007/224, 536, 2009/223, 330, 2010/219, 2011/1043, 2012/5, 2013/326, 2016/68, 434, 2017/384, 2019/59, 2020/165.

(dd) the Beet Seed (Scotland) (No 2) Regulations 2010(a).”.

(3) In Article 1—

(a) in paragraph 1, in the words before point (a)—

(i) for “at Union level” substitute “in Great Britain”;

(ii) for the words from “, listed in” to the end substitute “of the Seeds Marketing Regulations”;

(b) omit paragraph 2.

(4) In Articles 2, 3, 4 and 5, and in the heading to Article 2, for “Member States”, in each place where it occurs, substitute “appropriate authorities”;

(5) In Article 2—

(a) omit the first subparagraph;

(b) in the second subparagraph, omit “the Commission and”;

(c) in the third subparagraph, for “Commission” substitute “other appropriate authorities”.

(6) In Article 3(2), for the words from “Directives” to the end substitute “the Seeds Marketing Regulations”.

(7) In Article 4—

(a) in the heading, for the words from “Directives” to the end substitute “the Seeds Marketing Regulations”;

(b) in the paragraph—

(i) for “Directives 66/401/EEC, 66/402/EEC, 2002/54/EC and 2002/57/EC” substitute “the Seed Marketing Regulations”;

(ii) omit the words from “, laid down” to the end.

(8) In Article 5—

(a) in paragraph 1, omit “to the Commission and”;

(b) in paragraph 2, in the first subparagraph, omit “the Commission and”.

(9) Omit Article 7.

## CHAPTER 2

### Aquatic Animal Health

#### **Commission Regulation (EC) No 1251/2008**

**5.**—(1) Commission Regulation (EC) No 1251/2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species is amended as follows.

(2) In Article 1—

(a) in point (b)(ii), for the words from “Member States” to the end substitute “Great Britain”;

(b) in point (d), for “the Community” substitute “Great Britain”.

(3) In Article 2—

(a) the existing text is renumbered paragraph 1;

(b) in renumbered paragraph 1—

(i) in point (a)(i), for “the Community” substitute “Great Britain”;

(ii) after point (c), insert—

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(a) S.S.I. 2010/148, amended by S.S.I. 2016/68, 434, 2011/1043, 2019/59.

“(d) “the appropriate authority” means:

- (i) in relation to England, the Secretary of State;
- (ii) in relation to Wales, the Welsh Ministers;
- (iii) in relation to Scotland, the Scottish Ministers;

but “the appropriate authority” is the Secretary of State if consent is given:

- (i) in respect of functions exercisable in relation to Wales, by the Welsh Ministers;
- (ii) in respect of functions exercisable in relation to Scotland, by the Scottish Ministers;

(e) “the Aquatic Animal Health Regulations” means—

- (i) in relation to England and Wales, the Aquatic Animal Health (England and Wales) Regulations 2009(a);
- (ii) in relation to Scotland, the Aquatic Animal Health (Scotland) Regulations 2009(b);

(f) “Commission Decision 2009/177/EC” means Commission Decision 2009/177/EC as regards surveillance and eradication programmes and disease-free status of Member States, zones and compartments(c);

(g) “constituent GB territory” means England, Wales or Scotland as the case may be;

(h) “third country” means any country or territory other than the British Islands.”;

(c) after renumbered paragraph 1 insert—

“2. References to eradication programmes and surveillance programmes are to be read as references to eradication or surveillance programmes (as the case may be) established under Commission Implementing Decision (EU) 2015/1554 laying down rules for the application of Directive 2006/88/EC as regards requirements for surveillance and diagnostic methods(d).

3. References to a constituent GB territory or a zone or compartment thereof being “declared free” of one of more of the diseases listed in Annex 1A mean declared free in accordance with Section 2 of Commission Decision 2009/177/EC.”.

(4) In Article 3, for “Article 17 of Directive 2006/88/EC” substitute “the Aquatic Animal Health Regulations”.

(5) Omit Article 4(1).

(6) After Article 4 insert—

“Article 4a

#### **Application of Articles 5 to 9**

Articles 5 to 9 do not apply to movements—

- (a) from a third country to Great Britain, or any part thereof;
- (b) between constituent GB territories if all constituent GB territories have been declared free of the relevant disease; or
- (c) from one part of the coastline of Great Britain to another, if the coastlines of all constituent GB territories have been declared free of the relevant disease.”.

(7) In Articles 5, 6(1) and 7—

- (a) in the words before point (a), for the words from “model” to “Annex V” substitute “relevant model”;

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(a) S.I. 2009/463; amended by S.I. 2011/981 and 2019/1488.

(b) S.S.I. 2009/85; amended by S.S.I. 2011/259, 2011/427, 2015/100 and 2019/412, and prospectively amended by S.S.I. 2019/9.

(c) EUDN 2009/177.

(d) EUDN 2015/1554.

- (b) in point (a)—
    - (i) in the words before point (i), for the words from “Member States” to the end substitute “a constituent GB territory, a zone or a compartment where the constituent GB territory, zone or compartment concerned is.”;
    - (ii) in point (i), for the words from “Part II” to the end substitute “Annex 1A; or”;
    - (iii) in point (ii), omit the words from “in accordance” to the end;
  - (c) in point (b), for “Member State” substitute “constituent GB territory”;
- (8) In Article 8—
- (a) in the heading, for “Member States, zones and compartments” substitute “a constituent GB territory, zone or compartment”;
  - (b) in paragraph 1—
    - (i) in the words before point (a)—
      - (aa) for “Consignments” substitute “Where consent has been granted by the competent authority in accordance with regulation 24(3) or 28(2) of the Aquatic Animal Health Regulations, consignments”;
      - (bb) for “Member States, zones or compartments” substitute “a constituent GB territory, a zone or a compartment”;
      - (cc) for the words from “Sections 3 to 6” to “competent authority,” substitute “Part 4 of those Regulations”;
      - (dd) for “model set out in:” substitute “relevant model.”;
    - (ii) omit points (a) and (b);
  - (c) in paragraphs 2 and 3—
    - (i) in the words before point (a), for the words from “model” to “Annex V” substitute “relevant model”;
    - (ii) in point (a)—
      - (aa) for “Member State” substitute “constituent GB territory”;
      - (bb) omit the words from “approved” to the end.
- (9) In Article 8a—
- (a) in the heading, for the words from “Member States” to the end substitute “areas listed in Schedule 1 to the Aquatic Animal Health Regulations”;
  - (b) in paragraph 1—
    - (i) in the words before point (a), for the words from “model” to “Annex V” substitute “relevant model”;
    - (ii) in point (a)—
      - (aa) in the words before point (i), for “Member States or parts” to “column of” substitute “constituent GB territory or part”;
      - (bb) in point (i), for “Annex I to Decision 2010/221/EU” substitute “Schedule 1 to the Aquatic Animal Health Regulations”;
      - (cc) omit points (ii) and (iii);
    - (iii) in point (b)—
      - (aa) for “Member State” substitute “constituent GB territory”;
      - (bb) omit the words “, or for which” to the end;
  - (c) in paragraph 2, for the words from “model” to “paragraph 1” substitute “relevant model”;
  - (d) in paragraph 3—
    - (i) for “a Member State” substitute “a constituent GB territory”;

- (ii) for “Annex I to Decision 2010/221/EU” substitute “Schedule 1 to the Aquatic Animal Health Regulations”.
- (10) Omit Article 8b.
- (11) In Chapter IV, before Article 10 insert—

*“ Article A10*

### **Application of Chapter IV**

This Chapter only applies to movements into Great Britain from a third country.”.

- (12) In Article 10—
  - (a) in paragraph 1, for “the Community” substitute “Great Britain”;
  - (b) in paragraph 2, in points (a) and (b), for the words from “model” to the end substitute “relevant model”.
- (13) In Article 11—
  - (a) in paragraphs 1 and 2—
    - (i) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A”;
    - (ii) for “the Community” substitute “Great Britain”;
  - (b) in paragraph 2, for “susceptible species” substitute “species susceptible”;
  - (c) in paragraph 3, in points (a) and (b), for the words from “model” to the end substitute “relevant model”.
- (14) In Article 12—
  - (a) in paragraph 1—
    - (i) for “the Community” substitute “Great Britain”;
    - (ii) for “Article 11(1) of Regulation (EC) No 854/2004” substitute “Articles 126 and 127 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products(a)”;
  - (b) in paragraph 2(a), for the words from “models” to the end substitute “model”;
  - (c) in paragraph 2(b), for the words from “model” to the end substitute “relevant model”;
  - (d) in paragraph 3, for “Community waters” substitute “waters within, and territorial waters adjacent to, Great Britain,”.
- (15) In Article 13, omit “harmonised at Community level”.
- (16) In Article 14—
  - (a) in paragraphs 1 to 3, in each place where it occurs, for “the Community” substitute “Great Britain”;
  - (b) in paragraph 3—
    - (i) omit “border”;
    - (ii) for “model set out in Part D of Annex IV” substitute “relevant model”.
- (17) In Article 15, in paragraphs 1, 2 and 3, in each place where it occurs, for “the Community” substitute “Great Britain”.
- (18) In Article 16—
  - (a) in the first paragraph—
    - (i) for “the Community” substitute “Great Britain”, in each place where it occurs;
    - (ii) for “the EC” substitute “Great Britain”;

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(a) EUR 2017/625.

- (b) in the second paragraph, for the words from “model” to the end substitute “relevant model”.
- (19) Omit Article 17.
- (20) Omit Chapter 6.
- (21) After Article 21, omit the words from “This Regulation” to “Member States”.
- (22) In Annex 1, in the heading to column 2, omit “for the purposes of Article 17(1) and (2)”.
- (23) After Annex 1, insert—

“Annex 1A

**LISTED DISEASES**

	<i>DISEASE</i>	<i>SUSCEPTIBLE SPECIES</i>
<b>EXOTIC DISEASES</b>		
FISH	Epizootic haematopoietic necrosis	Rainbow trout ( <i>Oncorhynchus mykiss</i> ) and redbfin perch ( <i>Perca fluviatilis</i> )
MOLLUSCS	Infection with <i>Bonamia exitiosa</i>	Australian mud oyster ( <i>Ostrea angasi</i> ) and Chilean flat oyster ( <i>O. chilensis</i> )
	Infection with <i>Perkinsus marinus</i>	Pacific oyster ( <i>Crassostrea gigas</i> ) and Eastern oyster ( <i>C. virginica</i> )
	Infection with <i>Microcytos mackini</i>	Pacific oyster ( <i>Crassostrea gigas</i> ), Eastern oyster ( <i>C. virginica</i> ), Olympia flat oyster ( <i>Ostrea conchaphila</i> ) and European flat oyster ( <i>O. edulis</i> )
CRUSTACEANS	Taura syndrome	Gulf white shrimp ( <i>Penaeus setiferus</i> ), Pacific blue shrimp ( <i>P. stylirostris</i> ), and Pacific white shrimp ( <i>P. vannamei</i> )
	Yellowhead disease	Gulf brown shrimp ( <i>Penaeus aztecus</i> ), Gulf pink shrimp ( <i>P. duorarum</i> ), Kuruma prawn ( <i>P. japonicas</i> ), black tiger shrimp ( <i>P. monodon</i> ), Gulf white shrimp ( <i>Penaeus setiferus</i> ), Pacific blue shrimp ( <i>P. stylirostris</i> ), and Pacific white shrimp ( <i>P. vannamei</i> )
<b>NON-EXOTIC DISEASES</b>		
FISH	Viral haemorrhagic septicaemia (VHS)	Herring ( <i>Clupea spp.</i> ), whitefish ( <i>Coregonus</i> spp.), pike ( <i>Esox lucius</i> ), haddock ( <i>Gadusa aeglefinus</i> ), Pacific cod ( <i>G. macrocephalus</i> ), Atlantic cod ( <i>G. morhua</i> ), Pacific salmon ( <i>Oncorhynchus spp.</i> ) rainbow trout ( <i>O. mykiss</i> ), rockling ( <i>Onos mustelus</i> ), brown trout ( <i>Salmo trutta</i> ), turbot ( <i>Schophthalmus maximus</i> ), sprat ( <i>Sprattus sprattus</i> ) and grayling ( <i>Thymallus thymallus</i> ) and olive flounder (Paralichthys olivaceus)
	Infectious haematopoietic necrosis (IHN)	Chum salmon ( <i>Oncorhynchus keta</i> ), coho salmon ( <i>O. kisutch</i> ), Masou salmon ( <i>O. masou</i> ), rainbow or steelhead trout ( <i>O. mykiss</i> ), sockeye salmon ( <i>O. nerka</i> ), pink salmon ( <i>O. rhodurus</i> ) chinook salmon ( <i>O. tshawytscha</i> ), and Atlantic salmon ( <i>Salmo salar</i> )
	Koi herpes virus (KHV) disease	Common carp and koi carp ( <i>Cyprinus carpio</i> )
	Infectious salmon anaemia (ISA); infection	Rainbow trout ( <i>Oncorhynchus mykiss</i> ), Atlantic salmon ( <i>Salmo salar</i> ), and brown and sea trout



	with genotype HPR-deleted of the genus Isavirus (ISAV)	( <i>Salmo. trutta</i> )
MOLLUSCS	Infection with <i>Marteilia refringens</i>	Australian mud oyster ( <i>Ostrea angasi</i> ), Chilean flat oyster ( <i>O. chilensis</i> ), European flat oyster ( <i>O. edulis</i> ), Argentinian oyster ( <i>O.puelchana</i> ), blue mussel ( <i>Mytilus edulis</i> ) and Mediterranean mussel ( <i>M. galloprovincialis</i> )
	Infection with <i>Bonamia ostreae</i>	Australian mud oyster ( <i>Ostrea angasi</i> ), Chilean flat oyster ( <i>O. chilensis</i> ), Olympia flat oyster ( <i>O. conchaphila</i> ), Asiatic oyster ( <i>O. denselammellosa</i> ), European flat oyster ( <i>O. edulis</i> ), and Argentinian oyster ( <i>O. puelchana</i> )
CRUSTACEANS	White spot disease	All decapod crustacean ( <i>order Decapoda</i> )”

(24) Omit Annex 2.

(25) In Annex 3—

(a) in the table, at the end insert—

“CH	Switzerland	X			Whole country
LI	Liechtenstein	X			Whole country
FO	Faroe Islands	X	X	X	Whole country
EU, NO, IS	EU member States, Norway and Iceland	X	X	X	Whole country of each state”

(b) in the notes to the table, for “Part II of Annex IV to Directive 2006/88/EC”, wherever it occurs, substitute “Annex 1A”.

(26) Omit Annexes 4 and 5.

### Commission Decision 2008/392/EC

6.—(1) Commission Decision 2008/392/EC implementing Council Directive 2006/88/EC as regards an Internet-based information page to make information on aquaculture production businesses and authorised processing establishments available by electronic means is amended as follows.

(2) In Article 1—

(a) in paragraph 1—

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

(ii) omit the words from “in accordance” to the end;

(b) in paragraph 2—

(i) for “shall apply” substitute “also applies”;

(ii) for the words from “which, by” to the end substitute “registered in accordance with Part 2 of the Aquatic Animal Health Regulations”.

(3) After Article 1, insert—

“Article 1a

#### Interpretation

In this Decision—

(a) “the appropriate authority” means:

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

- (ii) in relation to Wales, the Welsh Ministers;
  - (iii) in relation to Scotland, the Scottish Ministers;
- but the appropriate authority is the Secretary of State if consent is given:
- (i) in respect of functions exercisable in relation to Wales, by the Welsh Ministers;
  - (ii) in respect of functions exercisable in relation to Scotland, by the Scottish Ministers;
- (b) “the Aquatic Animal Health Regulations” means—
- (i) in relation to England and Wales, the Aquatic Animal Health (England and Wales) Regulations 2009;
  - (ii) in relation to Scotland, the Aquatic Animal Health (Scotland) Regulations 2009.”.
- (4) In Article 2—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “Member States” substitute “appropriate authority”;
      - (bb) for “Article 4 of Directive 2006/88/EC” substitute “Part 2 of the Aquatic Animal Health Regulations”;
    - (ii) in the second subparagraph, for “Member States” substitute “The appropriate authority”;
  - (b) omit paragraph 2;
  - (c) in paragraph 3, in the first subparagraph—
    - (i) for “Member States” substitute “The appropriate authority”;
    - (ii) for “Article 6 of Directive 2006/88/EC” substitute “Part 2 of the Aquatic Animal Health Regulations”;
  - (d) omit paragraph 4.
- (5) Omit Articles 3 and 4, the words after Article 4, and the Annexes.

#### **Commission Decision 2008/896/EC**

7.—(1) Commission Decision 2008/896/EC on guidelines for the purpose of the risk-based animal health surveillance schemes provided for in Council Directive 2006/88/EC is amended as follows.

- (2) For Article 1 substitute—
- “1. The appropriate authority must ensure that a risk-based animal health surveillance scheme is applied in all farms and mollusc farming areas, as appropriate for the types of production.
2. In establishing a risk-based animal health surveillance scheme referred to in paragraph 1, the appropriate authority must have regard to—
- (a) the need to detect—
    - (i) increased mortality in farms and mollusc production areas as appropriate for the type of production;
    - (ii) the diseases listed in Annex 1A to Regulation 1251/2008, in farms and mollusc farming areas where species susceptible to those diseases are present;
  - (b) the guidelines set out in the Annex to this Decision.”.
- (3) After Article 1 insert—

*“Article 1a*  
**Interpretation**

1. In this Decision—
    - (a) “the appropriate authority” means—
      - (i) in relation to England, the Secretary of State;
      - (ii) in relation to Wales, the Welsh Ministers;
      - (iii) in relation to Scotland, the Scottish Ministers;but the appropriate authority is the Secretary of State if consent is given:
      - (i) in respect of functions exercisable in relation to Wales, by the Welsh Ministers;
      - (ii) in respect of functions exercisable in relation to Scotland, by the Scottish Ministers;
    - (b) “the Aquatic Animal Health Regulations” means—
      - (i) in relation to England and Wales, the Aquatic Animal Health (England and Wales) Regulations 2009;
      - (ii) in relation to Scotland, the Aquatic Animal Health (Scotland) Regulations 2009;
    - (c) “constituent GB territory” means England, Wales or Scotland as the case may be;
    - (d) “Regulation 1251/2008” means Commission Regulation (EC) No 1251/2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species<sup>(a)</sup>.
  2. References to eradication programmes and surveillance programmes are to be read as references to eradication or surveillance programmes (as the case may be) established under Commission Implementing Decision (EU) 2015/1554 laying down rules for the application of Directive 2006/88/EC as regards requirements for surveillance and diagnostic methods.”.
- (4) Omit Article 2 and the words after Article 2.
  - (5) The Annex is amended as follows.
  - (6) In the heading, omit the words from “PROVIDED” to the end.
  - (7) In paragraph 1—
    - (a) for “Member States” substitute “the appropriate authority”;
    - (b) for “Article 10(1) of Directive 2006/88/EC” substitute “Article 1”.
  - (8) In paragraph 2.1—
    - (a) in the first subparagraph, for “Article 8 of Directive 2006/88/EC” substitute “regulations 6(2) and 7(2) of the Aquatic Animal Health Regulations”;
    - (b) in the third subparagraph, for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
    - (c) in the fifth subparagraph, for “Chapter V of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”.
  - (9) In paragraph 3, for “Member States” substitute “The appropriate authority”.
  - (10) In paragraph 4, for point (a) substitute—

“(a) the health status of Great Britain or the constituent GB territory, zone or compartment concerned in relation to non-exotic diseases listed in Annex 1A to Regulation 1251/2008 (listed non-exotic diseases);”.
  - (11) Paragraph 5 is amended as follows.
  - (12) In the words before the table, omit “the following”.

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(a) EUR 1251/2008.

- (13) Omit the table.
- (14) In the words below the table—
- (a) in the first unnumbered subparagraph—
    - (i) in point (a), omit “approved in accordance with Directive 2006/88/EC”;
    - (ii) in point (b), for the words from “in accordance” to the end substitute “having satisfied Article 2a(2)(a) or (b) or Article 2b(2)(a) or (b) of Commission Decision 2009/177/EC implementing Council Directive 2006/88/EC as regards surveillance and eradication programmes and disease-free status of Member States, zones and compartments”;
    - (iii) in point (c), for “Chapter V of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”;
  - (b) in the second unnumbered subparagraph—
    - (i) in the words before point (a), for “Member States” substitute “the appropriate authority”;
    - (ii) in point (a)—
      - (aa) omit “approved in accordance with Directive 2006/88/EC”;
      - (bb) for “that Directive” substitute “Directive 2006/88/EC”;
      - (cc) for “Member States” substitute “the appropriate authority”;
    - (iii) in point (b), for “Member States” substitute “the appropriate authority”.
- (15) In paragraph 6.1—
- (a) in the third subparagraph, for “Member States” substitute “The appropriate authority”;
  - (b) in the fourth subparagraph, in the words before point (a), for “Member States”—
    - (i) in the first place where it appears, substitute “the appropriate authority”;
    - (ii) in the second place where it appears, substitute “The appropriate authority”.
- (16) In paragraph 6.4—
- (a) in the first unnumbered paragraph, for “the Member State” substitute “a constituent GB territory”;
  - (b) in the second unnumbered paragraph—
    - (i) for “Member States”, in the first place where it appears, substitute “The appropriate authority”;
    - (ii) for “Member States”, in the second place where it appears, substitute “the appropriate authority”;
- (17) In paragraph 6.6.2, in point (b), omit “under existing Community legislation”.

#### **Commission Decision 2008/946/EC**

**8.**—(1) Commission Decision 2008/946/EC implementing Council Directive 2006/88/EC as regards requirements for quarantine of aquaculture animals is amended as follows.

- (2) in Article 1—
- (a) for point (a) substitute—
    - “(a) Part 3A of the Aquatic Animal Health Regulations;”;
  - (b) in point (b), omit the words from “and” to the end.
- (3) In Article 2—
- (a) in paragraph 1(c)—
    - (i) for “Article 2(4) of Regulation (EC) No 882/2004” substitute “Article 3(4) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and

- feed law, rules on animal health and welfare, plant health and plant protection products”;
- (ii) omit “in accordance with Articles 4 and 6 of Directive 2006/88/EC.”;
- (b) in paragraph 4, for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
- (c) at the end, insert—
- “6. “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 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;
7. “the Aquatic Animal Health Regulations” means—
- (a) in relation to England and Wales, the Aquatic Animal Health (England and Wales) Regulations 2009;
- (b) in relation to Scotland, the Aquatic Animal Health (Scotland) Regulations 2009;
8. “constituent GB territory” means England, Wales or Scotland as the case may be;
9. “Regulation (EC) No 1251/2008” means Commission Regulation (EC) No 1251/2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species;
10. “third country” means any country or territory other than the British Islands.”.
- (4) In Article 3, for “the Community”, in both places where it occurs, substitute “Great Britain”.
- (5) In Article 5—
- (a) for paragraph 1(a) substitute—
- “(a) provisions which are at least equivalent to the authorisation conditions laid down in—
- (i) if the consignment is intended for a destination in England or Wales, Part 2 of the Aquatic Animal Health (England and Wales) Regulations) 2009;
- (ii) if the consignment is intended for a destination in Scotland, Part 2 of the Aquatic Animal Health (Scotland) Regulations 2009.”;
- (b) in paragraph 3—
- (i) after “drawn up” insert “by the competent authority”;
- (ii) for “the Commission” substitute “the appropriate authority”.
- (6) In Article 6(3), in the second subparagraph, for “Commission” substitute “appropriate authority to which the competent authority communicated the list referred to in Article 5(3)”.
- (7) For Article 7 substitute—
- “The appropriate authority which receives a new or updated list of quarantine facilities in accordance with Article 5(3) must provide a copy to each other authority which in relation to any constituent part of Great Britain is the appropriate authority and make the list available to the public.”.
- (8) In the heading to Chapter 3, for “THE COMMUNITY” substitute “GREAT BRITAIN”.
- (9) In Article 8—
- (a) in paragraph 1—
- (i) for “into the Community”, substitute “from a third country”;

- (ii) for the second reference to “the Community” substitute “Great Britain”;
- (b) in paragraph 2, for point (a) substitute—
  - “(a) be drawn up in English or, where drawn up in another language, accompanied by a translation into English;”.
- (10) In Article 9—
  - (a) for “into the Community”, substitute “from a third country”;
  - (b) for the second reference to “the Community” substitute “Great Britain”.
- (11) In Article 10—
  - (a) in paragraph 1—
    - (i) in the words before point (a)—
      - (aa) for “into the Community”, substitute “from a third country”;
      - (bb) for the second reference to “the Community” substitute “Great Britain”;
    - (ii) in point (a), for the words from “computerised system” to the end substitute “appropriate computerised information management system”;
    - (iii) in point (c), for “Traces system” substitute “appropriate computerised information management system”;
  - (b) in paragraph 2, for “the Community” substitute “Great Britain”.
- (12) In Article 11—
  - (a) in the heading, for “the Community” substitute “Great Britain”;
  - (b) in the words before point (a)—
    - (i) for “the Community”, in both places where it appears, substitute “Great Britain”;
    - (ii) for “Article 17 or 20 of Directive 2006/88/EC” substitute “Part 3A of the Aquatic Animal Health Regulations”.
  - (c) in point (a), for “the Community” substitute “Great Britain”.
- (13) In Article 12, omit paragraph 4.
- (14) In Article 14(4)(b), for “Member State” substitute “a constituent GB territory”.
- (15) Omit Chapter 5.
- (16) In Annex 1—
  - (a) in Part A, in paragraph 4, for “a Member State,” substitute “a constituent GB territory”;
  - (b) in Part B, in paragraph 10, for “Article 8 of Directive 2006/88/EC” substitute “regulation 6 of the Aquatic Animal Health Regulations”.
- (17) In Annex 2, in paragraph 3, for the words from “to be” to the end substitute “in Commission Implementing Decision (EU) 2015/1554 laying down rules for the application of Directive 2006/88/EC as regards requirements for surveillance and diagnostic methods”.

**Commission Decision 2009/177/EC**

9.—(1) Commission Decision 2009/177/EC implementing Council Directive 2006/88/EC as regards surveillance and eradication programmes and disease-free status of Member States, zones and compartments is amended as follows.

- (2) Before Section 1 insert—

*“Article A1*

**Interpretation**

In this Decision—

- (a) “the appropriate authority” means—
  - (i) in relation to England, the Secretary of State;

- (ii) in relation to Wales, the Welsh Ministers;
  - (iii) in relation to Scotland, the Scottish Ministers;
- but the appropriate authority is the Secretary of State if consent is given—
- (i) in respect of functions exercisable in relation to Scotland, by the Scottish Ministers;
  - (ii) in respect of functions exercisable in relation to Wales, by the Welsh Ministers;
- (b) “the Aquatic Animal Health Regulations” means—
- (i) in relation to England and Wales, the Aquatic Animal Health (England and Wales) Regulations 2009;
  - (ii) in relation to Scotland, the Aquatic Animal Health (Scotland) Regulations 2009;
- (c) “constituent GB territory”, means England, Wales or Scotland as the case may be;
- (d) “Decision 2015/1554” means Commission Implementing Decision (EU) 2015/1554 laying down rules for the application of Directive 2006/88/EC as regards requirements for surveillance and diagnostic methods;
- (e) “Regulation 1251/2008” means Commission Regulation (EC) No 1251/2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species.”.
- (3) Omit Section 1.
- (4) For the heading to Section 2 substitute “AREAS FREE OF NON-EXOTIC DISEASES”.
- (5) In Section 2, before Article 3, insert—

*“Article 2a*

**Non-exotic disease-free status for a constituent GB territory**

1. The appropriate authority for a constituent GB territory may declare that territory free of one or more of the non-exotic diseases listed in Annex 1A to Regulation 1251/2008 if—
- (a) the conditions in paragraph 2 and, where applicable, paragraph 3 are met; and
  - (b) the requirements for surveillance, buffer zones, sampling and diagnostic methods set out in Decision (EU) 2015/1554 have been met.
2. The first condition is that—
- (a) none of the species susceptible to the disease in question are present in the constituent GB territory;
  - (b) the pathogen is known not to be able to survive in the constituent GB territory and its water source; or
  - (c) the conditions in Part 1 of Annex 5 to Directive 2006/88/EC are met.
3. Where adjoining constituent GB territories or water catchment areas shared with a neighbouring constituent GB territory are not declared disease-free, the second condition is that appropriate buffer zones have been established to protect the disease-free territory from passive introduction of the disease.

*Article 2b*

**Non-exotic disease-free status for a zone or compartment**

1. The appropriate authority may declare a zone or compartment free of one or more of the non-exotic diseases listed in Annex 1A to Regulation 1251/2008 if—
- (a) the condition in paragraph 2 is met; and
  - (b) the requirements for surveillance, buffer zones, sampling and diagnostic methods set out in Decision (EU) 2015/1554 have been met.

2. The first condition is that—
  - (a) none of the species susceptible to the disease in question are present in the zone or compartment;
  - (b) the pathogen is known not to be able to survive in the zone or compartment and, where relevant, its water source; or
  - (c) the conditions in Part 2 of Annex 5 to Directive 2006/88/EC are met.

*Article 2c*

**Maintenance of non-exotic disease-free status**

Where a constituent GB territory is declared free from one or more non-exotic diseases listed in Annex 1A to Regulation 1251/2008 in accordance with Article 2a, the appropriate authority may discontinue targeted surveillance and maintain its disease-free status provided that the conditions conducive to clinical expression of the disease in question exist.

However, for disease-free zones or compartments in a constituent GB territory not declared disease-free, and in all cases where conditions are not conducive to clinical expression of the disease in question, targeted surveillance shall be continued in accordance with the methods provided for in Decision 2015/1554, but at a level commensurate with the degree of risk.

*Article 2d*

**Suspension and restoration of disease-free status**

1. Where the appropriate authority has reason to believe that any of the conditions for maintaining disease-free status are no longer met in respect of their constituent GB territory, zone or compartment, the appropriate authority must apply the provisions of Part 4 of the Aquatic Animal Health Regulations.
2. Where the epizootic investigation required by Part 4 of the Aquatic Animal Health Regulations confirms that the conditions for maintaining disease-free status are still met, the disease-free status of the constituent GB territory, zone or compartment may be restored.
3. Where the epizootic investigation confirms a significant likelihood that infection has occurred, the disease-free status of the constituent GB territory, zone or compartment must be withdrawn. The requirements laid down in Annex 5 to Directive 2006/88/EC must be complied with before disease-free status is restored.

## SECTION 2A

### AREAS FREE OF EXOTIC DISEASE

*Article 2e*

**Exotic disease-free status**

1. The appropriate authority for a constituent GB territory may declare that territory, or a zone or compartment thereof, free of one or more of the exotic diseases listed in Annex 1A to Regulation 1251/2008 if the condition in paragraph 2 is met.
2. The condition is that—
  - (a) none of the species susceptible to the disease in question are present in the constituent GB territory, zone or compartment;
  - (b) the pathogen is known not to be able to survive in the constituent GB territory, zone or compartment and its water source;



- (c) susceptible species are present, but there has not been any observed occurrence of the disease in the constituent GB territory, zone or compartment for at least ten years; or
- (d) the last known occurrence was within the last ten years, but targeted surveillance has not detected the disease on a farm, or in a mollusc farming area, that rears any of the susceptible species.

*Article 2f*

**Suspension and restoration of exotic disease-free status**

1. Where the appropriate authority has reason to believe that the condition for maintaining exotic disease-free status is no longer met in respect of their constituent GB territory, zone or compartment, the appropriate authority must undertake an investigation.
2. Where the investigation required by paragraph 1 confirms that the condition for maintaining exotic disease-free status is still met, the disease-free status of the constituent GB territory, zone or compartment may be restored.
3. Where the investigation confirms a significant likelihood that infection has occurred, the exotic disease-free status of the constituent GB territory, zone or compartment must be withdrawn until the condition in Article 2e(2) is once again met.”.

(6) Omit Articles 3 and 4.

(7) For Article 5 substitute—

*“Article 5*

**Savings for declarations of disease-free status made before IP completion day**

1. Subject to paragraph 2, declarations of disease-free status made before IP completion day which are listed in Part C of Annex 1 are to be treated as if—
  - (a) references to Great Britain were to the relevant constituent GB territory; and
  - (b) they had been made in accordance with Article 2a or 2b (as the case may be).
2. Paragraph 1 does not apply where, following IP completion day, disease-free status has been withdrawn in relation to any of the areas listed in Part C of Annex 1 in accordance with Article 2d.
3. The Internet-based information pages required by Article 10 are to be considered to be the definitive list of constituent GB territories, zones and compartments which are declared to be disease-free.”.

(8) Omit Section 3.

(9) In the heading to Section 4, omit “OBLIGATIONS FOR REPORTS AND”.

(10) Omit Article 9.

(11) For Article 10 substitute—

*“Article 10*

**Internet-based information pages**

The appropriate authority must establish and keep up-to-date Internet-based information pages in order to make publicly available the list of constituent GB territories, zones or compartments declared to be disease-free.”.

(12) Omit Sections 5 and 6.

(13) In Annex 1—

- (a) omit Parts A and B;
- (b) in Part C, for the table and the heading to that table substitute—

**“Declarations of disease-free status prior to IP completion day**

<i>Disease</i>	<i>Geographical demarcation of the disease-free area</i>
Viral haemorrhagic septicaemia (VHS)	All continental and coastal areas within Great Britain.
Infectious haematopoietic necrosis (IHN)	All continental and coastal areas within Great Britain.
Infectious salmon anaemia (ISA); infection with genotype HPR-deleted of the genus Isavirus (ISAV)	All continental and coastal areas within Great Britain.
Infection with <i>Marteilia refringens</i>	The whole coastline of Great Britain.
Infection with <i>Bonamia ostreae</i>	The whole coastline of Great Britain, except: <ol style="list-style-type: none"> <li>1. The south coast of Cornwall from the Lizard to Start Point;</li> <li>2. The coast of Dorset, Hampshire and Sussex from Portland Bill to Selsey Bill;</li> <li>3. The area along the coast of North Kent and Essex from North Foreland to Felixstowe;</li> <li>4. The area along the coast in south-west Wales from Wooltack Point to St Govan's Head, including Milford Haven and the tidal waters of the East and West Cleddau river;</li> <li>5. The area containing the waters of Loch Sunart east of a line drawn south-south-east from the northernmost tip of Maclean's Nose to Auliston Point;</li> <li>6. The area containing West Loch Tarbert north-east of a line drawn east-south-east from Ardpatrik Point NR 734 578 to North Dunskeig Bay at NR 752 568;</li> <li>7. The Dornoch Firth, the area of tidal waters west of a line drawn from NH808873 to NH835857 (Ordnance Survey Landranger 1:50,000 series) to the mean high water mark;</li> <li>8. Lynn of Lorn, Loch Creran and Loch Etive, the area of marine waters south-east of the island of Lismore, contained within a circle of radius 7258 metres from point NM873391 (ordnance Survey Landranger 1:50,000 series) and including the tidal waters of Loch Etive and Loch Creran to the mean high water mark."</li> </ol>

(14) Omit Annexes 2 to 6.

#### **Commission Decision 2010/221/EU**

**10.** Commission Decision 2010/221/EU approving national measures for limiting the impact of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43 of Council Directive 2006/88/EC is revoked.

#### **Commission Implementing Decision (EU) 2015/1554**

**11.**—(1) Commission Implementing Decision (EU) 2015/1554 laying down rules for the application of Directive 2006/88/EC as regards requirements for surveillance and diagnostic methods is amended as follows.

(2) In Article 1—

(a) in point (a)—

(i) for “Member States”, in the first place where it occurs, substitute “the appropriate authority”;

- (ii) for “the Member States” substitute “constituent GB territories”;
  - (iii) for “Part II to Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
  - (b) in point (c), for “Member State” substitute “constituent GB territory”.
- (3) In Article 2, after point (g) insert—
- “(h) “the appropriate authority” means—
    - (i) in relation to England, the Secretary of State;
    - (ii) in relation to Wales, the Welsh Ministers;
    - (iii) in relation to Scotland, the Scottish Ministers;
 but the appropriate authority is the Secretary of State if consent is given—
    - (i) in respect of functions exercisable in relation to Wales, by the Welsh Ministers;
    - (ii) in respect of functions exercisable in relation to Scotland, by the Scottish Ministers;
  - (i) “the Aquatic Animal Health Regulations” means—
    - (i) in relation to England and Wales, the Aquatic Animal Health (England and Wales) Regulations 2009;
    - (ii) in relation to Scotland, the Aquatic Animal Health (Scotland) Regulations 2009;
  - (j) “Commission Decision 2009/177/EC” means Commission Decision 2009/177/EC as regards surveillance and eradication programmes and disease-free status of Member States, zones and compartments;
  - (k) “constituent GB territory” means England, Wales or Scotland, as the case may be;
  - (l) “the EU Directive” means Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals, as it has effect in European Union law, as amended from time to time;
  - (m) “Regulation 1251/2008” means Commission Regulation (EC) No 1251/2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species.”.
- (4) After Article 2 insert—

*“Article 2a*

**Surveillance and eradication programmes**

1. Where a constituent GB territory is not known to be infected and is not declared free of one or more of the non-exotic diseases listed in Annex 1A to Regulation 1251/2008, the appropriate authority may establish a surveillance programme for achieving disease-free status for one or more of those diseases.
2. A surveillance programme established in accordance with paragraph 1 must include specific requirements for surveillance, sampling and diagnostics as provided for in Annex 1.
3. Where a constituent GB territory is known to be infected by one or more of the non-exotic diseases listed in Annex 1A to Regulation 1251/2008, the appropriate authority may establish an eradication programme for achieving disease-free status.
4. A programme established in accordance with paragraph 1 or 3 must contain—
  - (a) a description of the epidemiological situation of the disease before the date of commencement of the programme;
  - (b) an analysis of the estimated costs and the anticipated benefits of the programme;

- (c) the likely duration of the programme and the objective to be attained by the completion date of the programme;
  - (d) a description and demarcation of the geographical and administrative area in which the programme is to be applied.”.
- (5) In Article 3—
- (a) for “Member States” substitute “The appropriate authority”;
  - (b) for “Member State” substitute “constituent GB territory,”.
- (6) In Article 4, for “Member States” substitute “The appropriate authority”.
- (7) Article 5—
- (a) in the heading, for “Member States” substitute “constituent GB territories”;
  - (b) for “Member States” substitute “The appropriate authority”;
  - (c) for “Member State” substitute “constituent GB territory,”.
- (8) Omit Articles 6 to 8, and the words after Article 8.
- (9) Annex 1 is amended as follows.
- (10) In the section headed “Introduction”—
- (a) in point (a)—
    - (i) omit “, as provided for in Article 44 of Directive 2006/88/EC,”;
    - (ii) for “Member States” substitute “constituent GB territories”;
    - (iii) for “Chapter VII of that Directive” substitute “Section 2 of Commission Decision 2009/177/EC”;
  - (b) in point (b)—
    - (i) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
    - (ii) omit the words from “as provided” to the end;
  - (c) in point (c)—
    - (i) for “Article 39 of Directive 2006/88/EC”, substitute “regulation 28 of the Aquatic Animal Health Regulations”;
    - (ii) for “Member State” substitute “constituent GB territory”;
- (11) In the section headed “Definitions”—
- (a) in point (a) and (c), for “Member State(s)” substitute “constituent GB territories”;
  - (b) in point (b), for “one Member State” substitute “a constituent GB territory”;
  - (c) in point (d), for the words from “Articles” to the end substitute “with Part 4 of the Aquatic Animal Health Regulations.”.
- (12) In Part 1 of Annex 1—
- (a) in paragraph I.1(b), for “Member State”, substitute “constituent GB territory”;
  - (b) in paragraph I.2.1—
    - (i) in point (a)—
      - (aa) for “Member State”, in both places where it occurs, substitute “constituent GB territory”;
      - (bb) for “Part II of Annex IV to that Directive” substitute “Annex 1A to Regulation 1251/2008”;
    - (ii) for point (b)(iii) substitute—
      - “(iii) it has been restocked with fish from—
        - (aa) a constituent GB territory, zone or compartment with a Category 1 health status with regard to either VHS or IHN or both;

- (bb) any part of Northern Ireland which has Category 1 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of either or both of those diseases;
  - (cc) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
- (iii) after point (b) insert—
- “(c) For the purposes of point (b)(iii)(cc), consent may only be given if the appropriate authority is satisfied that the disease risk posed by fish from that source is no greater than if they were from a source which would satisfy point (b)(iii)(aa).”.
- (c) in paragraph I.2.2.1—
- (i) in the words before point (a)—
    - (aa) for “Member State”, in both places where it occurs, substitute “constituent GB territory”;
    - (bb) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
  - (ii) in point (a), in the first paragraph before point (i), for the words from “Section 4” to “vicinity of” substitute “Part 4 of the Aquatic Animal Health Regulations must have been applied to”;
  - (iii) in point (b), in the words before point (i), for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
  - (iv) in point (d)—
    - (aa) in the first subparagraph, for the words from “sourced” to the end substitute—  
“from—
      - (i) a constituent GB territory, zone or compartment with a Category 1 health status with regard to either VHS or IHN or both;
      - (ii) any part of Northern Ireland which has Category 1 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of either or both of those diseases;
      - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
  - (v) after point (d) insert—
- “(da) For the purposes of point (d)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by fish from that source is no greater than if they were from a source which would satisfy point (d)(i).”.
- (vi) in point (e), for the word from “Part” to “State” substitute “Annex 1A to Regulation 1251/2008 within the constituent GB territory”;
- (d) in paragraph I.2.2.2—
- (i) in the words before point (a), for “Article 53(3) of that Directive” substitute “Article 2d(3) of Commission Decision 2009/177/EC”;
  - (ii) in point (b), for the words from “sourced” to the end substitute—  
“from—
    - (i) a constituent GB territory, zone or compartment with a Category 1 health status with regard to either VHS or IHN or both;
    - (ii) any part of Northern Ireland which has Category 1 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of either or both of those diseases;
    - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
  - (iii) after point (b) insert—

- “(c) For the purposes of point (b)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by fish from that source is no greater than if they were from a source which would satisfy point (b)(i).”.
- (e) in paragraph I.3—
- (i) in the first unnumbered paragraph—
- (aa) for “Article 52 of Directive 2006/88/EC” substitute “Article 2c of Commission Decision 2009/177/EC”;
- (bb) for the words from “Part II” to “State” substitute “Annex 1A to Regulation 1251/2008 within the constituent GB territory”;
- (f) in the heading to paragraph I.4, for “Article 39 of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”;
- (g) in paragraph I.4—
- (i) in the words before point (a), for “Member State” substitute “constituent GB territory”;
- (ii) in point (b), for the words from “sourced” to the end substitute—
- “from—
- (i) a constituent GB territory, zone or compartment with a Category 1, 2 or 3 health status with regard to either VHS or IHN or both;
- (ii) any part of Northern Ireland which has Category 1, 2 or 3 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of either or both of those diseases;
- (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
- (iii) after point (c) insert—
- “For the purposes of point (b)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by fish from that source is no greater than if they were from a source which would satisfy point (b)(i).”.
- (h) in paragraph II.3—
- (i) in the words before point (a), for “Article 28 of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”;
- (ii) in point (b), for “Member States” substitute “constituent GB territories”;
- (13) In Part 2 of Annex 1—
- (a) in paragraph I.1, in the first unnumbered paragraph, for “Member State” substitute “constituent GB territory”;
- (b) in paragraph I.2.1—
- (i) in point (a), in the words before point (i)—
- (aa) for “Member State” in both places where it occurs, substitute “constituent GB territory”;
- (bb) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
- (cc) for “that Directive” substitute “Directive 2006/88/EC”;
- (ii) for point (b)(iii) substitute—
- “(iii) it has been restocked with fish from—
- (aa) a constituent GB territory, zone or compartment with a Category 1 health status with regard to KHVD;
- (bb) any part of Northern Ireland which has Category 1 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of KHVD;

- (cc) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
- (iii) after point (b) insert—
  - “(c) For the purposes of point (b)(iii)(cc), consent may only be given if the appropriate authority is satisfied that the disease risk posed by fish from that source is no greater than if they were from a source which would satisfy point (b)(iii)(aa).”.
- (c) in paragraph I.2.2.1—
  - (i) in the words before point (a)—
    - (aa) for “Member State” in both places where it occurs substitute “constituent GB territory”;
    - (bb) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
  - (ii) in point (a), in the first paragraph before point (i), for the words from “Section 4” to “vicinity of” substitute “Part 4 of the Aquatic Animal Health Regulations must have been applied to”;
  - (iii) in point (b), in the words before point (i), for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
  - (iv) in point (d)—
    - (aa) in point (i), for the words from “sourced” to the end substitute—
      - “from—
        - (aa) a constituent GB territory, zone or compartment with a Category 1 health status with regard to KHVD;
        - (bb) any part of Northern Ireland which has Category 1 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of KHVD;
        - (cc) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
      - (bb) omit point (ii);
    - (v) after point (d) insert—
      - “(da) For the purposes of point (d)(i)(cc), consent may only be given if the appropriate authority is satisfied that the disease risk posed by fish from that source is no greater than if they were from a source which would satisfy point (d)(i)(aa).”.
    - (vi) in point (e), for the word from “Part” to “State” substitute “Annex 1A to Regulation 1251/2008 within the constituent GB territory”;
- (d) in paragraph I.2.2.2—
  - (i) in the words before point (a), for “Article 53(3) of that Directive” substitute “Article 2d(3) of Commission Decision 2009/177/EC”;
  - (ii) in point (b), for the words from “sourced” to the end substitute—
    - “from—
      - (i) a constituent GB territory, zone or compartment with a Category 1 health status with regard to KHVD;
      - (ii) any part of Northern Ireland which has Category 1 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of KHVD;
      - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
  - (iii) after point (b) insert—

- “(c) For the purposes of point (b)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by the fish from that source is no greater than if they were from a source which would satisfy point (b)(i).”.
- (e) in paragraph I.3—
- (i) in the first unnumbered paragraph—
    - (aa) for “Article 52 of Directive 2006/88/EC” substitute “Article 2c of Commission Decision 2009/177/EC”;
    - (bb) for the words from “Part II” to “State” substitute “Annex 1A to Regulation 1251/2008 within the constituent GB territory”;
  - (ii) in the third unnumbered paragraph, for “Member States” substitute “constituent GB territories”;
- (f) in the heading to paragraph I.4—
- (i) for “Article 39 of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”;
  - (ii) for “Member States” substitute “constituent GB territories”;
- (g) in paragraph I.4—
- (i) in the words before point (a), for “Member State” substitute “constituent GB territory”;
  - (ii) in point (b), for the words from “sourced” to the end substitute—
 

“from—

    - (i) a constituent GB territory, zone or compartment with a Category 1, 2 or 3 health status with regard to KHVD;
    - (ii) any part of Northern Ireland which has Category 1, 2 or 3 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of KHVD;
    - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
  - (iii) after point (c) insert—
 

“For the purposes of point (b)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by fish from that source is no greater than if they were from a source which would satisfy point (b)(i).”.
- (h) in paragraph III.2, in the words before point (a), for “Article 28 of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”;
- (i) in the heading to Table 2D, for “Member States” substitute “constituent GB territories”.
- (14) In Part 3 of Annex 1—
- (a) in paragraph I.1, in the second unnumbered paragraph, for “Member State” substitute “constituent GB territory”;
  - (b) in paragraph I.2.1—
    - (i) in the words before point (a)—
      - (aa) for “Member State” in both places where it occurs, substitute “constituent GB territory”;
      - (bb) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
      - (cc) for “that Directive” substitute “Directive 2006/88/EC”;
  - (c) in paragraph I.2.2.1—
    - (i) in the words before point (a)—
      - (aa) for “Member State”, in both places where it occurs, substitute “constituent GB territory”;



- (bb) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
- (ii) in point (a), in the first paragraph before point (i), for the words from “Section 3” to “vicinity of” substitute “Part 4 of the Aquatic Animal Health Regulations must have been applied to”;
- (iii) in point (b), in the words before point (i), for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
- (iv) in point (d), in the first subparagraph, for the words from “sourced” to the end substitute—
  - “from—
  - (i) a constituent GB territory, zone or compartment with a Category 1 health status with regard to ISA;
  - (ii) any part of Northern Ireland which has Category 1 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of ISA;
  - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
- (v) after point (d) insert—
  - “(da) For the purposes of point (d)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by fish from that source is no greater than if they were from a source which would satisfy point (d)(i).”.
- (vi) in point (e), for the word from “Part” to “State” substitute “Annex 1A to Regulation 1251/2008 within the constituent GB territory”;
- (d) in paragraph I.2.2.2—
  - (i) in the words before point (a), for “Article 53(3) of that Directive” substitute “Article 2d(3) of Commission Decision 2009/177/EC”;
  - (ii) in point (b), for the words from “sourced” to the end substitute—
    - “from—
    - (i) a constituent GB territory, zone or compartment with a Category 1, 2 or 3 health status with regard to ISA;
    - (ii) any part of Northern Ireland which has Category 1, 2 or 3 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of ISA;
    - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
  - (iii) after point (b) insert—
    - “For the purposes of point (b)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by fish from that source is no greater than if they were from a source which would satisfy point (b)(i).”.
- (e) in paragraph I.3—
  - (i) in the first unnumbered paragraph—
    - (aa) for “Article 52 of Directive 2006/88/EC” substitute “Article 2c of Commission Decision 2009/177/EC”;
    - (bb) for the words from “Part II” to “State” substitute “Annex 1A to Regulation 1251/2008 within the constituent GB territory”;
- (f) in the heading to paragraph I.4, for “Member States” substitute “constituent GB territories”;
- (g) in paragraph I.4—
  - (i) in the words before point (a), for “Member State” substitute “constituent GB territory”;

- (ii) in point (b), for the words from “sourced” to the end substitute—
  - “from—
  - (i) a constituent GB territory, zone or compartment with a Category 1, 2 or 3 health status with regard to ISA;
  - (ii) any part of Northern Ireland which has Category 1, 2 or 3 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of ISA;
  - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
- (iii) after point (d) insert—
 

“For the purposes of point (b)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by fish from that source is no greater than if they were from a source which would satisfy point (b)(i).”;
- (h) in paragraph II.2, in the words before point (a), in the second unnumbered paragraph, for “Article 28 of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”;
- (i) in paragraph II.3—
  - (i) in the words before point (a), for “Article 28 of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”;
  - (ii) in point (b), in the words before point (i), for “Article 28 of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”.
- (15) Part 4 of Annex 1 is amended as follows.
- (16) In paragraph I.1, in the first unnumbered paragraph before point (a), for “Member State” substitute “constituent GB territory”.
- (17) In paragraph I.2.1—
  - (a) in the words before point (a)—
    - (i) for “Member State”, in both places where it occurs, substitute “constituent GB territory”;
    - (ii) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
  - (b) in point (c), for “Member State” substitute “constituent GB territory”.
- (18) In paragraph I.2.2—
  - (a) in the words before point (a)—
    - (i) in the first unnumbered paragraph, for “Member State” substitute “appropriate authority”;
    - (ii) in the second unnumbered paragraph—
      - (aa) for “Member State”, in both places where it occurs, substitute “constituent GB territory”;
      - (bb) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
  - (b) in point (a), in the first unnumbered paragraph, for the words from “Section 3” to “vicinity of” substitute “Part 4 of the Aquatic Animal Health Regulations must have been applied to”;
  - (c) in point (b), for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
  - (d) in point (d), in the first unnumbered paragraph, for the words from “sourced” to the end substitute—
    - “from—

- (i) a constituent GB territory, zone or compartment with a Category 1 health status with regard to *Marteilia refringens*;
  - (ii) any part of Northern Ireland which has Category 1 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of *Marteilia refringens*;
  - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
- (e) after point (d) insert—
- “(da) For the purposes of point (d)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by molluscs from that source is no greater than if they were from a source which would satisfy point (d)(i).”.
- (f) in point (e), for the word from “Part” to “State” substitute “Annex 1A to Regulation 1251/2008 within the constituent GB territory”.
- (19) In paragraph I.3, in the first unnumbered paragraph—
- (a) for “Article 52 of Directive 2006/88/EC” substitute “Article 2c of Commission Decision 2009/177/EC”;
  - (b) for the words from “Part II” to “State” substitute “Annex 1A to Regulation 1251/2008 within the constituent GB territory”.
- (20) In the heading to paragraph I.4, for “Article 39 of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”.
- (21) In paragraph I.4—
- (a) in the words before point (a), for “Member State” substitute “constituent GB territory”;
  - (b) in point (b), for the words from “sourced” to the end substitute—
    - “from—
    - (i) a constituent GB territory, zone or compartment with a Category 1, 2 or 3 health status with regard to *Marteilia refringens*;
    - (ii) any part of Northern Ireland which has Category 1, 2 or 3 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of *Marteilia refringens*;
    - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
  - (c) after point (d) insert—
 

“For the purposes of point (b)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by molluscs from that source is no greater than if they were from a source which would satisfy point (b)(i).”.
- (22) In paragraph II.3, in the words before point (a), for “Article 28 of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”;
- (23) In the headings to Tables 4A and 4B, for “Member States” substitute “constituent GB territories”.
- (24) Part 5 of Annex 1 is amended as follows.
- (25) In paragraph I.1, in the first unnumbered paragraph, for “Member State” substitute “constituent GB territory”.
- (26) In paragraph I.2.1—
- (a) in the words before point (a)—
    - (i) for “Member State”, in both places where it occurs, substitute “constituent GB territory”;
    - (ii) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;

- (b) in point (a), for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
  - (c) in point (c), for “Member State” substitute “constituent GB territory”.
- (27) In paragraph I.2.2 —
- (a) in the first unnumbered paragraph, for “Member State” substitute “appropriate authority”;
  - (b) in the second unnumbered paragraph—
    - (i) in the words before point (a)—
      - (aa) for “Member State”, in both places where it occurs, substitute “constituent GB territory”;
      - (bb) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
    - (ii) in point (a), in the first paragraph, for the words from “Section 3” to “vicinity of” substitute “Part 4 of the Aquatic Animal Health Regulations must have been applied to”;
    - (iii) in point (b), for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
    - (iv) in point (d), for the words from “sourced” to the end substitute—
      - “from—
      - (i) a constituent GB territory, zone or compartment with a Category 1 health status with regard to *Bonamia ostreae*;
      - (ii) any part of Northern Ireland which has Category 1 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of *Bonamia ostreae*;
      - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
    - (v) after point (d) insert—
      - “(da) For the purposes of point (d)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by molluscs from that source is no greater than if they were from a source which would satisfy point (d)(i).”.
    - (vi) in point (e), for the words from “Part” to “State” substitute “Annex 1A to Regulation 1251/2008 within the constituent GB territory”.
- (28) In paragraph I.3, in the first unnumbered paragraph—
- (a) for “Article 52 of Directive 2006/88/EC” substitute “Article 2c of Commission Decision 2009/177/EC”;
  - (b) for the words from “Part II” to “State” substitute “Annex 1A to Regulation 1251/2008 within the constituent GB territory”.
- (29) In the heading to paragraph I.4, for “Article 39 of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”.
- (30) In paragraph I.4—
- (a) in the words before point (a), for “Member State” substitute “constituent GB territory”;
  - (b) in point (b), for the words from “sourced” to the end substitute—
    - “from—
    - (i) a constituent GB territory, zone or compartment with a Category 1, 2 or 3 health status with regard to *Bonamia ostreae*;
    - (ii) any part of Northern Ireland which has Category 1, 2 or 3 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of *Bonamia ostreae*;
    - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
  - (c) after point (d) insert—

“For the purposes of point (b)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by molluscs from that source is no greater than if they were from a source which would satisfy point (b)(i).”.

(31) In paragraph II.3, in the first unnumbered paragraph before point (i), for “Article 28 of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”;

(32) In the headings to Tables 5A and 5B, for “Member States” substitute “constituent GB territories”.

(33) In Part 6 of Annex 1—

(a) in paragraph I.1, in the third unnumbered paragraph before point (i), for “Member State” substitute “constituent GB territory”;

(b) in paragraph I.2.1—

(i) in point (a), in the first unnumbered paragraph—

(aa) for “Member State”, in both places where it occurs, substitute “constituent GB territory”;

(bb) for “Part II of Annex IV to that Directive” substitute “Annex 1A to Regulation 1251/2008”;

(ii) in point (b)(iii), for the words from “sourced” to the end substitute—

“from—

(aa) a constituent GB territory, zone or compartment with a Category 1 health status with regard to WSD;

(bb) any part of Northern Ireland which has Category 1 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of WSD;

(cc) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;

(iii) after point (b) insert—

“(c) For the purposes of point (b)(iii)(cc), consent may only be given if the appropriate authority is satisfied that the disease risk posed by crustaceans from that source is no greater than if they were from a source which would satisfy point (b)(iii)(aa).”;

(c) in paragraph I.2.2.1—

(i) in the words before point (a)—

(aa) for “Member State”, in both places where it occurs, substitute “constituent GB territory”;

(bb) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;

(ii) in point (a), in the first paragraph, for the words from “Section 4” to “vicinity of” substitute “Part 4 of the Aquatic Animal Health Regulations must have been applied to”;

(iii) in point (b), in the words before point (i), for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;

(iv) in point (d)—

(aa) in point (i), for the words from “sourced” to the end substitute—

“from—

(aa) a constituent GB territory, zone or compartment with a Category 1 health status with regard to WSD;

(bb) any part of Northern Ireland which has Category 1 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of WSD;

- (cc) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
- (bb) omit point (ii);
- (v) after point (d) insert—
- “(da) For the purposes of point (d)(i)(cc), consent may only be given if the appropriate authority is satisfied that the disease risk posed by crustaceans from that source is no greater than if they were from a source which would satisfy point (d)(i)(aa).”.
- (vi) in point (e), for the words from “Part” to “State” substitute “Annex 1A to Regulation 1251/2008 within the constituent GB territory”;
- (d) in paragraph I.2.2.2—
  - (i) in the words before point (a), for “Article 53(3) of that Directive” substitute “Article 2d of Commission Decision 2009/177/EC”;
  - (ii) in point (b), for the words from “sourced” to the end substitute—
    - “from—
    - (i) a constituent GB territory, zone or compartment with a Category 1 health status with regard to WSD;
    - (ii) any part of Northern Ireland which has Category 1 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of WSD;
    - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
  - (iii) after point (b) insert—

“For the purposes of point (b)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by crustaceans from that source is no greater than if they were from a source which would satisfy point (b)(i).”.
- (e) in paragraph I.3—
  - (i) in the first unnumbered paragraph—
    - (aa) for “Article 52 of Directive 2006/88/EC” substitute “Article 2c of Commission Decision 2009/177/EC”;
    - (bb) for the words from “Part II” to “State” substitute “Annex 1A to Regulation 1251/2008 within the constituent GB territory”;
  - (ii) in the second unnumbered paragraph, for “Member States” substitute “constituent GB territories”;
- (f) in the heading to paragraph I.4, for “Article 39 of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”;
- (g) in paragraph I.4—
  - (i) in the words before point (a), for “Member State” substitute “constituent GB territory”;
  - (ii) in point (b), for the words from “sourced” to the end substitute—
    - “from—
    - (i) a constituent GB territory, zone or compartment with a Category 1, 2 or 3 health status with regard to WSD;
    - (ii) any part of Northern Ireland which has a Category 1, 2 or 3 health status, within the meaning of Part A of Annex 3 to the EU Directive, in respect of WSD;
    - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to the restocking.”;
  - (iii) after point (d) insert—

“For the purposes of point (b)(iii), consent may only be given if the appropriate authority is satisfied that the disease risk posed by crustaceans from that source is no greater than if they were from a source which would satisfy point (b)(i).”

- (h) in paragraph II.3, in the words before point (a), for “Article 28 of Directive 2006/88/EC” substitute “Part 4 of the Aquatic Animal Health Regulations”;
- (i) in the headings to Tables 6A and 6B, for “Member States” substitute “constituent GB territories”.

(34) In Annex 2—

- (a) in the section headed “Introduction”, in the words before the table, for the words from “Part II” to “that Directive:” substitute “Annex 1A to Regulation 1251/2008 (‘the listed diseases’)”;
- (b) in Part 1—
  - (i) in paragraph I.6, omit the words from “or to” to “Directive 2006/88/EC”;
  - (ii) in paragraph III, in the second unnumbered subparagraph—
    - (aa) for “the European Union”, in both places where it occurs, substitute “Europe”;
    - (bb) omit “from the Member States”;
- (c) in Part 2, in paragraph I.2.2, in the final unnumbered subparagraph, omit the words from “or to” to “Directive 2006/88/EC.”;
- (d) in Part 3—
  - (i) in paragraph II.1.3, in the second unnumbered paragraph, for the words from “the European” to “Association” substitute “Europe”;
  - (ii) in paragraph II.2.4, in point (b), omit the words from “or” to the end;
- (e) in Part 6, in paragraph 1, in the second unnumbered subparagraph, omit the words from “applied” to “Laboratory”.

## CHAPTER 3

### Animal by-products

#### **Regulation (EC) No 1069/2009**

**12.—**(1) Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption is amended as follows.

(2) In the Regulation, for “Community legislation”, in each place where it occurs (other than in Articles 5(1) and 34(2)), substitute “retained EU law”.

(3) In Article 2—

- (a) in paragraph 2—
  - (i) in point (g)(i), for “internationally” substitute “outside the British Islands”;
  - (ii) in point (h), omit “without prejudice to Community environmental legislation.”;
- (b) omit paragraph 3.

(4) In Article 3—

- (a) in each of paragraphs 14 and 16, for “the Community” substitute “Great Britain”;

(b) in paragraph 21, for “Directive 1999/31/EC” substitute “the Environmental Permitting (England and Wales) Regulations 2016(a) or the Pollution Prevention and Control (Scotland) Regulations 2012(b)”;

(c) after paragraph 27 insert—

“28. ‘constituent nation’ means England, Wales or Scotland;

29. ‘third country’ means a country or territory other than the British Islands;

30. ‘the Implementing Regulation’ means Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;

31. ‘the Official Controls Regulation’ means Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;

32. ‘the England Trade Regulations’ means the Trade in Animals and Related Products Regulations 2011(c);

33. ‘the Wales Trade Regulations’ means the Trade in Animals and Related Products (Wales) Regulations(d);

34. ‘the Scotland Trade Regulations’ means the Trade in Animals and Related Products (Scotland) Regulations(e).”.

(5) After Article 3 insert—

*“Article 3a*

**Definition: appropriate authority**

1. 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.

2. But the appropriate authority is the Secretary of State if consent is given by—

(a) in relation to Wales, the Welsh Ministers;

(b) in relation to Scotland, the Scottish Ministers.”.

(6) In Article 4—

(a) in each of paragraphs 3 and 4, for “Member States” substitute “The appropriate authority”;

(b) in paragraph 5—

(i) for “Member States”, in the first place where it occurs, substitute “The appropriate authority”;

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(a) S.I. 2016/1154, amended by S.I. 2017/1012, 1075, 2018/110, 428, 575, 721 (W. 140), 1216 (W. 249), 1227, 2020/904. It is prospectively amended by S.I. 2019/39, 620. S.I. 2019/39 is prospectively amended by S.I. 2019/1078.

(b) S.S.I. 2012/360, amended by S.S.I. 2014/267, 2015/100, 101, 438, 2016/39, 2017/446 and 2018/391, S.I. 2014/469, 2015/483, 1973, 2020/818. It is prospectively amended by S.S.I. 2019/26. S.S.I. 2019/26 is prospectively amended by S.I. 2019/175.

(c) S.I. 2011/1197, amended by S.I. 2012/2897, 2013/2996, 2014/3158, 2018/575, 1037, 2019/526, 782, 1488, 2020/109. It is prospectively amended by S.I. 2019/796, 1225.

(d) S.I. 2011/2379 (W. 252), amended by S.I. 2018/1152 (W. 234), 1216 (W. 249), 2019/463 (W. 111), 2019/737 (W. 140), 2020/44 (W. 5), 177 (W. 38). It is prospectively amended by S.I. 2019/597 (W.126), 1334 (W.232).

(e) S.S.I. 2012/177, amended by S.S.I. 2012/198, 199, 2015/100, 401, 2018/391, 2019/5, 412 and S.I. 2014/3158. It is prospectively amended by S.S.I. 2019/71, 288.



- (ii) for “Member States”, in the second place where it occurs, substitute “appropriate authorities”.
- (7) In Article 5—
- (a) in paragraph 1, in the first subparagraph—
    - (i) omit “Community”;
    - (ii) for “that Article” substitute “Article 34(1)”;
  - (b) omit paragraph 4.
- (8) In Article 6(1)(a), for “Community veterinary legislation” substitute “veterinary legislation forming part of retained EU law”.
- (9) In Article 8—
- (a) in point (c)—
    - (i) omit “or Article 2(b) of Directive 96/23/EC”;
    - (ii) at the end insert “reading that Article as if for references to “Community legislation” there were substituted references to “retained EU law””;
  - (b) in point (d), after “thereof, by” insert “other”;
  - (c) in point (f), for “internationally” substitute “outside the British Islands”.
- (10) In Article 9—
- (a) in point (c), for “as referred to in Article 15(3) of Directive 96/23/EC” substitute “set by retained EU law or, in the absence thereof, by other national legislation”;
  - (b) in point (e)—
    - (i) in point (i)—
      - (aa) for “Community veterinary legislation” substitute “veterinary legislation forming part of retained EU law”;
      - (bb) for “the Community”, substitute “Great Britain”;
      - (cc) at the end of the sentence, omit “or”;
    - (ii) omit point (ii).
- (11) Omit Article 15(2).
- (12) In Article 19—
- (a) in paragraph 2, for “the Member State concerned” substitute “Great Britain”;
  - (b) in paragraph 3—
    - (i) for “Member States” substitute “The appropriate authorities”;
    - (ii) for “the Commission” substitute “each other, and the Department of Agriculture, Environment and Rural Affairs,”.
- (13) In Article 21—
- (a) in paragraph 2, for “the same Member State” substitute “Great Britain”;
  - (b) in paragraph 3, for “Member State”, in both places where it occurs, substitute “constituent nation”;
  - (c) for paragraph 4 substitute—
 

“4. Operators must collect, transport and dispose of Category 3 catering waste so as to ensure that waste management is carried out without endangering human health, without harming the environment and, in particular:

    - (a) without risk to water, air, soil, plants or animals;
    - (b) without causing a nuisance through noise or odours; and
    - (c) without adversely affecting the countryside or places of special interest.”.

(14) In Article 24(1), in each of points (b) and (c), for “Directive 2000/76/EC” substitute “the Environmental Permitting (England and Wales) Regulations 2016 or the Pollution Prevention and Control (Scotland) Regulations 2012”.

(15) In Article 26(3), for “Community veterinary legislation” substitute “veterinary legislation forming part of retained EU law”.

(16) In Article 32(1), in the third subparagraph, for “Member States may adopt or maintain national rules” substitute “Nothing in this Regulation prevents the appropriate authority from”.

(17) In Article 33, in point (a), for “Article 1(1) of Directive 76/768/EEC” substitute “Article 2(1)(a) of Regulation 1223/2009/EC”.

(18) In Article 34—

(a) in the first subparagraph of paragraph 1, for “the Community legislation referred to in that Article.” substitute “the following:”;

(b) after the first subparagraph of paragraph 1 insert—

“(a) Regulation 1223/2009/EC in the case of cosmetic products;

(b) the Medical Devices Regulations 2002(a) in the case of active implantable medical devices, medical devices and in vitro diagnostic medical devices;

(c) the Veterinary Medicines Regulations 2013(b) in the case of veterinary medicinal products;

(d) the Human Medicines Regulations 2012(c) in the case of medicinal products.”;

(c) in paragraph 2—

(i) omit “Community”;

(ii) for “Article 33” substitute “paragraph 1(a) to (d)”.

(19) In Article 37(1), in point (c), for “the Community” substitute “Great Britain”.

(20) In Article 41—

(a) in paragraph 1, in the first subparagraph—

(i) in the words before point (a), for “the Community” substitute “Great Britain”;

(ii) in point (a), for “the Community” substitute “Great Britain”.

(iii) in point (b), at the end omit “or”;

(iv) in point (c), for “Articles.” insert “Articles; or”;

(v) after point (c), insert—

“(d) the special transitional import arrangements set out in Schedule 5 to the England Trade Regulations or equivalent provisions in the Wales Trade Regulations or the Scotland Trade Regulations, and Annex 6 to the Official Controls Regulation.”;

(b) in paragraph 2(c), after “take place” insert “pursuant to point (d) of paragraph 1 or”;

(c) in paragraph 4, in the last subparagraph, for “Commission and the Member States” substitute “appropriate authority”.

(21) In Article 43(4), for “the Community” substitute “Great Britain”.

(22) In Article 47(1)—

(a) in the first subparagraph—

(i) for “Each Member State” substitute “The appropriate authority”;

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(a) S.I. 2002/618, amended by S.I. 2003/1697, 1400, 2005/2759, 2909, 2007/400, 803, 2008/2936, 2012/1426, 2013/525, 2327, 2017/207. It is prospectively amended by S.I. 2019/791, 1385.

(b) S.I. 2013/2033, amended by S.I. 2014/599, 2018/761, 2019/676, 1488, 2020/44 (W. 5). It is prospectively amended by S.I. 2019/791, 1385.

(c) S.I. 2012/1916, amended by S.I. 2013/235, 1855, 2593, 2014/490, 1878, 2015/178, 323, 570, 895, 903, 1503, 1862, 1879, 2016/186, 696, 2017/1322, 2018/199, 378, 2019/62, 598, 703. It is prospectively amended by S.I. 2019/593, 775, 1094, 1385.

- (ii) for “territory” substitute “constituent nation”;
  - (b) in the third subparagraph, for “Member States” substitute “The appropriate authority”;
  - (c) omit the fourth subparagraph.
  - (d) in the fifth subparagraph—
    - (i) for “Member States”, in the first place where it occurs, substitute “The appropriate authority”;
    - (ii) after “operators” insert “in their constituent nation”;
    - (iii) for “other Member States” substitute “the other appropriate authorities, the Department of Agriculture, Environment and Rural Affairs”;
- (23) Omit Articles 48, 51, 51a and 53.
- (24) In Article 56, omit the third paragraph.
- (25) After Article 56, omit the words from “This Regulation” to “Member States.”.

### **Commission Regulation (EU) No 142/2011**

**13.**—(1) Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive is amended as follows.

- (2) In the Regulation—
  - (a) for “Union legislation”, in each place where it occurs, substitute “retained EU law”;
  - (b) for “border inspection post”, in each place where it occurs, substitute “border control post”.
- (3) In Article 1(b), for “16(1)(e) and (f) of Directive 97/78/EC” substitute “48(a) and (b) of the Official Controls Regulation”;
- (4) In Article 3, in the words before point (a), after “imported” insert “from a third country”.
- (5) In Article 4—
  - (a) for “Article 1.2.3 of the Terrestrial Animal Health Code, 2010” substitute “Chapter 1.3 of the Terrestrial Animal Health Code, 2019(a)”;
  - (b) for “Aquatic Animal Health Code, 2010” substitute “Aquatic Animal Health Code, 2019(b)”.
- (6) Omit Article 5(1).
- (7) In Article 6—
  - (a) in paragraph 1, in each of points (a) and (b), for “Directive 2000/76/EC” substitute “the Environmental Permitting (England and Wales) Regulations 2016 or the Pollution Prevention and Control (Scotland) Regulations 2012”;
  - (b) in paragraph 8(a), for “authorities of the Member State”, in each place where it occurs, substitute “authority”.
- (8) Omit Articles 11(3) and 12(3).

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- (a) The Terrestrial Animal Health Code 2019 is freely accessible online (<https://www.oie.int/en/standard-setting/terrestrial-code/access-online>) or available to order in hard copy from the OIE online bookshop (at <http://web.oie.int/boutique/index.php>). The OIE’s address is 12, rue de Prony, 75017 Paris, France). A hard copy version is also available to view on request at the offices of the Future Animal & Plant Health, Endemics & Traceability Team at the Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London SW1P 4DF.
  - (b) The Aquatic Animal Health Code 2019 is freely accessible online (<https://www.oie.int/en/standard-setting/aquatic-code/access-online>) or available to order in hard copy from the OIE online bookshop (<http://web.oie.int/boutique/index.php>). A hard copy version is also available to view on request at the offices of the Aquatic Animal Health Team at the Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London SW1P 4DF.

- (9) In Article 13, omit paragraphs 1(b) and 2(b).
- (10) In Article 15, in the second subparagraph, for “Member States may authorise” substitute “nothing in this Regulation prevents the appropriate authority from authorising”.
- (11) In Article 16—
- (a) in paragraph 1, omit “Member States or”;
  - (b) in paragraph 2, for “Member States” substitute “The appropriate authority”;
  - (c) in paragraph 3, for “Commission” substitute “appropriate authority”.
- (12) In Article 19(b)(viii), for “Union veterinary legislation” substitute “veterinary legislation forming part of retained EU law”.
- (13) In Article 20a—
- (a) in the heading, omit “in Member States”;
  - (b) in the words before point (a), omit “of a Member State”;
  - (c) in point (a), for “Commission website” substitute “website of the relevant appropriate authority”;
  - (d) in point (b), for “TRACES”, in both places where it occurs, substitute “the appropriate computerised information management system”.
- (14) In Article 21—
- (a) in each of paragraphs 1 and 2, after “import” insert “from a third country”;
  - (b) omit paragraph 3.
- (15) In Article 22—
- (a) in paragraph 1, after “import” insert “from a third country”;
  - (b) in paragraph 2—
    - (i) in point (a), for “Union” substitute “British Islands”;
    - (ii) in point (b), after “imported” insert “from a third country”;
  - (c) in paragraph 3, for “Member State” substitute “constituent nation”;
  - (d) omit paragraph 4;
  - (e) in paragraph 5, for “authorities of the Member States” substitute “authority”.
- (16) In Article 23(1)—
- (a) after “imported” insert “from a third country”;
  - (b) for “the Union” substitute “Great Britain”.
- (17) In Article 24—
- (a) in paragraph 2, after “imported” insert “from a third country”;
  - (b) in each of paragraphs 3 and 4, after “import” insert “from a third country”.
- (18) In Chapter 8, after the heading insert—

*“Article 24A*

**Special transitional import arrangements**

The requirements of this Chapter and Annexes 8 and 12 to 16 are subject to the special transitional import arrangements set out in Schedule 5 to the England Trade Regulations or equivalent provisions in the Wales Trade Regulations or the Scotland Trade Regulations and Annex 6 to the Official Controls Regulation.”.

- (19) Article 25 is amended in accordance with paragraphs (20) to (24).
- (20) In the heading, after “import” insert “from a third country”.
- (21) In paragraph 1—
- (a) after “importation” insert “from a third country”;
  - (b) for “the Union” substitute “Great Britain”.

- (22) In paragraph 2—
- (a) in the words before point (a)—
    - (i) after “importation” insert “from a third country”;
    - (ii) for “the Union” substitute “Great Britain”;
  - (b) in point (e)—
    - (i) in point (i)—
      - (aa) for “the Union kept in a third country” substitute “Great Britain and kept in the British Islands or a third country”;
      - (bb) in the first indent, for “the Union” substitute “Great Britain”;
    - (ii) in point (iii)—
      - (aa) for “Union” substitute “Great Britain”;
      - (bb) for “Annex I to Decision 2009/821/EC” substitute “accordance with Commission Implementing Regulation (EU) 2019/1014 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points”;
      - (cc) for “Article 4(3) of Directive 97/78/EC” substitute “Article 49(1) of the Official Controls Regulation”.
- (23) In paragraph 3—
- (a) in the words before point (a)—
    - (i) after “importation” insert “from a third country”;
    - (ii) for “the Union” substitute “Great Britain”;
  - (b) in point (c), for “the Union” substitute “Great Britain”.
- (24) In paragraph 4, for “the Union” substitute “Great Britain”.
- (25) In Article 26—
- (a) in the words before point (a), for “or in Article 2(b) of Directive 96/23/EC” substitute “, reading that Article as if for references to “Community legislation” there were substituted references to “retained EU law””;
  - (b) in point (b)(iii), in the first indent, for “Article 1(1) of Directive 76/768/EEC” substitute “Article 2(1)(a) of Regulation (EC) No 1223/2009”;
  - (c) in point (e)—
    - (i) for “a Member State” substitute “Great Britain”;
    - (ii) for “that Member State” substitute “Great Britain”.
- (26) In Article 27—
- (a) in the heading, after “importation” insert “from a third country”;
  - (b) in paragraph 1—
    - (i) in the first subparagraph, after “importation” insert “from a third country”;
    - (ii) in point (a), for “Member State” substitute “constituent nation”;
    - (iii) in point (b), for “the Union” substitute “Great Britain”;
  - (c) in paragraph 3, after “samples”, in the second place where it occurs, insert “from a third country”.
- (27) In Article 28—
- (a) in the heading and paragraphs 1 and 3, after “importation” insert “from a third country”;
  - (b) in paragraph 2, after “samples”, in the first place where it occurs, insert “from a third country”;

- (c) in paragraph 4, after “items”, in the first place where it occurs, insert “from a third country”.
- (28) Omit Articles 29 and 29a.
- (29) In Article 30—
- (a) in the first subparagraph—
    - (i) for “the TRACES system” substitute “the appropriate computerised information management system”;
    - (ii) for “Commission” substitute “appropriate authority”;
  - (b) omit the third subparagraph.
- (30) In Article 31—
- (a) in the heading, after “importation” insert “from a third country”;
  - (b) in the first subparagraph—
    - (i) after “importation” insert “from a third country”;
    - (ii) for “the Union”, in both places where it occurs, substitute “Great Britain”;
    - (iii) for “Directive 97/78/EC” substitute “the Official Controls Regulation”;
  - (c) in the second subparagraph, for “the Union” substitute “Great Britain”.
- (31) In Article 32—
- (a) in paragraph 1, in the second subparagraph, for “3 of Regulation (EC) No 882/2004” substitute “9 of the Official Controls Regulation”;
  - (b) in paragraph 5—
    - (i) after “competent authority” insert “of each constituent nation”;
    - (ii) after “operators” insert “in its constituent nation”;
  - (c) omit paragraphs 6 and 7.
- (32) In Article 34(c), for “the Union” substitute “Great Britain”.
- (33) Omit Article 36.
- (34) After Article 37, omit the words from “This Regulation” to “Member States.”.
- (35) In Annex 1—
- (a) in paragraph 19(b), for “or Article 2(b) of Directive 96/23/EC” substitute “, reading that Article as if for references to “Community legislation” there were substituted references to “retained EU law””;
  - (b) in paragraph 42, for the words from “an incineration plant” to “Directive 2000/76/EC” substitute “a waste incineration plant, as defined in Articles 3(40) and 42(1) of Directive 2010/75/EC(a)”;
  - (c) in paragraph 43, for “point 13 of Article 3 of Directive 2000/76/EC” substitute “Article 43 of Directive 2010/75/EC”;
  - (d) in paragraph 44, omit “as set out in point 1(c) of Chapter II of Annex VIII”;
  - (e) omit paragraph 48;
  - (f) in paragraph 55, for “as defined in point 5 of Article 3 of Directive 2000/76/EC” substitute “as defined in Article 3(41) and Article 42(1) of Directive 2010/75/EC”;
  - (g) in paragraph 56, for “as defined in point 4 of Article 3 of Directive 2000/76/EC” substitute “as defined in Article 3(40) and Article 42(1) of Directive 2010/75/EC”;
  - (h) after paragraph 60 insert—
    - “61. ‘the appropriate authority’ means:

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(a) OJ No L 334, 17.12.2010, p.17.

- (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 by:

- (a) in relation to Wales, the Welsh Ministers;
- (b) in relation to Scotland, the Scottish Ministers;

62. ‘constituent nation’ means England, Wales or Scotland;

63. ‘the Official Controls Regulation’ means Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.”.

(36) In Annex 2, omit Chapter 1.

(37) In Annex 3—

(a) in Chapter 2, in Section 1, in the first paragraph, for “Directive 2000/76/EC” substitute “the Environmental Permitting (England and Wales) Regulations 2016 or the Pollution Prevention and Control (Scotland) Regulations 2012”;

(b) in Chapter 3—

(i) in the first paragraph, for “Directive 2000/76/EC” substitute “the Environmental Permitting (England and Wales) Regulations 2016 or the Pollution Prevention and Control (Scotland) Regulations 2012”;

(ii) in point (a)(iii)—

(aa) for “Article 4(5) or 5 of Directive 2009/156/EC” substitute “Article 4(5)(a) and (b) of Directive 2009/156/EC or located in a part of a territory which is not considered to be free of African horse sickness in accordance with Article 5(2) of Directive 2009/156/EC, reading that Article as if for the reference to “Member State” there were substituted a reference to “country”;

(bb) for “Member State” substitute “appropriate authority”;

(c) in Chapter 5—

(i) in point A(2)(c), after “853/2004,” insert “(EC) No”;

(ii) in point D(5), omit “Member State”.

(38) In Annex 4—

(a) in Chapter 1, in Section 1, in paragraph 1(a), omit the final subparagraph;

(b) in Chapter 3, in point G—

(i) in paragraph 1(a), for “Member State” substitute “United Kingdom”;

(ii) omit paragraph 3;

(iii) in paragraph 4, for “points 1 and 3” substitute “point 1”;

(iv) in paragraph 5—

(aa) after “competent authority”, in the first place where it occurs, insert “of a constituent nation”;

(bb) for “Member State” substitute “constituent nation”;

(c) in Chapter 4—

(i) in Section 1, in paragraph 2, for “Member State”, in each place where it occurs, substitute “constituent nation”;

(ii) in Section 3, in paragraph 2(b)(iii)—

(aa) in the second indent, for “Member State” substitute “constituent nation”;

- (bb) in the third indent, for “Council Directive 91/271/EEC” substitute “the Urban Waste Water Treatment (England and Wales) Regulations 1994(a) or the Urban Waste Water Treatment (Scotland) Regulations 1994(b)”.
- (39) In Annex 5, in Chapter 3, in Section 2—
- (a) in paragraph 1, in the final subparagraph, for “Commission” substitute “appropriate authority”;
- (b) in paragraph 4—
- (i) in point (a), for “point 1” substitute “points 1, 2 and 3”;
- (ii) omit point (b).
- (40) Annex 6 is amended in accordance with paragraphs (41) to (44).
- (41) In Chapter 1, in Section 2—
- (a) in paragraph 2—
- (i) omit point (a);
- (ii) in point (b)—
- (aa) at the start, insert “redispached to the third country of origin or”;
- (bb) omit “Member State or”, in each place where it occurs;
- (b) in paragraph 3, for “Member State” substitute “third country”.
- (42) In Chapter 2—
- (a) in Section 1, in paragraph 3, for “Member States” substitute “The appropriate authority”;
- (b) in Section 2—
- (i) in paragraph 1(a)—
- (aa) omit point (i);
- (bb) in each of points (ii) and (iii), for “that Directive” substitute “the Conservation of Habitats and Species Regulations 2017(c), the Conservation of Offshore Marine Habitats and Species Regulations 2017(d) or the Conservation (Natural Habitats, &c.) Regulations 1994(e)”;
- (ii) omit paragraph 2.
- (43) In Chapter 3, in Section 2, in each of points (a) to (c), for “the Member State concerned”, substitute “Great Britain”.
- (44) In Chapter 4, in the words before point (a), for “Member States may authorise” substitute “nothing in this Regulation prevents the appropriate authority from authorising”.
- (45) In Annex 7—
- (a) in Chapter 1—
- (i) in paragraph 1, for the words from “one of the official languages” to the end substitute “English and may also be submitted in other languages”;
- (ii) omit paragraph 2 and the paragraph that follows it;
- (b) in Chapter 2, in paragraph 1, for “EFSA” substitute “the appropriate authority”.
- (46) Annex 8 is amended in accordance with paragraphs (47) to (51).

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(a) S.I. 1994/2841, amended by S.I. 2003/1788, 2005/2035, 2010/675, 2011/556, 2013/755, 2016/1154, 2018/942, 1216 (W. 249). It is prospectively amended by S.I. 2019/558.

(b) S.S.I. 1994/2842, amended by S.S.I. 1996/973, 2003/273, 2011/202, 2018/391, 2019/175. It is prospectively amended by S.I. 2019/26.

(c) S.I. 2017/1012, amended by S.I. 2017/1013, 2018/1307, 2019/295 (W. 73), 1354, 2020/94. It is prospectively amended by S.I. 2019/558.

(d) S.I. 2017/1013, amended by S.I. 2019/42, 2019/579 and 2020/94.

(e) S.I. 1994/2716, amended by S.I. 1996/973, 2000/1973, 2003/2155, 2005/421, 3389, 2006/1282, 2007/1843, 3538, 2009/1307, 2438, 3160, 2010/489 (W. 55), 490, 2011/202, 2015/249, 2019/1354, S.S.I. 2000/323, 2004/475, 2006/270, 2007/349, 485, 2008/17, 425, 2009/222, 2011/155, 2012/215, 228, 360, 2015/249, 2019/64, 113, 320, 364.



- (47) In Chapter 1, in Section 4, for “the same Member State” substitute “Great Britain”.
- (48) In Chapter 2—
- (a) omit paragraph 1(c);
  - (b) in paragraph 2(c)(ii), in the first indent, for “Member State” substitute “constituent nation”;
  - (c) in paragraph 3—
    - (i) for “Member States may establish systems or lay down rules” substitute “Nothing in this Regulation prevents the appropriate authority from establishing systems or laying down rules”;
    - (ii) for the words from “on their territory” to the end substitute “in their constituent nation”;
  - (d) in paragraph 4—
    - (i) for “Member States may establish systems or lay down rules” substitute “Nothing in this Regulation prevents the appropriate authority from establishing systems or laying down rules”;
    - (ii) for “on their territory” substitute “in their constituent nation”;
  - (e) in paragraph 5—
    - (i) for “Member States may use” substitute “nothing in this Regulation prevents the appropriate authority from using”;
    - (ii) for “on their territory if the Member State” substitute “in their constituent nation if the constituent nation”;
  - (f) in paragraph 6(b), for “the same Member State” substitute “Great Britain”.
- (49) In Chapter 3—
- (a) in paragraph 1(a), for “the same Member State” substitute “Great Britain”;
  - (b) in paragraph 2, in the second subparagraph—
    - (i) for “Member States” substitute “The appropriate authority”;
    - (ii) for “TRACES system” substitute “appropriate computerised information management system”;
  - (c) in paragraph 4—
    - (i) in the first subparagraph, for “the Union” substitute “Great Britain”;
    - (ii) in the second subparagraph, for “on its territory” substitute “in its constituent nation”;
  - (d) in paragraph 6—
    - (i) in point (b), for the words from “one of the official languages” to the end of the second subparagraph, substitute “English, and may also be drawn up in other languages”;
    - (ii) in point (f)(viii)—
      - (aa) for “Member State” substitute “constituent nation”;
      - (bb) omit “referred to in Commission Decision 2009/821/EC”;
    - (iii) omit point (i).
- (50) In Chapter 4, omit Section 3.
- (51) Omit Chapters 6 and 7.
- (52) In Annex 9—
- (a) in Chapter 2, in the words before Section 1, in point (h), for “Union veterinary legislation” substitute “veterinary legislation forming part of retained EU law”;
  - (b) in Chapter 5, in Section 1—

- (i) in paragraph 1—
    - (aa) for “the Member State” substitute “Great Britain”;
    - (bb) after “authorised by the” insert “relevant”.
  - (ii) in paragraph 2, for “Member State”, in each place where it occurs, substitute “constituent nation”.
- (53) In Annex 9, in Chapter 5, Section 2 is amended in accordance with paragraphs (54) and (55).
- (54) In point A—
- (a) in paragraph 1—
    - (i) for the heading substitute “Application”;
    - (ii) in the first subparagraph, for “France, Ireland, Latvia, Portugal and the United Kingdom” substitute “Great Britain”;
    - (iii) in the second subparagraph—
      - (aa) for “competent authority of the Member State concerned” substitute “relevant competent authority”;
      - (bb) for “the territory of that Member State” substitute “Great Britain”;
  - (b) in paragraph 3.2.3, for “Directive 2008/98/EC” substitute “the Control of Pollution (Amendment) Act 1989(a)”.
- (55) In point B(1)—
- (a) for the heading substitute “Application”;
  - (b) in the first subparagraph, for “Ireland, Spain, Latvia, Portugal and the United Kingdom” substitute “Great Britain”;
  - (c) in the second subparagraph, for “the same Member State referred to above” substitute “Great Britain”.
- (56) In Annex 10, Chapter 2 is amended in accordance with paragraph (57) and (58).
- (57) In Section 4—
- (a) in Part 1, in point B—
    - (i) in each of paragraphs 1.2(b), 1.4(b), 3(b) and 6.2, for “Member State” substitute “country”;
    - (ii) in paragraph 6.1, after “Directive 64/432/EEC” insert—
 

“taken with the Annexes to which they refer, reading the relevant provisions as if:

      - (a) in Annexes A.1 and A.2, for references to “a Member State” or “Member States” there were substituted references to “a constituent nation” or “constituent nations”; and
      - (b) in Annex D, in Chapter 1—
        - (i) in the title, for the reference to “, Member States” there were substituted a reference to “countries”;
        - (ii) in Section A(iii), for the reference to “Member State” there were substituted a reference to “country”;
        - (iii) in Section B(iv), for the reference to “Directive 72/462/EEC” there were substituted a reference to “Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products and the Trade in Animals and Related Products Regulations 2011, the Trade in Animals and Related Products (Wales) Regulations 2011 or the Trade in Animals and Related Products (Scotland) Regulations 2012”;

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(a) 1989 c. 14.

- (b) in Part 2—
    - (i) in paragraph 3(a), for the words from “the Member State concerned” to “effect” substitute “Great Britain”;
    - (ii) in paragraph 3(b)—
      - (aa) in the words before point (i), for “the Member State concerned” substitute “Great Britain”;
      - (bb) in each of points (i) and (ii), for “Member State concerned” substitute “appropriate authority”;
      - (cc) in point (ii), for “same Member State”, in each where place it occurs, substitute “United Kingdom”;
    - (iii) in paragraph 4—
      - (aa) after “one farmer” insert “in Great Britain”
      - (bb) for “same Member State” substitute “United Kingdom”;
  - (c) in Part 3, in the second paragraph, for “Member States which” substitute “constituent nations whose appropriate authorities”;
- (58) In Section 10, in the first paragraph, for “Member States” substitute “the British Islands”.
- (59) In Annex 11, in Chapter 1—
- (a) in Section 1, omit paragraphs 1 to 5;
  - (b) in Section 2—
    - (i) in the words before point (a), omit the words from “In addition” to the end;
    - (ii) in point (c), in the final subparagraph, for “Commission” substitute “appropriate authority”.
- (60) In Annex 11, in Chapter 2, Section 1 is amended in accordance with paragraphs (61) to (63).
- (61) In paragraph 2, for “Member State” substitute “constituent nation”.
- (62) In paragraph 3, in the final subparagraph—
- (a) for “Commission” substitute “appropriate authority,”;
  - (b) for “Member States” substitute “appropriate authorities”.
- (63) In paragraph 4(b), for “Member State” substitute “constituent nation”.
- (64) In Annex 12—
- (a) in the words before paragraph 1—
    - (i) after “importation” insert “from a third country”;
    - (ii) for “the Union” substitute “Great Britain”;
  - (b) in paragraph 1—
    - (i) in the words before point (a), after “import” insert “from a third country”;
    - (ii) in point (b)(i), for “or Article 2(b) of Directive 96/23/EC” insert “, reading that Article as if for references to “Community legislation” there were substituted references to “retained EU law””;
    - (iii) in point (f), for the words from “one of the official languages” to “Member States” substitute “English; the appropriate authority”;
  - (c) in paragraph 2(b)(iii)—
    - (i) after “registered” insert “in its constituent nation”;
    - (ii) for the words from “Member State where the inspection” to the end substitute “appropriate authority”;
  - (d) in paragraph 3, in the words before point (a)—
    - (i) for “the Union” substitute “Great Britain from a third country”;

- (ii) for “Article 4 of Directive 97/78/EC” substitute “Article 49 of the Official Controls Regulation”;
- (e) in paragraph 4—
  - (i) for “the Union” substitute “Great Britain from a third country outside the European Union”;
  - (ii) for “Article 11 of Directive 97/78/EC” substitute “Article 51(1)(d) of the Official Controls Regulation”;
- (f) in paragraph 5, for “TRACES system” substitute “appropriate computerised information management system”;
- (g) in paragraph 7—
  - (i) for “Directive 97/78/EC” substitute “the Official Controls Regulation”;
  - (ii) for “Member State” substitute “constituent nation”;
- (65) In Annex 13 is amended in accordance with paragraphs (66) to (70).
- (66) In Chapter 2—
  - (a) in paragraph 2(b), for “or Article 2(b) of Directive 96/23/EC” substitute “, reading that Article as if for references to “Community legislation” there were substituted references to “retained EU law””;
  - (b) in paragraph 7—
    - (i) in each of points (a)(i) and (b)(i), for “Union” substitute “British Islands”;
    - (ii) in each of points (a)(ii) and (b)(ii), for “Directive 97/78/EC” substitute “the Official Controls Regulation”;
- (67) In Chapter 4—
  - (a) in paragraph 1(a)—
    - (i) in point (i), for “point 4 of Article 1.2.3 of the Terrestrial Animal Health Code of the OIE, 2010” substitute “Chapter 1.3 of the Terrestrial Animal Health Code of the OIE, 2019”;
    - (ii) in point (ii), after “Article 5 of that Directive” insert “, or in relation to holdings in the British Islands, not located in a constituent nation or territory which is not considered to be free of African horse sickness in accordance with paragraph 1A”;
    - (iii) in point (iii)—
      - (aa) omit “Member State or”
      - (bb) after “Article 5(2) of that Directive” insert “, reading the words before point (a) as if for the reference to a “Member State” there were substituted a reference to a “third country”, or a constituent nation or territory of the British Islands which is not considered to be free of African horse sickness, in accordance with paragraph 1A”;
  - (b) after paragraph 1, insert—
 

“1A. A constituent nation or territory of the British Islands is not considered to be free of African horse sickness if:

    - (a) clinical, serological (in unvaccinated animals) or epidemiological evidence has revealed the presence of African horse sickness in the past two years, or
    - (b) vaccination against African horse sickness has been carried out in the past 12 months.”

;
- (68) In Chapter 5, in point B(1), for “Directive 2002/99/EC” substitute “the Products of Animal Origin (Disease Control) (England) Regulations 2008(a), the Products of Animal Origin (Disease

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(a) S.I. 2008/465, amended by S.I. 2009/1297, 2012/2897, 2014/1894, 2018/575. It is prospectively amended by S.I. 2018/1406.

Control) (Wales) Regulations 2008(a) or the Products of Animal Origin (Disease Control) (Scotland) Order 2008(b) and the Trade in Animals and Related Products Regulations 2011, the Trade in Animals and Related Products (Wales) Regulations 2011 or the Trade in Animals and Related Products (Scotland) Regulations 2012”;

(69) In Chapter 7, in point B, in the second paragraph—

- (i) for “Member States” substitute “The appropriate authority”;
- (ii) for “on their territory” substitute “in their constituent nation”;

(70) In Chapter 9—

(i) in paragraph 1—

- (aa) in point (a), for “Member State” substitute “constituent nation”;
- (bb) in point (b), for the words from “obtained” to the end substitute “has been assessed by the appropriate authority on a basis equivalent to the assessment in point (a)”;

(ii) in paragraph 2, after “provided for in” insert “the first two subparagraphs of”.

(71) In Annex 14, Chapter 1 is amended in accordance with paragraphs (72) to (77).

(72) In the heading—

- (a) after “importation” insert “from a third country”;
- (b) for “the Union” substitute “Great Britain”.

(73) In Section 1—

(a) in the words before point (a)—

- (i) omit “imported”;
- (ii) after “therefrom” insert “imported from a third country”;

(b) in each of points (e)(i) and (ii), for “the Union” substitute “Great Britain”;

(c) in Table 1, in the column entitled “Third countries’ lists”—

- (i) for “Decision 2006/766/EC”, in each place where it occurs, substitute “Commission Implementing Regulation (EU) 2019/626 concerning lists of third countries or regions thereof authorised for the entry into the European Union of certain animals and goods intended for human consumption”;

(ii) in entry 9—

- (aa) for “Member States authorise imports” substitute “imports into Great Britain”;
- (bb) after “products” insert “are authorised”.

(74) In Section 2—

(a) in the heading, after “Imports” insert “from a third country”;

(b) in the words before paragraph 1, after “importation” insert “from a third country”;

(c) in paragraph 1, for “the Union” substitute “Great Britain”;

(d) in paragraph 4—

- (i) in the words before point (a), for “the Union” substitute “Great Britain”;
- (ii) in point (a), for “Article 17(2)(a) of Directive 97/78/EC” substitute “Article 66(3)(b), 69 and 72 of the Official Controls Regulation”;

(e) in paragraph 5, for “the Union” substitute “Great Britain”.

(75) In Section 3—

(a) in the heading, after “Imports” insert “from a third country”;

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(a) S.I. 2008/1275 (W.132), amended by S.I. 2009/1373 (W. 136), 2014/1894, 2018/806 and 2019/371 (W. 92). It is prospectively amended by S.I. 2019/371 (W. 92).

(b) S.S.I. 2008/158, amended by S.S.I. 2009/173, 2009/174, 2019/71 and S.I. 2014/1894.

- (b) in the first paragraph, after “importation” insert “from a third country”.
- (76) In Section 4—
- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in point A—
    - (i) in the words before paragraph 1, after “importation” insert “from a third country”;
    - (ii) in paragraph 2(b), for “the Union” substitute “Great Britain”;
  - (c) in point B—
    - (i) in the words before paragraph 1, after “importation” insert “from a third country”;
    - (ii) in paragraph 1(b), for “the Union” substitute “Great Britain”;
    - (iii) in paragraph 2—
      - (aa) in point (a), after “Directive 64/432/EEC” insert “taken with the Annexes to which they refer, reading the relevant provisions as if for references to a “Member State” or “Member States” there were substituted references to a “third country” or “third countries” (as the case may be)”;
      - (bb) in point (b), after “Directive 64/432/EEC” insert—
 

“taken with the Annex to which it refers, reading the relevant provisions as if:

        - (i) for references to a “Member State” or “Member States” there were substituted references to a “third country” or “third countries” (as the case may be); and
        - (ii) in Annex D, in Chapter 1, in Section B(iv), for the reference to “Directive 72/462/EEC” there were substituted a reference to “Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products and the Trade in Animals and Related Products Regulations 2011, the Trade in Animals and Related Products (Wales) Regulations 2011 or the Trade in Animals and Related Products (Scotland) Regulations 2012”;
- (77) In Section 5—
- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in the first paragraph, after “importation” insert “from a third country”.
- (78) In Annex 14, Chapter 2 is amended in accordance with paragraphs (79) to (91).
- (79) In the heading—
- (a) after “importation” insert “from a third country”;
  - (b) for “the Union” substitute “Great Britain”.
- (80) In Section 1—
- (a) in the words before point (a)—
    - (i) omit “imported”;
    - (ii) after “farmed animals” insert “imported from a third country”;
  - (b) in each of points (e)(i) and (ii), for “the Union” substitute “Great Britain”;
  - (c) in Table 2, in the column entitled “Third countries’ lists”—
    - (i) for “Member States authorise imports”, in each place where it occurs other than row 6, substitute “imports into Great Britain”;
    - (ii) after “same species”, in each place where it occurs, insert “are authorised”;
    - (iii) for “Decision 2004/211/EC”, in both places where it occurs, substitute “Commission Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae”;
    - (iv) for “Decision 2006/766/EC”, in each place where it occurs, substitute “Commission Implementing Regulation (EU) 2019/626 concerning lists of third countries or

regions thereof authorised for the entry into the European Union of certain animals and goods intended for human consumption”;

- (v) in row 3—
    - (aa) after “equidae”, in both places where it occurs, insert “is authorised”;
    - (bb) omit “is allowed”;
  - (vi) in row 5, for “the European Union” substitute “Great Britain”;
  - (vii) in row 6—
    - (aa) for “the Member States authorise imports” substitute “imports into Great Britain”;
    - (bb) after “poultrymeat” insert “are authorised”;
  - (viii) in row 8, for “the Union” substitute “Great Britain”;
  - (ix) in row 13, after “fresh poultry meat” insert “are authorised”;
  - (x) in row 14, after “poultrymeat” insert “are authorised”.
- (81) In Section 2—
- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in the words before paragraph 1, after “import” insert “from a third country”;
  - (c) in each of paragraphs 3.1(b)(ii), 3.2(b) and 3.3(b)—
    - (i) for “Directive 97/78/EC” substitute “the Official Controls Regulation”;
    - (ii) for “Article 8(4) of that Directive” substitute “accordance with Article 77(2) of that Regulation”;
  - (d) in paragraph 4(b)(i), for “2010” substitute “2019”.
- (82) In Section 3—
- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in the words before paragraph 1, after “import” insert “from a third country”.
- (83) In Section 4—
- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in the words before paragraph 1, after “import” insert “from a third country”.
- (84) In Section 5—
- (a) in the heading, after “imports” insert “from a third country”;
  - (b) in the words before paragraph 1, after “import” insert “from a third country”.
- (85) In Section 6—
- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in the words before point (a), after “imported” insert “from a third country”.
- (86) In Section 7—
- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in paragraph 1—
    - (i) in the words before point (a), after “imported” insert “from a third country”;
    - (ii) in point (a), for “the Union” substitute “Great Britain”;
    - (iii) in point (b), for “the Union”, in both places where it occurs, substitute “Great Britain”;
    - (iv) in point (c), for “Directive 97/78/EC” substitute “the Official Controls Regulation”;
  - (c) in paragraph 3, for “the Union” substitute “Great Britain”;
  - (d) in paragraph 4—
    - (i) for “Directive 97/78/EC” substitute “the Official Controls Regulation”;

- (ii) for “Article 8(4) of that Directive” substitute “accordance with Article 77(2) of that Regulation”.
- (87) In Section 8—
- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in the words before paragraph 1, after “imported” insert “from a third country”;
  - (c) in paragraph 4—
    - (i) for “Directive 97/78/EC” substitute “the Official Controls Regulation”;
    - (ii) for “Article 8(4) of that Directive” substitute “accordance with Article 77(2) of that Regulation”;
  - (d) in paragraph 5.1, in each of points (a) and (b), for “the Union” substitute “Great Britain”.
- (88) In Section 9—
- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in the words before point (a), after “imported” insert “from a third country”;
  - (c) in point (d), for “the Union” substitute “Great Britain”;
  - (d) in point (e)—
    - (i) for “Directive 97/78/EC” substitute “the Official Controls Regulation”;
    - (ii) for “Article 8(4) of that Directive” substitute “accordance with Article 77(2) of that Regulation”;
- (89) In Section 10—
- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in paragraph 1, after “imported” insert “from a third country”;
  - (c) in paragraph 2, for “the Union” substitute “Great Britain”;
  - (d) in paragraph 3—
    - (i) for “Directive 97/78/EC” substitute “the Official Controls Regulation”;
    - (ii) for “Article 8(4) of that Directive” substitute “accordance with Article 77(2) of that Regulation”;
- (90) In Section 11—
- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in paragraph 1—
    - (i) in the words before point (a), after “imported” insert “from a third country”;
    - (ii) in point (a), for “one of the plants of origin indicated in Table 3” substitute—
      - “one of the following plants of origin:
      - (i) Nitta Gelatin Inc., 2-22 Futamata Yao-City, Osaka 581-0024 Japan;
      - (ii) Eastman Gelatine Corporation, 227 Washington Street, Peabody, MA, 01960 USA;
      - (iii) Gelita North America, 2445 Port Neal Industrial Road Sergeant Bluff, Iowa, 51054 USA;
      - (iv) any photogelatine plant in a member State that has been approved by the competent authority of that member State in accordance with Regulation (EC) 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002(a), as it has effect in European Union law, as amended from time to time, and has been included on a list in that member State in accordance with Article 47(1) of that Regulation;”;

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(a) OJ L 300 14.11.2009, p. 1.



- (iii) in point (c), for the words from “one” to the end substitute “a border control post at Liverpool, Felixstowe or Heathrow”;
  - (iv) in point (d) for “in an approved photographic factory indicated in Table 3” substitute “in the approved photographic factory at Kodak Ltd., Headstone Drive, Harrow, Middlesex HA4 4TY”;
  - (v) omit Table 3;
  - (c) in paragraph 2—
    - (i) for “the Member State of destination” substitute “Great Britain”;
    - (ii) omit “shall not be traded between Member States but”;
    - (iii) for “the same Member State of destination” substitute “Great Britain”;
  - (d) in paragraph 3—
    - (i) for “Directive 97/78/EC” substitute “the Official Controls Regulation”;
    - (ii) for “Article 8(4) of that Directive” substitute “accordance with Article 77(2) of that Regulation”;
  - (e) in paragraph 6(a), for “European Union” substitute “United Kingdom”.
- (91) In Section 12—
- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in the words before paragraph 1, after “imported” insert “from a third country”;
  - (c) in paragraph 2—
    - (i) for “Directive 97/78/EC” substitute “the Official Controls Regulation”;
    - (ii) for “Article 8(4) of that Directive” substitute “accordance with Article 77(2) of that Regulation”.
- (92) In Annex 14, Chapter 3 is amended in accordance with paragraphs (93) to (95).
- (93) In Section 1, in point (c)(ii)—
- (a) for “Member States authorise imports” substitute “imports into Great Britain”;
  - (b) after “animals” insert “are authorised”.
- (94) In Section 2, in paragraph 1—
- (a) in the words before point (a), after “import” insert “from a third country outside the European Union”;
  - (b) in point (c)—
    - (i) for “Directive 97/78/EC” substitute “the Official Controls Regulation”;
    - (ii) for “Article 8(4) of that Directive” substitute “accordance with Article 77(2) of that Regulation”.
- (95) In Section 3—
- (a) in paragraph 1—
    - (i) in the words before point (a), after “Import” insert “from a third country”;
    - (ii) in point (b), for “Member State” substitute “constituent nation”;
    - (iii) in point (c), for “Directive 97/78/EC” substitute “the Official Controls Regulation”;
  - (b) in paragraph 3(b), for “Member State or third country”, in both places where it occurs, substitute “country or territory”.
- (96) In Annex 14, Chapter 4 is amended in accordance with paragraphs (97) and (98).
- (97) In Section 1—
- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in the words before paragraph 1, after “imported” insert “from a third country”.
- (98) In Section 2—

- (a) in the heading, after “Imports” insert “from a third country”;
  - (b) in paragraph 1, after “import” insert “from a third country”.
- (99) In Annex 14, in Chapter 5, in the table, in entry 2, for “the EU”, in both places where it occurs, substitute “Great Britain”.
- (100) In Annex 14, Chapter 6 is amended in accordance with paragraphs (101) to (104).
- (101) In the heading, for “the Union” substitute “Great Britain”.
- (102) In Section 1—
- (a) in the heading, for “the Union” substitute “Great Britain”;
  - (b) in paragraph 1—
    - (i) in the words before point (a)—
      - (aa) omit “at the border control post”;
      - (bb) for “the Union”, in each place where it occurs, substitute “Great Britain”;
    - (ii) in point (a)—
      - (aa) for “IMSOC” substitute “the appropriate computerised information management system”;
      - (bb) for “Member State” substitute “constituent nation”;
    - (iii) in point (b), for “Member State” substitute “constituent nation”;
    - (iv) in point (c)(i), for “the Union”, in both places where it occurs, substitute “Great Britain”.
- (103) In Section 2—
- (a) in the heading, for “the Union” substitute “Great Britain”;
  - (b) in paragraph 1—
    - (i) omit “at the border control post”;
    - (ii) for “the Union”, in each place where it occurs, substitute “Great Britain”.
- (104) In Section 3—
- (a) in the heading, for “the Union” substitute “Great Britain”;
  - (b) in paragraph 1—
    - (i) omit “at the border control post”;
    - (ii) for “the Union”, in both places where it occurs, substitute “Great Britain”.
- (105) In Annex 15—
- (a) in the first paragraph, for “the European Union” substitute “Great Britain”;
  - (b) in the Notes—
    - (i) in point (d)—
      - (aa) for the words from “one of the official languages” to “destination” substitute “English”;
      - (bb) for “these Member States” substitute “the appropriate authority”;
    - (ii) in point (g), for “Directive 96/93/EC” substitute “the Official Controls Regulation”;
    - (iii) in point (i), omit “EU”;
    - (iv) in point (j), for “the European Union” substitute “Great Britain”.
- (106) Annex 16 is amended in accordance with paragraphs (107) and (108).
- (107) In Chapter 2—
- (a) in paragraph 1—
    - (i) for “Member States” substitute “each other”;
    - (ii) omit “other Member States and to”;

- (iii) for “the Commission” substitute “each appropriate authority”;
  - (iv) for “Member State” substitute “other”;
  - (b) in paragraph 2—
    - (i) in point (a)—
      - (aa) for “Member State” substitute “appropriate authority”;
      - (bb) for “the Commission” substitute “each other”;
      - (cc) omit “national”;
      - (dd) for “on its territory” substitute “in their respective constituent nation”;
    - (ii) in point (b), for “one or more official languages of the Union” substitute “at least English”;
  - (c) in paragraph 3, for “Commission” substitute “appropriate authority”.
- (108) In Chapter 3—
- (a) omit Section 4;
  - (b) in Section 8—
    - (i) for the words from “approved photographic factories”, in the first place where it occurs, to “Annex XIV” substitute “the approved photographic factory at Kodak Ltd., Headstone Drive, Harrow, Middlesex HA4 4TY”;
    - (ii) for “factories”, in the second place where it occurs, substitute “factory”;
  - (c) omit Section 10.

## CHAPTER 4

### Animal Health

#### **Commission Implementing Decision 2014/709/EU**

**14.**—(1) Commission Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States is amended as follows.

- (2) For Article 1, substitute—
 

“This Decision lays down animal health control measures in relation to African swine fever in Great Britain as regards movements of feral pigs and information obligations.

For the purposes of this Decision “appropriate authority” means—

  - (a) in relation to England, the Secretary of State;
  - (b) in relation to Scotland, the Scottish Ministers;
  - (c) in relation to Wales, the Welsh Ministers.”.
  - (3) Omit Articles 2 to 14.
  - (4) In Article 15—
    - (a) omit paragraphs 1 and 2;
    - (b) for paragraph 3 substitute—
 

“3. The appropriate authority must prohibit the export of live feral pigs.”.
  - (5) In Article 15a—
    - (a) in the heading, omit “of the Member States”;
    - (b) omit paragraph 1;
    - (c) in paragraph 2—
      - (i) for “All Member States” substitute “The appropriate authority”;

- (ii) in the second subparagraph, omit “the areas listed in the Annex to this Decision or from third”;
- (d) omit paragraph 3.
- (6) Omit Articles 16 to 18
- (7) For Article 19 substitute—
 

“The appropriate authority must amend the measures that it applies to trade so as to bring them into compliance with this Decision and it must give immediate appropriate publicity to the measures adopted.”.
- (8) Omit Articles 20 and 22 and the Annex.

## CHAPTER 5

### Non-commercial movement of pet animals

#### **Commission Regulation (EU) No 576/2013**

**15.**—(1) Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals<sup>(a)</sup> is amended as follows.

- (2) In Article 2—
  - (a) in paragraph 1, for the words from “a Member State” to “territory or” substitute “Great Britain from”;
  - (b) in paragraph 2(b), for “Member States” substitute “the appropriate authority”.
- (3) In Article 3—
  - (a) in point (f), for “set out in implementing acts to be adopted pursuant to this Regulation” substitute “published by the appropriate authority in accordance with this Regulation or, where the context requires, adopted pursuant to the EU Implementing Regulation”;
  - (b) in point (g), for “acts adopted” substitute “regulations made”;
  - (c) in point (k), for “Member States” substitute “the appropriate authority”;
  - (d) after point (k) insert—
    - “(l) ‘the Commission Implementing Regulation’ means Commission Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council<sup>(b)</sup>;
    - (m) ‘constituent territory’ means England, Wales or Scotland, as the case may be, and, in relation to a competent authority, “the relevant constituent territory” means the constituent territory for which that competent authority is responsible;
    - (n) ‘the *Echinococcus multilocularis* Regulation’ means Commission Delegated Regulation (EU) 2018/772 supplementing Regulation (EU) No 576/2013 of the European Parliament and of the Council with regard to preventive health measures for the control of *Echinococcus multilocularis* infection in dogs<sup>(c)</sup>;
    - (o) ‘the EU Implementing Regulation’ means Commission Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No

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(a) EUR 2013/576.  
 (b) EUR 2013/577.  
 (c) EUR 2018/772.

576/2013 of the European Parliament and of the Council(a), as it has effect in European Union law, as amended from time to time;

- (p) ‘the EU Regulation’ means Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals(b) as it applies in European Union law, as amended from time to time;
- (q) ‘third country’ means a territory or country outside the British Islands;
- (r) ‘the Trade Regulations’ means the Trade in Animals and Related Products Regulations 2011(c), the Trade in Animals and Related Products (Wales) Regulations 2011(d) or the Trade in Animals and Related Products (Scotland) Regulations 2012(e), as the case may be.”.

(4) After Article 3 insert—

*“Article 3A*

**Definition: appropriate authority**

1. 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.

2. 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.”.

(5) Omit Chapter 2.

(6) In Chapter 3, in the heading, for the words from “A MEMBER STATE” to “OR” substitute “GREAT BRITAIN FROM”.

(7) In Article 10—

- (a) in paragraph 1—
  - (i) in the words before point (a), for the words from “a Member State” to “or” substitute “Great Britain from”;
  - (ii) in point (d), for “adopted pursuant to” substitute “as set out in the *Echinococcus multilocularis* Regulation or in regulations made under”;
- (b) in paragraph 2—
  - (i) for the words from “a Member State” to “or” substitute “Great Britain from”;
  - (ii) for “pursuant to Article 13(1)” substitute “in Part 1 of Annex 2 to the Commission Implementing Regulation”;
- (c) in paragraph 3—
  - (i) in the words before point (a), for “Member States” substitute “the appropriate authority”;
  - (ii) in point (a), for “Member State” substitute “appropriate authority”.

(8) In Article 14—

- (a) in paragraph 1—

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(a) OJ No. L 178, 28.6.2013, p. 109, as last amended by Commission Implementing Regulation (EU) 2019/1293 (OJ No. L 204, 2.8.2019, p.3).

(b) OJ No. L 178, 28.6.2013, p.1.

(c) S.I. 2011/1197, amended by S.I. 2012/2897, 2013/2996, 2014/3158, 2018/575 and 1037, 2019/526 and 1488 and 2020/109, and amended prospectively from IP completion day by S.I. 2019/782.

(d) S.I. 2011/2379 (W.252) amended by S.I. 2018/1152 and 1216, 2019/463 and 799, 2020/44 and 177, amended prospectively from IP completion day by S.I. 2019/597 and 1334.

(e) S.S.I. 2012/177, amended by S.S.I. 2012/198, 199, 2015/100 and 401, 2018/391, 2019/5 and 412 and S.I. 2014/3158, and amended prospectively from IP completion day by S.S.I. 2019/71 and 288.

- (i) for “Commission has adopted a delegated act” substitute “appropriate authority has made regulations”;
- (ii) for the words from “Member State” to “or” substitute “constituent territory to which the regulations apply from”;
- (b) in paragraph 2—
  - (i) in the words before point (a), for the words from “Member State” to “or” substitute “constituent territory from”;
  - (ii) in points (a), for “adopted” substitute “in regulations made”;
  - (iii) in point (b), for “adopted” substitute “set out in regulations made”;
  - (iv) in point (d), omit “a territory or”;
- (c) omit paragraph 3.
- (9) Omit Section 3 of Chapter 3.
- (10) In Article 17(1), in the second sub-paragraph, omit “Articles 22(1) and (2), and”.
- (11) Omit Article 18.
- (12) Omit Article 20.
- (13) In Chapter 5—
  - (a) omit Section 1;
  - (b) in the heading to Section 2, for “a Member State from a territory or third country” substitute “Great Britain”;
  - (c) in Article 25—
    - (i) in paragraph 1, in the words before point (a)—
      - (aa) for “an animal” substitute “a pet”;
      - (bb) for “to be adopted” substitute “published”;
  - (d) in paragraph 3, for “the Union” substitute “Great Britain”;
  - (e) In Article 26, omit “the territory or”, in both places where it occurs;
  - (f) After Article 26 insert—

*“Article 26a*

**Derogation from the format of the identification document provided for in Article 25**

By way of derogation from Article 25(1), the non-commercial movement of pet animals of the species listed in part A of Annex 1 into Great Britain from a third country listed in Part 1 of Annex 2 to the Commission Implementing Regulation is permitted if those pet animals are accompanied by—

- (a) a passport issued in Great Britain prior to IP completion day in accordance with Article 22 of Regulation (EU) No 576/2013;
- (b) a passport issued in accordance with Article 22 the EU Regulation;
- (c) a passport issued in accordance with Article 3(2) of the EU Implementing Regulation;
- (d) an identification document issued in a constituent territory in accordance with Article 26 of the EU Regulation;
- (e) an animal health certificate issued in a third country before 1st July 2021 in accordance with Article 4 of the EU Implementing Regulation.”;
- (g) omit Article 27.
- (14) Omit Section 3 of Chapter 5.
- (15) In Section 4 of Chapter 5, in the heading, for the words from “a Member State” to “or” substitute “Great Britain from”.
- (16) In Article 31, in both places where it occurs, omit “territory or”.
- (17) In Chapter 6, in Section 1, in the heading, for “Member States” substitute “Great Britain”.

(18) In Article 32—

- (a) in the heading, omit “6, 9,”;
- (b) in paragraph 1—
  - (i) in the words before point (a)—
    - (aa) omit “6, 9,”;
    - (bb) for “Member States” substitute “the appropriate authority”;
    - (cc) for “their territory” substitute “the relevant constituent territory”;
  - (ii) in point (a), for “Member State of destination” substitute “appropriate authority”;
- (c) in paragraph 2—
  - (i) for “Member State”, in the first place where it occurs, substitute “constituent territory”;
  - (ii) for “Member State”, in the second and third places where it occurs, substitute “appropriate authority for the constituent territory”.

(19) In Article 33—

- (a) in the heading, for the words from “a Member State” to the end substitute—

**“Great Britain from a third country listed in Part 1 of Annex 2 to the Commission Implementing Regulation or pursuant to Article 15”;**

- (b) in paragraph 1—
  - (i) for “Without prejudice to Article 16 and in” substitute “In”;
  - (ii) for “Chapter II, Member States” substitute “Chapter III, the appropriate authority”;
  - (iii) for the words from “their territory” to “territory or” substitute “the relevant constituent territory from”;
  - (iv) after “listed” insert “in Part 1 of Annex 2 to the Commission Implementing Regulation or”;
  - (v) omit “Article 13(1) and”;
- (c) in paragraph 2—
  - (i) for the words from “a Member State” to “territory or” substitute “Great Britain from”;
  - (ii) after “listed” insert “in Part 1 of Annex 2 to the Commission Implementing Regulation or”;
  - (iii) omit “Article 13(1) and”.

(20) In Article 34—

- (a) in the heading—
  - (i) omit “a territory or”;
  - (ii) for the words from “pursuant” to the end substitute—

**“in Part 1 of Annex 2 to the Commission Implementing Regulation or pursuant to Article 15”;**

- (b) in paragraph 1—
  - (i) omit “of a Member State”;
  - (ii) for “that Member State from a territory or” substitute “Great Britain from”;
  - (iii) after “listed” insert “in Part 1 of Annex 2 to the Commission Implementing Regulation or”;
  - (iv) omit “Article 13(1) and”;
- (c) in paragraph 2—

- (i) for “a Member State from a territory or” substitute “Great Britain from”;
  - (ii) after “listed” insert “in Part 1 of Annex 2 to the Commission Implementing Regulation or”;
  - (iii) omit “Article 13(1) and”;
- (d) in paragraph 3—
- (i) for “Member States” substitute “The competent authority”;
  - (ii) after “entry” insert “into the relevant constituent territory”;
- (e) in paragraph 4—
- (i) for the words before point (a) substitute—  
“The competent authority designated to carry out the checks provided for in paragraph 1 must:”;
  - (ii) in point (a)—
    - (aa) for “is” substitute “be”;
    - (bb) after “authority” insert “must”;
  - (iii) in point (b), for “keeps” substitute “keep”;
  - (iv) in point (c)—
    - (aa) for “documents” substitute “document”;
    - (bb) omit “into other Member States”;
    - (cc) for “Article 24(1)” substitute “Article 26a”.
- (21) In Article 35—
- (a) in paragraph 1—
    - (i) in the words before point (a), for “Chapters II or” substitute “Chapter”;
    - (ii) in point (b), omit “II or”;
  - (b) in paragraph 2, in the words before point (a), for “the Union” substitute “Great Britain”.
- (22) In Article 36—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for the words before point (a) substitute—  
“Where rabies or a disease or an infection other than rabies occurs or spreads in a territory or third country, and is liable to represent a serious threat to public or animal health, the appropriate authority may, by regulations, either:”;
      - (bb) in point (a), for the words from “territory of” to the end substitute “third country concerned;”;
      - (cc) in point (b), for the words from “Member State” to the end substitute “third country concerned”;
    - (ii) omit the second subparagraph;
  - (b) omit paragraph 2.
- (23) In Article 37—
- (a) in paragraph 1, for “Member States” substitute “The appropriate authority”;
  - (b) in paragraph 2—
    - (i) omit point (a);
    - (ii) in point (b), for “Articles 7 and” substitute “Article”;
    - (iii) in point (c)—
      - (aa) in the words before point (i), for “the Member States’ territory” substitute “Great Britain”;



- (bb) in point (i), for “Articles 6, 9,” substitute “Article”;
- (cc) omit point (ii);
- (iv) in point (e)—
  - (aa) for “the conditions” substitute “any conditions”;
  - (bb) for “the Member States’ territory” substitute “Great Britain”;
  - (cc) omit the words from “, laid down by” to the end;
- (v) in point (f), omit “of the Member States”;
- (c) in paragraph 3—
  - (i) for “Member States” substitute “The appropriate authority”;
  - (ii) for “Commission” substitute “other appropriate authorities”;
- (d) omit paragraph 4.
- (24) Omit Articles 40 to 42.
- (25) In Article 43—
  - (a) in paragraph 1—
    - (i) in the first subparagraph, omit the words from “, with the exception” to the end;
    - (ii) omit the second subparagraph;
  - (b) omit paragraph 3.
- (26) In Article 44—
  - (a) omit paragraph 1;
  - (b) in paragraph 2—
    - (i) in the words before point (a)—
      - (aa) omit “and Article 27(a)”;
      - (bb) after “was” insert “issued before 29 December 2014 and”
    - (ii) for point (b) substitute—
 

“(b) drawn up in accordance with the model passport established by Decision 203/903/EC.”
- (27) After Article 45, omit the words from “This Regulation” to “Member States.”.
- (28) In Annex 3—
  - (a) in paragraph 1—
    - (i) in point (b)—
      - (aa) in the words before point (i), for “Member State” substitute “member State or Northern Ireland”;
      - (bb) in point (i), after “Directive 2001/82/EC” insert “, as it has effect in European Union Law(a), as amended from time to time”;
      - (cc) in point (ii), after “Regulation (EC) No 726/2004” insert “, as it has effect in European Union law(b), as amended from time to time”;
    - (ii) in point (c), for “a territory or a third country” substitute “a third country which is not a member State”;
    - (iii) after point (c), insert—

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(a) OJ No. L 311, 28.11.2001, p.1, as last amended by Regulation 596/2009 of the European Parliament and of the Council (OJ No. L188, 18.7.2009, p.14).

(b) OJ No. L 136, 30.4.2004, p.1, as last amended by Regulation (EU) 2019/5 of the European Parliament and of the Council (OJ No. L 4, 7.1.2019, p.24).

- “(d) where it is administered in Great Britain, have been granted a marketing authorisation in accordance with regulation 4 of the Veterinary Medicines Regulations 2013<sup>(a)</sup>.”;
- (b) in paragraph 2(e)—
  - (i) after “point 1(b)”, insert “or (d)”;
  - (ii) for “the Member State or territory or” substitute “Great Britain or the”.
- (29) In Annex 4, in paragraph 2—
  - (a) in point (a)—
    - (i) in point (i), in the first indent—
      - (aa) omit “a territory or”;
      - (bb) for the words from “the implementing” to “Article 13(1) or (2)” substitute “Part 1 or 2 of Annex 2 to the Commission Implementing Regulation”;
    - (ii) in point (i), in the second indent, omit “territory or”;
    - (iii) in point (ii)—
      - (aa) for “the Union” substitute “Great Britain”;
      - (bb) omit “a territory or”;
      - (cc) for “pursuant to Article 13(1) or (2)” substitute “in Part 1 or 2 of Annex 2 to the Commission Implementing Regulation”;
      - (dd) for “Article 21(1)” substitute “Article 25(1)”;
  - (b) in point (c), after “2000/258/EC”, insert “or Article 3 of Decision 2000/258/EC as it has effect in European Union law<sup>(b)</sup>, as amended from time to time”.

### **Commission Implementing Regulation (EU) No 577/2013**

**16.**—(1) Annex 1 to Commission Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and the Council<sup>(c)</sup> is amended as follows.

- (2) In the heading, omit “of Article 7(2) and”;
- (3) In Part 1—
  - (a) in the heading, omit “of Article 7(2) and”;
  - (b) in the declaration, in the heading to the second column, for “Passport/Animal health certificate”, substitute “Identification document”;
- (4) In Part 2, in the declaration, in the heading to the second column, for “Animal”, substitute “Pet”;
- (5) In Part 3—
  - (a) in heading, omit “of Article 7(2) and”;
  - (b) for the words “at least one of” to the end substitute “English and may also be drawn up in other languages.”.

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(a) S.I. 2013/2033, amended prospectively from IP completion day by S.I. 2019/676 and 865; there are other amending instruments but none is relevant.  
 (b) OJ No. L 79, 30.3.2000, p.40, as last amended by Council Directive 2008/73/EC (OJ No. L 231, 13.9.2000, p.18).  
 (c) EUR 577/2013.

## Commission Delegated Regulation (EU) 2018/772

17.—(1) Commission Delegated Regulation (EU) 2018/772 supplementing Regulation (EU) No 576/2013 of the European Parliament and of the Council with regard to preventive health measures for the control of *Echinococcus multilocularis* infection in dogs is amended as follows.

(2) In Article 1, for the words from “the territory” to the end substitute “Great Britain”.

(3) After Article 1 insert—

### *“Article 1a*

#### **Interpretation**

In this Regulation, “the Commission Implementing Regulation” means “Commission Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and the Council.”.

(4) Omit Articles 2 to 5.

(5) In Article 6—

(a) in paragraph 1, for the words from “the territory”, in the first place where it occurs, to “this Regulation” substitute “Great Britain”;

(b) in paragraph 2, for the words from “the territory”, in the first place where it occurs, to “Member State” substitute “Great Britain”;

(c) in paragraph 3(b)(i)—

(i) for “Article 5 of Directive 2001/82/EC of the European Parliament and of the Council”, substitute “regulation 4 of the Veterinary Medicines Regulations 2013(a)”;

(ii) after “Council”, in the second place where it occurs, insert “as it has effect in European Union law, as amended from time to time”;

(d) for paragraph 4 substitute—

“4. The treatment referred to in paragraph 1 must be certified in the relevant section of the identification document by:

(a) where paragraph 4A applies, the administering veterinarian;

(b) where paragraph 4B applies—

(i) an official veterinarian of the third country of departure; or

(ii) an authorised veterinarian, provided an official veterinarian of the third country of departure subsequently endorses the certification.

4A. This paragraph applies in the case of non-commercial movements of dogs into Great Britain from a third country listed in Part 1 of Annex 2 to the Commission Implementing Regulation, after movement to or transit through a third country which is not so listed.

4B. This paragraph applies in the case of non-commercial movements of dogs into Great Britain from a third country not listed in Part 1 of Annex 2 to the Commission Implementing Regulation.”.

(6) In Article 7—

(a) in paragraph 1—

(i) in the words before point (a)—

(aa) for “a Member State referred to in Article 3” substitute “the appropriate authority”;

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(a) S.I. 2013/2033, to which there are amendments not relevant to these Regulations.

- (bb) for “territory or into parts of its territory” substitute “constituent territory”;
- (ii) in point (a), for the words from “another Member State” to “its territory”, substitute “a member State listed in Part 1 of the Annex to Regulation 2018/878”;
- (iii) in point (b), for the words from “another Member State” to the end substitute “a member State listed in Part 2 of the Annex to Regulation 2018/878”;
- (b) in paragraph 2—
  - (i) in the words before point (a)—
    - (aa) for “a Member State referred to in Article 3” substitute “the appropriate authority”;
    - (bb) for “territory or into parts of its territory” substitute “constituent territory”;
  - (ii) in point (b), for the words from “leaving” to “purposes” substitute “leaving the constituent territory, in which case those dogs must enter and leave that constituent territory through a travellers’ point of entry designated by the appropriate authority for the purposes”;
- (c) in paragraph 3—
  - (i) for the words from the beginning to “making” substitute “If the appropriate authority makes”;
  - (ii) after “paragraph 2” insert “, it”;
- (d) after paragraph 3 insert—

“4. For the purposes of this Article, “Regulation 2018/878” means Commission Implementing Regulation (EU) 2018/878 adopting the list of Member States, or parts of the territory of Member States, that comply with the rules for categorisation laid down in Article 2(2) and (3) of Delegated Regulation (EU) 2018/772 concerning the application of preventative health measures for the control of *Echinococcus multilocularis* infection in dogs, as it has effect in European Union law<sup>(a)</sup>, as amended from time to time.”.

(7) After Article 9 omit the words from “This Regulation” to “Member States.”.

(8) Omit Annex 1.

### **Commission Implementing Regulation (EU) 2018/878**

**18.** Commission Implementing Regulation (EU) 2018/878 adopting the list of Member States, or parts of the territory of Member States, that comply with the rules for categorisation laid down in Article 2(2) and (3) of Delegated Regulation (EU) 2018/772 concerning the application of preventive health measures for the control of *Echinococcus multilocularis* infection in dogs is revoked.

## **PART 4**

### **Application of, and modifications to, Directive 2006/88/EC**

#### **Application of, and modifications to, Directive 2006/88/EC**

**19.**—(1) Unless otherwise indicated, terms and expressions used in any relevant instrument have the meaning they have in the Council Directive subject to the modifications set out in the Schedule.

(2) For the purposes of reference to the Council Directive, or any provision of it, in any relevant instrument, that Directive is to be construed in accordance with the Schedule.

(3) In this regulation—

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(a) OJ L 155, 19.6.2018, p.1.

- (a) “relevant instrument” means any instrument that is adopted pursuant to the Council Directive before IP completion day and is retained direct EU legislation;
- (b) “the Council Directive” means Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals.

## PART 5

### Amendments to domestic EU Exit legislation

#### CHAPTER 1

#### The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019

#### **The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019**

**20.**—(1) The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019<sup>(a)</sup> are amended as follows.

(2) In regulation 2—

(a) in paragraph (2)—

(i) in sub-paragraph (a)(iii), for the inserted definition of “constituent nation” substitute—

“(q) constituent nation: one of the following nations of the British Islands: England, Guernsey, Isle of Man, Jersey, Scotland or Wales;”;

(ii) in subparagraph (b), in the inserted definition of “appropriate authority”—

(aa) in 1A, omit sub-paragraph (d);

(bb) in 1B, omit sub-paragraph (c);

(b) in paragraph (3)—

(i) in sub-paragraph (c), in the substituted text for Article 5(6), for “the United Kingdom” substitute “Great Britain” in both places where it occurs;

(ii) for sub-paragraph(d) substitute—

“(d) omit paragraph (8).”;

(c) in paragraph 4(c), omit “Assembly or”;

(d) in paragraph (6)—

(i) in sub-paragraph (a), in the substituted text, for paragraph 1(b) substitute—

“(b) not be imported into Great Britain from any country other than a member State.”;

(ii) in sub-paragraph (b), in the substituted text for “United Kingdom” substitute “Great Britain”;

(iii) for sub-paragraph (c) substitute—

“(c) in paragraph 4, for “the Community’s” substitute “Great Britain’s”.”;

(e) after paragraph (6) insert—

“(6A) In Article 9, in paragraph 2, omit the second subparagraph.”;

(f) in paragraph (11), omit sub-paragraph (a);

(g) in paragraph (12), omit sub-paragraphs (a) and (b);

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<sup>(a)</sup> S.I. 2019/170, amended by S.I. 2019/1220 and S.I. 2019/1229.

- (h) for paragraph (15) substitute—
  - “(15) Omit Article 19.”;
- (i) in paragraph (21), after sub-paragraph (a) insert—
  - “(aa) in point 6.1, for “Chapter III of Section I of Annex I to Regulation (EC) No 854/2004” substitute “Article 18(4) of Regulation (EU) No 2017/625;”;
- (j) in paragraph (22)—
  - (i) in sub-paragraph (a)(i)(bb), for “the United Kingdom” substitute “Great Britain”;
  - (ii) in sub-paragraph (b), after (ii) insert—
    - “(iii) in the footnotes to Tables A and B, omit “in the individual Member States” in both places where it occurs;”;
- (k) in paragraph (32)—
  - (i) for sub-paragraph (a)(ii), substitute—
    - “(ii) in point (c), in the last paragraph, for “TRACES” substitute “the appropriate computerised information management system;”;
  - (ii) omit sub-paragraph (c);
- (l) for paragraph (37) substitute—
  - “(37) In point 5—
    - (a) omit the words from “Notwithstanding” to “Article 5(2), and”;
    - (b) omit “in all Member States.”;
- (m) in paragraph (42)(b), for the substituted text substitute “unless prior approval has been provided by the relevant authority in the receiving country”;
- (n) in paragraph (48)—
  - (i) in sub-paragraphs (b)(i) and (c)(ii), in the words to be substituted, for “United Kingdom” substitute “Great Britain”;
  - (ii) for sub-paragraph (d) substitute—
    - “(d) in point (c)—
      - (i) in the last indent before point (i), for “Member State” substitute “appropriate authority”;
      - (ii) in the final paragraph before point (i), for the words from “By way of derogation” to “decide” substitute “Nothing in this Regulation prevents the appropriate authority from deciding”;
      - (iii) in point (i), in the first indent for “Member State” substitute “appropriate authority”;
      - (iv) in point (ii), for “derogation” substitute “action”;
      - (v) in point (iii)—
        - (aa) for the words from “The application” to “Member State” substitute “Such action shall be limited to cases where the appropriate authority”;
        - (bb) in the penultimate sentence, for “Member State” substitute “appropriate authority”;
        - (cc) in the last sentence, for the words “In the case” to “the present paragraph” substitute “Where such action is taken;”;
  - (iii) for paragraph (e) substitute—
    - “(e) in point (d)—
      - (i) in the fourth indent after the opening paragraph, for “Member State” substitute “appropriate authority”;

- (ii) in the third paragraph for “Member State” substitute “appropriate authority” in both places where it occurs;
  - (iii) in the last paragraph, for “The Member States” substitute “Any appropriate authority”;
- (o) after paragraph (49), insert—
  - “(49A) In point 3.3, in the fourth indent, for “Member State” substitute “appropriate authority”;
- (p) in paragraph 50(b)(ii), for “United Kingdom” substitute “Great Britain”;
- (q) for paragraphs (51) and (52) substitute—
  - “(51) In point 4.2—
    - (a) in the paragraph before the indents, for the words from “However” to “may”, substitute “Nothing in this Regulation prevents the appropriate authority from deciding that instead of the measures in points 3.2 and 3.3 the authority may decide to”;
  - (51a) In point 4.3(b)—
    - (i) in the opening paragraph, for “Member State” substitute “appropriate authority”;
    - (ii) in the second indent, for “territory of the same Member State” substitute “United Kingdom”;
  - (52) In point 4.4, for “Member State” substitute “appropriate authority”;
- (r) in paragraph (53), for “points 4.5 and 4.6” substitute “point 4.6”;
- (s) for paragraph (60), substitute—
  - “(60) The following amendments are made in points 2, 3 and 4—
    - (a) in the heading to point 2, for “Member States or zones of a Member State”, substitute “A constituent nation of an appropriate authority or a zone within a constituent nation”;
    - (b) in point 2.1—
      - (i) in the opening paragraph before (a)—
        - (aa) for “a Member State” substitute “an appropriate authority”;
        - (bb) for the words from “shall submit” to “in particular” substitute “must have clear and presentable evidence”;
      - (ii) in (e) for “Member States” substitute “countries”;
    - (c) omit point 2.2;
    - (d) omit point 2.3;
    - (e) in point 3.1—
      - (i) in the words before point (a), for “a Member State which has” substitute “each constituent nation must have”;
      - (ii) in point (a), for the words from “may” to “outlining” substitute “which outlines”;
      - (iii) in the first indent, for “Member State” substitute “constituent nation”;
      - (iv) omit point (b);
    - (f) in point 3.2, for the opening words substitute “Within the European Union the national scrapie control programmes for the following Member States have been approved by the European Commission:”;
    - (g) omit point 4.”
- (t) for paragraph (64), substitute—
  - “(64) In Annex 9—

- (a) in Chapter D, in Section B, in point 2, in the words after point (b), for “Union” substitute “retained direct EU”;
- (b) in Chapter E—
  - (i) in the opening paragraph, for “the Union” substitute “Great Britain”;
  - (ii) after point (4), omit “In addition to the conditions set out in points 1 to 4, the animal health certificate shall attest that:”;
  - (iii) in point (5), in the words before point (a) for “the Union and intended for Member States” substitute “parts of Great Britain”;
  - (iv) in point (6), in the words before point (a) for “the Union and intended for a Member State” substitute “parts of Great Britain”;
- (c) in Chapter F, in points (1) and (2), for “the Union” substitute “Great Britain” in both places where it occurs;
- (d) in Chapter H, in the opening paragraph before point (1), for “the Union” substitute “Great Britain”;
- (u) for paragraph (65) substitute—
  - “(65) Annex 10 is amended in accordance with paragraphs (68) to (74);”.
- (v) omit paragraphs (66) and (67);
- (w) for paragraph (72)(b)(i) substitute—
  - “(i) in point (i), for the words from “, listed in” to the end substitute “approved by the national reference laboratory”.
- (3) In regulation 3, in paragraph 4(c), after “constituent nation” insert “of the British Islands”.
- (4) In regulation 4—
  - (a) in paragraph (2), in the inserted paragraph 2 in the definition of “appropriate authority”, omit subparagraph (d);
  - (b) in paragraph (3)(b)(ii), for “the United Kingdom” substitute “Great Britain, the Channel Islands and the Isle of Man”.
- (5) Omit regulations 5 and 6.

## CHAPTER 2

### The Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019

#### **The Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019**

**21.**—(1) The Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

- (2) Omit regulation 2.
- (3) Omit regulation 6.
- (4) In regulation 7—
  - (a) for paragraph (2) substitute—
    - “(2) In regulation 1(3), for “the European Union” substitute “Great Britain”.”;
  - (b) in paragraph (3)—
    - (i) in sub-paragraphs (a), (c)(ii), d(ii), j(ii), k(ii), m(ii), r(ii)—

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(a) S.I. 2019/809.



- (aa) in the new paragraph (ii) to be inserted by each of those sub-paragraphs, after “Crown Dependency” insert “or a country granted equivalence”;
- (bb) omit the new paragraph (iii) to be inserted by each of those sub-paragraphs;
- (ii) in sub-paragraph (b), for “in accordance” substitute “(or, in relation”;
- (iii) in sub-paragraph (e)—
  - (aa) before the definition of “Crown Dependency” insert—
    - ““country granted equivalence” means a country that has been assessed by the Secretary of State that seed potatoes from that country are produced under conditions equivalent to the requirements of these Regulations;”;
    - (bb) after the definition of “Crown Dependency” insert—
      - ““equivalent grade” means—
        - (a) for Northern Ireland, an equivalent Union grade;
        - (b) for a Crown Dependency or a country granted equivalence, a grade recognised by the Secretary of State as being equivalent to a GB grade;”;
        - (cc) in the new definition of “equivalent Union grade” to be inserted by that paragraph, for “UK”, in each place where it occurs, substitute “GB”;
        - (dd) after the definition of “equivalent Union grade” insert—
          - ““GB Variety List” means a list of varieties of potato species prepared and published in accordance with regulation 3 of the National Lists Regulations;”;
  - (iv) in sub-paragraph (g), in the new definition of “grade” to be inserted by that sub-paragraph, for “United Kingdom” substitute “GB”;
  - (v) for sub-paragraph (i) substitute—
    - “(i) omit the definition of “National List”;”;
  - (vi) in sub-paragraph (o), in the new definition of “seed potatoes of a conservation variety” to be inserted by that paragraph, for “National List” substitute “GB Variety List”;
  - (vii) in sub-paragraph (p)—
    - (aa) for paragraph (i) and (ii) substitute—
      - “(i) renumber paragraph (u) as paragraph (a);
      - (ii) omit paragraphs (v) and (w);”;
    - (bb) at the end insert—
      - “or
      - (b) seed potatoes produced in a country granted equivalence;”;
  - (viii) in sub-paragraph (s), in the new definition of “Union grade”, for “a member State or Switzerland” substitute “Northern Ireland”;
  - (ix) in sub-paragraph (t), in the new definition of “United Kingdom grade”—
    - (aa) in the definition title and new paragraph (a), for “United Kingdom”, in each place where it occurs, substitute “GB”;
    - (bb) for “UK”, in each place where it occurs, substitute “GB”;
    - (cc) in new paragraph (b), for “the United Kingdom other than in England” substitute “Scotland or Wales”;
    - (dd) in new paragraph (b), for “the United Kingdom”, in the second place where it occurs, substitute “GB”;
  - (x) for sub-paragraph (u) substitute—
    - “(u) omit paragraph (2)”;
- (c) in paragraph 4—

- (i) in the new paragraph (ii), after “Crown Dependency” insert “or a country granted equivalence”;
- (ii) omit the new paragraph (iii) to be inserted by that paragraph;
- (d) omit paragraph (5);
- (e) in paragraph (6)—
  - (i) before sub-paragraph (a) insert—
    - “(za) in paragraph (1)(a), for “National List” substitute “GB Variety List”;
  - (ii) in sub-paragraph (b), in the new paragraph 3A, for “the United Kingdom”, in each place where it occurs, substitute “Great Britain”;
- (f) in paragraph (7)—
  - (i) for sub-paragraph (b) substitute—
    - “(b) in sub-paragraph (b)—
      - (i) in paragraph (i)—
        - (aa) after “grade S” insert “, for Northern Ireland,”;
        - (bb) omit “or”;
      - (ii) in paragraph (ii), after “grade SE” insert “, Northern Ireland,”;
    - (ii) in sub-paragraph (c), for the new paragraph (iii) to be inserted by that sub-paragraph, substitute—
      - “(iii) “GB grade S” or “GB grade SE” as set out in—
        - (aa) for England, Part 2 of Schedule 4;
        - (bb) for elsewhere in Great Britain, the relevant seed potatoes regulations; or
        - (cc) for a Crown Dependency or a country granted equivalence, legislation recognised by the Secretary of State as having equivalent effect to Part 2 of Schedule 4.”;
    - (iii) for sub-paragraph (d) substitute—
      - “(d) in sub-paragraph (c)—
        - (i) in paragraph (i), after “grade S” insert “, for Northern Ireland,”;
        - (ii) in paragraph (ii), after “grade SE” insert “, for Northern Ireland,”;
        - (iii) in paragraph (iii), after “grade E” insert “, for Northern Ireland,”;
    - (iv) in sub-paragraph (e), for the new paragraph (iv) to be inserted by that sub-paragraph, substitute—
      - “(iv) “GB grade S”, “GB grade SE” or “GB grade E” as set out in—
        - (aa) for England, Part 2 of Schedule 4;
        - (bb) for elsewhere in Great Britain, the relevant seed potatoes regulations; or
        - (cc) for a Crown Dependency or a country granted equivalence, legislation recognised by the Secretary of State as having equivalent effect to Part 2 of Schedule 4.”;
    - (v) omit sub-paragraph (f);
  - (g) in paragraph (8), in the new sub-paragraph (c) to be inserted by that paragraph, for “exit day” substitute “IP completion day”;
  - (h) in paragraph (9)—
    - (i) in sub-paragraph (a)—
      - (aa) in paragraph (i), for “the United Kingdom” substitute “Great Britain”;

- (bb) in paragraph (ii), in the new sub-paragraph (iii) to be inserted by that paragraph, for “exit day” substitute “IP completion day”;
- (ii) for sub-paragraph (b) substitute—
  - “(b) in paragraph (6)(b), for “National List or the Common Catalogue” substitute “GB Variety List”;;”;
- (i) in paragraphs (10) and (11)—
  - (i) in the new paragraph (ii) to be inserted by those paragraphs, after “Crown Dependency” insert “or a country granted equivalence”;
  - (ii) omit the new paragraph (iii) to be inserted by those paragraphs;
- (j) for paragraph (12) substitute—
  - “(12) In regulation 16 and in the heading, for “European Union” substitute “British Islands”.;”;
- (k) in paragraph (13), in the new regulation 23A to be inserted by that paragraph, for “exit day”, in each place where it occurs, substitute “IP completion day”;
- (l) in paragraph (15)—
  - (i) for sub-paragraph (a) substitute—
    - “(a) in paragraph 3(a), for “National List or the Common Catalogue” substitute “GB Variety List”;;”;
  - (ii) in sub-paragraph (b), for “UK” substitute “GB”;
- (m) in paragraph (16)—
  - (i) in sub-paragraph (b)(i), for “UK” substitute “GB”;
  - (ii) for sub-paragraph (c) substitute—
    - “(c) in paragraph 8(b)—
      - (i) in paragraph (i), for “member State” substitute “country”;
      - (ii) in paragraph (vi), for “a National List” substitute “a GB Variety List”;;”;
    - (iii) in paragraphs(d)(ii) and (e), for “UK” substitute “GB”;
- (n) in paragraphs (17)(a) and (b), for “UK” substitute “GB”;
- (o) in paragraphs (19), (20) and (21)—
  - (i) in sub-paragraph (a), for “United Kingdom” substitute “GB”;
  - (ii) in sub-paragraph (b)—
    - (aa) for “UK”, in both places where it occurs, substitute “GB”;
    - (bb) in paragraph (ii), for “equivalent Union grade” substitute “equivalent grade”.

### CHAPTER 3

#### The Animal Health, Invasive Alien Species, Plant Breeders’ Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019

#### **The Animal Health, Invasive Alien Species, Plant Breeders’ Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019**

**22.—**(1) The Animal Health, Invasive Alien Species, Plant Breeders’ Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019(a) are amended as follows.

- (2) In regulation 5—
  - (a) in paragraph (2)—

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(a) S.I. 2019/1220, amended by S.I. 2019/1229.

- (i) omit sub-paragraph (b);
  - (ii) in sub-paragraph (d)(i), for “the United Kingdom” in the substituted text, in both places where it occurs, substitute “Great Britain”;
  - (iii) omit sub-paragraph (g);
  - (b) omit paragraphs (3) and (4).
- (3) Omit regulation 9.

## CHAPTER 4

### Seals

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

**23.**—(1) The Seal Products (Amendments) (EU Exit) Regulations 2018(a) are amended as follows.

(2) After regulation 1, insert—

**“Extent**

**1A.** Regulation 2 extends to England and Wales and Scotland only.”

(3) In regulation 4(4)—

(a) before paragraph (a) insert—

“(za) in paragraph 5, omit “issued in accordance with paragraph 1”;

(b) for sub-paragraph (a)(iii) substitute—

“for the words from “issued in” to “No 2913/92, the” substitute “. The”;

(c) after paragraph (a) insert—

“(aa) after paragraph 6 insert—

**“6A.** For the purposes of paragraphs 3 to 6, “attesting document” means—

(a) an attesting document issued in accordance with paragraph 1;

(b) an attesting document issued before 1 January 2021 in accordance with Article 4(1) of Commission Implementing Regulation (EU) 2015/1850 as it has effect in EU law”.

## CHAPTER 5

### Animal Health

#### **The Exotic Disease (Amendment) (England) (EU Exit) Regulations 2018**

**24.** For regulation 2 of the Exotic Disease (Amendment) (England) (EU Exit) Regulations 2018(b) substitute—

**“2.** In the Foot-and-Mouth Disease (England) Order 2006, in Schedule 8, in paragraph 7, for “another” substitute “a”.

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(a) S.I. 2018/1034.

(b) S.I. 2018/1406.

## **The Exotic Disease (Amendment etc.) (EU Exit) Regulations 2018**

**25.**—(1) The Exotic Disease (Amendment etc.) (EU Exit) Regulations 2018(a) are amended as follows.

- (2) In regulation 5(3)—
- (a) in sub-paragraph (a), for “the United Kingdom” substitute “Great Britain”;
  - (b) in sub-paragraph (b), for the substituted paragraph substitute—

“The Secretary of State, with the consent of the Welsh Ministers and the Scottish Ministers must draw up, keep up to date and publish a list of those laboratories that have been so authorised.”;
  - (c) in sub-paragraph (d), omit sub-paragraph (ii) and renumber the next sub-paragraphs accordingly.
- (3) In regulation 6(2)—
- (a) in sub-paragraph (a), for the substituted wording substitute “The Secretary of State, with the consent of the Welsh Ministers and the Scottish Ministers”;
  - (b) in sub-paragraph (c)—
    - (i) in the inserted paragraph 3(a), omit sub-paragraph (ii) and renumber the next sub-paragraphs accordingly, and
    - (ii) in the inserted paragraph 3(b), for “the United Kingdom” substitute “Great Britain”.
- (4) In regulation 7, in paragraph (2)(c)—
- (a) in the inserted paragraph 3(a), omit sub-paragraph (ii) and renumber the next sub-paragraphs accordingly, and
  - (b) in the inserted paragraph 3(b), for “the United Kingdom” substitute “Great Britain”.
- (5) In regulation 8, in paragraph 2—
- (a) in sub-paragraph (a), for “the United Kingdom” substitute “Great Britain”;
  - (b) in sub-paragraph (c)—
    - (i) in the inserted paragraph 4(a), omit sub-paragraph (ii) and renumber the next sub-paragraphs accordingly, and
    - (ii) in the inserted paragraph 4(b), for “the United Kingdom” substitute “Great Britain”.
- (6) Omit regulation 9 and the heading to that regulation.
- (7) In regulation 10—
- (a) in paragraph (3), in the inserted Article 2a—
    - (i) in paragraph (a), omit sub-paragraph (ii) and renumber the next sub-paragraphs accordingly, and
    - (ii) in paragraph (b), for “the United Kingdom” substitute “Great Britain”;
  - (b) in paragraph (6), for sub-paragraph (a) substitute—

“(a) in paragraph 1, in the words before point (a), omit “in the Community”;;”;
  - (c) in paragraph (12)(b)—
    - (i) for paragraph (iii) substitute—

“(iii) in the third sub-paragraph, for the words from “Community” to “United Kingdom,” substitute “National reference laboratory”.”; and
    - (ii) omit sub-paragraph (iv).
- (8) In regulation 11—

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(a) S.I. 2018/1410.

- (a) in paragraph (2)(a), for “the United Kingdom” substitute “Great Britain” in both places where it occurs;
  - (b) in paragraph (3)—
    - (i) in sub-paragraph (a), in the inserted unnumbered paragraph, in the definition of “primary outbreak”, for “the United Kingdom” substitute “Great Britain”;
    - (ii) in sub-paragraph (b)—
      - (aa) in the inserted definition of “the appropriate Minister”, omit sub-paragraph (ii) and renumber the next sub-paragraphs accordingly,
      - (bb) in the inserted definition of “the competent authority”, for “the United Kingdom” substitute “Great Britain”, and
      - (cc) in the inserted definition of “third country”, for “other than the United Kingdom or a Member State” substitute “or territory other than the British Islands”;
  - (c) in paragraph (4)(a), for “the United Kingdom” substitute “Great Britain”;
  - (d) omit paragraph (4)(c);
  - (e) in paragraphs (5)(a), (6), (7)(a) and (b), (8), (9)(a)(i) and (ii) and (9)(b)(i) and (ii), (10)(a) and (b), (11)(a) and (b), (12)(a) and (b), for “the United Kingdom” substitute “Great Britain” in each place where it occurs;
  - (f) in paragraph (12)(c), in the substituted text, for “the United Kingdom” substitute “Great Britain”.
- (9) In regulation 12—
- (a) in paragraph (2)(a), for the substituted words substitute “the Secretary of State with the consent of the Scottish Ministers and the Welsh Ministers,”;
  - (b) in paragraph (3)(c), in paragraph (b) of the text to be inserted, for “the United Kingdom” substitute “Great Britain”.
- (10) In regulation 13—
- (a) in paragraph (2)(e)—
    - (i) in the inserted definition of “the appropriate Ministers”, omit sub-paragraph (ii) and renumber the next sub-paragraphs accordingly,
    - (ii) in the inserted definition of “the competent authority”, for “the United Kingdom” substitute “Great Britain” and
    - (iii) in the inserted definition of “third country”, for “other than the United Kingdom or a Member State” substitute “country or territory other than the British Islands”;
  - (b) in paragraph (5), in the substituted Article 5, in paragraph 2, for “the United Kingdom” substitute “Great Britain”.
- (11) In regulation 14—
- (a) in paragraph (2), in the inserted text, in sub-paragraphs (a) and (d), for “the United Kingdom” substitute “Great Britain”;
  - (b) in paragraph (3)—
    - (i) in sub-paragraph (b) in the definition of “primary outbreak of bluetongue”, for “the United Kingdom” substitute “Great Britain”,
    - (ii) in sub-paragraph (c), for “the United Kingdom” substitute “Great Britain”,
    - (iii) in sub-paragraph (d)—
      - (aa) in the definition of “the competent authority”, for “the United Kingdom” substitute “Great Britain”;
      - (bb) in the definition of “the appropriate Minister”, omit sub-paragraph (ii) and renumber the next sub-paragraphs accordingly;

- (c) in paragraph (4), in the substituted Article 3, for “the United Kingdom” substitute “Great Britain”;
  - (d) in paragraph (6), for the substituted paragraph 1 of Article 6, for “the United Kingdom” substitute “Great Britain” in each place where it occurs;
  - (e) in paragraph (8)—
    - (i) in sub-paragraphs (a) and (b), for “the United Kingdom” substitute “Great Britain”, and
    - (ii) for sub-paragraph (d) substitute—
      - “(d) in paragraph 5a omit—
        - (i) the words “, as defined in Article 1(2)(a) of Decision 93/444/EEC”, and
        - (ii) the words “to a third country”;;”;
  - (f) in paragraph (11)—
    - (i) in sub-paragraph (a), in the substituted text, for “England, Wales and Northern Ireland” substitute “England and Wales”, and
    - (ii) in sub-paragraph (b)(ii)(bb), in the substituted text, for “the United Kingdom” substitute “Great Britain”;
  - (g) in paragraph (12)—
    - (i) in sub-paragraph (a)—
      - (aa) for sub-paragraph (a)(i)(cc) substitute—
        - “(cc) in the fourth unnumbered subparagraph, for the words from “intra-Community” to “92/65/EEC:” substitute “trade, the following additional wording must be added to the relevant corresponding health certificates:”;
      - (bb) for sub-paragraph (a)(ii) substitute—
        - “(ii) in paragraphs 2, 3, 4, 6 and 7, for the words from “intra-Community” to “92/65/EEC:” in each place they occur, substitute “trade, the following additional wording must be added to the relevant corresponding health certificates:”, and”;
      - (cc) for sub-paragraph (a)(iii) substitute—
        - “(iii) in paragraph 5, for the words from “intra-Union” to “92/65/EEC:” substitute “trade, the following additional wording must be added to the relevant corresponding health certificates:”;
    - (ii) in sub-paragraphs (b)(ii) and (c), in the substituted text for “export” substitute “trade”.
- (12) In regulation 15—
- (a) in paragraph (3)—
    - (i) in the inserted definition of “The appropriate Minister”, omit sub-paragraph (b) and renumber the next sub-paragraphs accordingly, and
    - (ii) in the inserted definition of “The competent authority”, for “the United Kingdom” substitute “Great Britain”;
  - (b) in paragraph (4)(a)(i), for “the United Kingdom” substitute “Great Britain”;
  - (c) in paragraph (8)(c), for paragraph (i) substitute—
    - “(i) in paragraph 4(a) and (b) for “the territory of the Member State” substitute “Great Britain”;;”.
- (13) In regulation 16—
- (a) in paragraph (3) in the inserted Article 1a—
    - (i) in the inserted definition of “the competent authority”, for “the United Kingdom” substitute “Great Britain”, and

- (ii) in the inserted definition of “the appropriate authority”, omit sub-paragraph (ii) and renumber the next sub-paragraphs accordingly;
- (b) in paragraph (7)—
  - (i) in sub-paragraph (a), for “the United Kingdom” substitute “Great Britain”,
  - (ii) in sub-paragraph (c)(iv)—
    - (aa) for the words being replaced, substitute “the Member State”, and
    - (bb) for “United Kingdom” substitute “Great Britain”.
- (14) In regulation 18—
  - (a) in paragraph (3)(a) for the substituted words in Article 37, for the words before point (a), substitute—
 

“The Secretary of State, with the consent of the Scottish Ministers and the Welsh Ministers, may organise joint on-the-spot checks with the EU Commission in Great Britain at the premises of any beneficiary of EU expenditure incurred or committed before IP completion day, with a view to verifying in particular:”;
  - (b) in paragraph (4)(a), for the substituted words, substitute “The Secretary of State, with the assistance of the Scottish and Welsh Ministers”;
  - (c) in paragraph 5(b), in the substituted paragraph 1, for the words from “the Scottish Ministers” to “Rural Affairs” substitute “the Scottish and the Welsh Ministers”.
- (15) In regulation 19—
  - (a) in paragraph (2), in the inserted text—
    - (i) in the first sub-paragraph (c), for “the United Kingdom” substitute “Great Britain” in both places where it occurs;
    - (ii) in the second sub-paragraph (a), omit point (ii) and renumber the next two points accordingly;
    - (iii) omit the second sub-paragraph (c);
  - (b) in paragraph (3)(a)(i) and (b), for “the United Kingdom” substitute “Great Britain” in both places where it occurs;
  - (c) in paragraph (4)(a)—
    - (i) for sub-paragraph (i) substitute—
 

“(i) for “Member States”, in the first place where it occurs, substitute “authority who in relation to a constituent part of Great Britain is the appropriate Minister”,;”;
    - (ii) for sub-paragraph (ii), substitute “omit “Member States and nearby third”;
  - (d) in paragraph (5)(b), for “the United Kingdom” substitute “Great Britain”.

## CHAPTER 6

### Equine

#### **The Equine Identification (England) (Amendment) (EU Exit) Regulations 2018**

**26.**—(1) Regulation 3 of the Equine Identification (England) (Amendment) (EU Exit) Regulations 2018(a) is amended as follows.

(2) In paragraph (4), for the substituted text, substitute “Great Britain from a country other than Northern Ireland or a member State”.

(3) For paragraph (5) substitute—

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(a) S.I. 2018/1409.



“(5) In regulation 13(2)(b) for “another member State” substitute “a member State or Northern Ireland”.”.

### **The Equine (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2019**

**27.**—(1) The Equine (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

(2) For regulation 3 substitute—

“**3.** In Article 1(1)—

(a) in point (a), for “the Union” substitute “Great Britain”;

(b) in point (b), for the words from “the Union” to the end substitute “Great Britain.”.”

(3) In regulation 4—

(a) in paragraph (b)(i), for the inserted text, substitute “by the appropriate authority, by the zootechnical authority in Northern Ireland or”;

(b) in paragraph (c), in the substituted text, after “a member State” insert “or in Northern Ireland”;

(c) in paragraph (d), in the substituted text—

(i) in point (i), for “the United Kingdom” substitute “Great Britain”;

(ii) at the end, insert—

“(iii) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs or any other authority to which the competence of that authority has been conferred, including the competent authority referred to in point (h) of the EU Directive;”;

(d) in paragraph (e), in the substituted text—

(i) in point (i), for “the United Kingdom” substitute “Great Britain”;

(ii) at the end insert—

“(iii) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs or any other authority to which the competence of that authority has been conferred, including any organisation or association which maintains or establishes a stud-book;”;

(e) in paragraph (f), in the substituted text, for “the United Kingdom” substitute “Great Britain”;

(f) for paragraph (g) substitute—

“(g) omit point (l);”;

(g) after paragraph (g) insert—

“(ga) omit point (p);”;

(h) for paragraph (i) substitute—

“(i) in point (t)—

(i) after “means the”, insert “veterinary surgeon referred to in Schedule 4 to the Veterinary Medicines Regulations 2013 or, in Northern Ireland or a member State, the”;

(ii) after “Directive 2001/82/EC”, insert “as that Directive has effect in EU law, as amended from time to time”;

(i) in paragraph (j), in the inserted text—

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(a) S.I. 2019/591.

- (i) in point (u), after “country other than” insert “the British Islands or”;
  - (ii) after point (w) insert—
    - “(wa) ‘constituent territory of Great Britain’ means England, Wales or Scotland;”;
  - (iii) in point (x) omit point (iv).
- (4) In regulation 5—
  - (a) in paragraph (a), for the substituted text substitute “Great Britain”;
  - (b) for paragraph (c), substitute—
    - “(c) in paragraph 4—
      - (i) for “Member States” substitute “The appropriate authority”;
      - (ii) for “(EC) No 882/2004” substitute “(EU) 2017/625”.”.
- (5) In regulation 6(1)—
  - (a) for sub-paragraph (a), substitute—
    - “(a) in the heading—
      - (i) omit “Union”;
      - (ii) at the end, insert “in Great Britain;”;
  - (b) after sub-paragraph (a) insert—
    - “(ab) in paragraph 1, in the text before point (a)—
      - (i) omit “Union”;
      - (ii) after “system for the identification of equidae” insert “in Great Britain;”.
- (6) For regulation 7 substitute—
  - “**7.** In the title of Chapter 2, for “the Union” substitute “Great Britain”.”.
- (7) In regulation 8—
  - (a) for paragraph (a) substitute
    - “(a) in the heading, for “the Union” substitute “Great Britain;”;
  - (b) in paragraph (b)(i), in the substituted text—
    - (i) in points (a)(i) and (iii), for “2(1) of Commission Decision 92/353/EEC” substitute “4(3) of Regulation (EU) 2016/1012”;
    - (ii) in point (a)(i), for “that Decision” substitute “it”.
- (8) In regulation 9—
  - (a) in paragraph (a), after sub-paragraph (ii) insert—
    - “(iii) after “Member States,” in the second place where it occurs, insert “the competent authority for Northern Ireland;”;
  - (b) in paragraph (c), in the text to be substituted, after “member States,” insert “the competent authority for Northern Ireland.”.
- (9) For regulation 10, substitute—
  - “**10.** In Article 7, in the heading and in paragraph 1, for “the Union” substitute “Great Britain”.”.
- (10) For regulation 11 substitute—
  - “**11.** In the heading to Article 8, for “the Union” substitute “Great Britain”.”.
- (11) In regulation 12—
  - (a) for paragraph (a) substitute—
    - “(a) in the heading, for “the Union” substitute “Great Britain;”.
  - (b) after paragraph (b) insert—

- “(c) in paragraph 3(b), for “2 or 3 of Decision 96/78/EC” substitute “15 of Regulation (EU) 2016/1012”.”.
- (12) In regulation 14—
- (a) for paragraph (a) substitute—
- “(a) in the heading, for “the Union” substitute “Great Britain”;;”;
- (b) in paragraph (b), in the substituted text, for “the United Kingdom” substitute “Great Britain” in both places where it occurs;
- (c) for paragraph (d) substitute—
- “(d) in paragraph 3—
- (i) omit “and in accordance with Article 1 of Decision 96/78/EC”;
- (ii) for the words from “other than” to the end substitute “or in Northern Ireland, rather than in Great Britain”.”.
- (13) In regulation 15—
- (a) for paragraph (a) substitute—
- “(a) in the heading, for “the Union” substitute “Great Britain”;;”;
- (b) for paragraph (b)(i) substitute—
- “(i) for “the Union” substitute “Great Britain”;;”.
- (14) For regulation 17 substitute—
- “**17.** In the heading of Chapter 3, for “the Union” substitute “Great Britain from a third country”.”.
- (15) In regulation 18, for paragraph (a) substitute—
- “(a) for “the Union” substitute “Great Britain from a third country”;;”.
- (16) In regulation 19—
- (a) for paragraph (a), substitute—
- “(a) in the heading, for “the Union” substitute “Great Britain from a third country”;;”;
- (b) in paragraph (b)—
- (i) for sub-paragraph (ii) substitute—
- “(ii) in point (a), for “the Union” substitute “Great Britain from a third country”;;”;
- (ii) for sub-paragraph (iii) substitute—
- “(iii) in point (b)—
- (aa) after “admission of a registered horse” insert “from a third country”;
- (bb) for the words from “a Decision” to the end substitute “the procedure referred to in Article 19 of Regulation 2018/659”;;”.
- (17) In regulation 20, in the new Article 15A to be inserted—
- (a) in the title, after “the European Union” insert “or Northern Ireland”;
- (b) in paragraph 1, for the words from “the United Kingdom” to the end substitute “Great Britain to the Union, or for the purposes of moving an equine animal from Great Britain to Northern Ireland, whether or not for a temporary period”.
- (18) In regulation 22, after paragraph (b), insert—
- “(c) omit paragraph 4.”.
- (19) In regulation 24(b), in the substituted text, after “in member States” insert “or in Northern Ireland”.
- (20) In regulation 27, for the substituted text substitute “Great Britain”.
- (21) In regulation 28—
- (a) in paragraph (a), for the substituted text substitute “Great Britain”;

(b) for paragraph (b) substitute—

“(b) omit paragraph 3.”.

(22) In regulation 29—

(a) in paragraph (a), for the substituted text substitute “Great Britain”;

(b) in paragraph (b), in the substituted text—

(i) for “the United Kingdom” substitute “Great Britain” both times it occurs;

(ii) at the end, insert “or from Northern Ireland”.

(23) In regulation 31—

(a) in paragraph (b)—

(i) in sub-paragraph (i), in the substituted text, for “the United Kingdom” substitute “Great Britain”;

(ii) for sub-paragraph (iii) substitute—

“(iii) in point (b), in the words before point (i), for the words from “the Member State where” to “Member” substitute “Great Britain from a member”;;

(iii) for sub-paragraph (iv), substitute—

“(iv) in points (b)(ii) and (iii), for “the Member State” substitute “Great Britain”;;

(b) for paragraph (c)(i) substitute—

“(i) in point (a)(ii)—

(aa) for “Decision 92/353/EEC” substitute “Article 4(3) of Regulation (EU) 2016/1012”;

(bb) for the words from “Member State” to “located” substitute “United Kingdom”;

(cc) for “Decision 96/78/EC” substitute “Annex II of Regulation (EU) 2016/1012”;;

(24) In regulation 33(c)(ii), in the substituted text, for “the United Kingdom” substitute “Great Britain”.

(25) In regulation 34—

(a) for paragraph (a) substitute—

“(a) in the heading, for “the Union” substitute “Great Britain”;;

(b) in paragraph (b), in the substituted text, for “the United Kingdom” substitute “Great Britain”.

(26) After regulation 34, insert—

#### “Amendments to Article 31

**34A.** In Article 31(1), omit point (b).”.

(27) In regulation 36—

(a) in paragraph (b)—

(i) for sub-paragraph (i) substitute—

“(i) for point (a) substitute “referred to in paragraph 1A;”;;

(ii) in sub-paragraph (ii), in the substituted text—

(aa) for point (i) substitute—

“(i) a country or region that is not free from African horse sickness;”;

(bb) in point (ii), for “the United Kingdom” substitute “Great Britain”;

(b) in paragraph (c), in the substituted text—

(i) omit point (c);

- (ii) in point (d)—
  - (aa) for “the United Kingdom” substitute “Great Britain”;
  - (bb) omit the text from “, or under the equivalent legislation” to the end;
  - (cc) point (d) becomes point (c);
- (iii) after point (c), insert—

**1A.** The holdings referred to in paragraph 1(a) are those where:

- (a) equidae suspected of having contracted dourine are or have been located, unless it has been at least six months since the last actual or possible contact with a sick animal. This paragraph does not apply where the animal referred to in paragraph 1 has been castrated;
- (b) equidae suffering from glanders or equine encephalomyelitis are or have been located, unless it has been at least six months since the day on which the equidae suffering from the disease in question was slaughtered;
- (c) animals suffering from infectious anaemia are or have been located, unless the infected animals have been slaughtered and the remaining animals have shown a negative reaction to two Coggins tests carried out three months apart;
- (d) cases of vesicular stomatitis have been recorded, unless it has been at least six months since the last recorded case;
- (e) cases of rabies have been reported, unless it has been at least one month since the last recorded case;
- (f) cases of anthrax have been reported, unless it has been at least 15 days since the last recorded case.

**1B.** If all the animals of a species susceptible to the disease located on the holding referred to in paragraph 1A have been slaughtered and the premises disinfected, the period referred to in paragraphs 1A(a) to (e) shall be 30 days, beginning on the day on which the animals were destroyed and the premises disinfected.”;

- (iv) in paragraph 2—
  - (aa) for “constituent territory of the United Kingdom” substitute “country, region or constituent territory” in each place where it occurs;
  - (bb) in the text before point (a), after “paragraph 1(b)”, omit “(ii)”.

(28) In regulation 37(b) in sub-paragraphs (i) and (ii), in the substituted text, for “the United Kingdom” substitute “Great Britain”.

(29) In regulation 38(b), in the substituted text—

- (a) in paragraph 1, for “the United Kingdom” substitute “Great Britain”;
- (b) in paragraph 2(a), for “, Wales and Northern Ireland” substitute “and Wales”;
- (c) in paragraph 3, after “member States” insert “, the competent authority in Northern Ireland”.

(30) In regulation 39(e), in the substituted text, for “the United Kingdom” substitute “Great Britain”.

(31) In regulation 40—

- (a) in paragraph (a) the words from “in the words before” to the end become sub-paragraph (i);
- (b) after sub-paragraph (i), insert—
  - “(i) in point (a), after “with Article 5(1);” insert “and”;
  - (ii) in point (b), at the end insert “, if different”;
- (c) in paragraph (b), in the new paragraph 4 inserted by that regulation, for “the United Kingdom” substitute “Great Britain”.

(32) In regulation 41(b)(i), in the substituted text, for “the United Kingdom” substitute “Great Britain”.

(33) For regulation 45(a) substitute—

“(a) in paragraph 2, for “the Union or imported into the Union” substitute “Great Britain or imported into Great Britain”;

(34) In regulation 47(2)—

(a) in sub-paragraphs (c), (d) and (e)(ii), in the substituted text, for “the United Kingdom” substitute “Great Britain”;

(b) after paragraph (e), insert—

“(ea) in section 3, in the heading, omit “in accordance with Article 4(4)(a) of Directive 2009/156/EC”;

(c) in sub-paragraph (f)—

(i) in paragraph (ii), for the substituted text substitute “only valid to enter Great Britain from a member State or Northern Ireland”;

(ii) in paragraph (iii), for the substituted text substitute “from a member State or Northern Ireland to the territory of Great Britain”.

(35) In regulation 48(2), in the substituted text—

(a) in Article 1(1), after point (c), insert—

“(d) the criteria for the distribution of funds for the safeguard, development and improvement of breeding which have been reserved from the prize money or profits of competitions.”;

(b) Omit paragraphs 2 and 3;

(36) Omit regulations 49 and 50.

## CHAPTER 7

### Animal breeding

#### **The Animal Breeding (Amendment) (EU Exit) Regulations 2019**

**28.**—(1) The Animal Breeding (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

(2) In regulation 3(2)—

(a) for sub-paragraph (b) substitute—

“(b) in points (5) and (6), in both places where it occurs, for “Member State” substitute “a constituent territory of the United Kingdom”;

(b) for sub-paragraph (d) substitute—

“(d) in point (8)—

(i) in the words before point (a), for “a Member State” substitute “a constituent territory of the United Kingdom”;

(ii) in point (c), for “Member States” substitute “competent authorities in the United Kingdom”;

(c) in sub-paragraph (e), for point (8B) in the inserted text substitute—

“(8B) ‘third country’ means any country or territory other than—

(a) the United Kingdom;

(b) the Bailiwick of Jersey;

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(a) S.I. 2019/117.

- (c) the Bailiwick of Guernsey;
- (d) the Isle of Man;”;
- (d) after sub-paragraph (f) insert—
  - “(fa)after point (21), insert—
    - “(21A) ‘entering Great Britain’ means the action of bringing breeding animals or their germinal products into Great Britain;”;
- (3) In regulation 4—
  - (a) for paragraph (5) substitute—
    - “(5) In Article 8—
      - (a) in paragraph 1, after “breeding operation”, in the first place where it occurs, insert “recognised under Article 4(3)”;
    - (b) for paragraph (6)(b)(ii) substitute—
      - “(ii) in point (c), omit “in other Member States or”.”.
  - (c) in paragraph (7), in the substituted text—
    - (i) for paragraph 1 substitute—
      - “1. Where a breed society or breeding operation (within the meaning of Article 2 of the EU Regulation) approved either in accordance with Article 8(3) of the EU Regulation by a competent authority in a member State or by a competent authority in a third country in respect of which the appropriate authority has made regulations under Article 35, or a breeding body entered into the list under Article 34(1), intends to carry out a breeding programme on animals kept in the United Kingdom, that breed society, breeding operation or breeding body must notify the competent authority of the constituent territory of the United Kingdom where the animals are to be kept.”;
      - (ii) in paragraph 2(b), after “English” insert “and other languages may also appear”;
      - (iii) in paragraph 4, for “or breeding operation in accordance with Article 4(3) of the EU Regulation” substitute “, breeding operation of breeding body”;
      - (iv) in paragraph 6, for “breed society or breeding operation” substitute “breed society, breeding operation or breeding body”.
- (4) In regulation 6—
  - (a) in paragraph (1)(a)—
    - (i) for paragraph (i) substitute—
      - “(i) for “Member State” substitute “constituent territory of the United Kingdom”;”
      - ;
    - (ii) omit paragraph (ii);
  - (b) in paragraph (2)—
    - (i) in sub-paragraph (a)—
      - (aa) omit paragraph (i);
      - (bb) in paragraph (ii), in the substituted text, omit “or in a member State”;
    - (ii) for sub-paragraph (b) substitute—
      - “(b) in paragraph 5, for the words from “for intra-Union trade” to the end substitute “by the competent authority in accordance with animal health law in force in the constituent territory of the United Kingdom”;”;
  - (c) for paragraph (3) substitute—
    - “(3) In Article 23(2), for “same or in another Member State” substitute “United Kingdom or by a breeding body in a third country included in the list provided for in Article 34”.”;
  - (d) in paragraph (4)—
    - (i) in sub-paragraph (a), in the inserted text, omit “or in a Member State”;

- (ii) for sub-paragraph (b) substitute—
  - “(b) in paragraph 3, for the words from “for intra-Union trade” to the end substitute “by the competent authority in accordance with animal health law in force in the constituent territory of the United Kingdom”.”.
- (5) In regulation 8—
  - (a) in paragraph (1)—
    - (i) omit sub-paragraphs (a), (b), (c)(i) and (d)(i);
    - (ii) in sub-paragraph (d)(ii), in the inserted text, omit from the words “or in implementing acts” to the end;
  - (b) for paragraph (2) substitute—
    - “(2) In Article 31(1), for the words from “for intra-Union trade” to the end substitute “by the competent authority in accordance with animal health law in force in the constituent territory of the United Kingdom”.”;
  - (c) for paragraph (3)(b) substitute—
    - “(b) in paragraph 1, for the words from “Union of those” to the end substitute “United Kingdom by a competent authority in the United Kingdom in accordance with animal health law in force in the constituent territory of the United Kingdom”.”.
- (6) In regulation 9—
  - (a) in paragraph (2)(c), in the inserted text, at the end insert—
    - “5. Notwithstanding paragraph 2 and 4, until 30 June 2021, any breed society or breeding operation (within the meaning of Article 2 of the EU Regulation) which as at IP completion day is approved by the competent authority of a Member State under Article 4(3) of the EU Regulation must be included in the list provided for in paragraph 1.”;
  - (b) in paragraph (3)(b), in the inserted text, omit “or Article 34 of the EU Regulation”;
  - (c) for paragraph (4) substitute—
    - “(4) In the heading to Article 37, for “the Union” substitute “Great Britain from a third country”.”;
  - (d) in paragraph (5)(b), in the substituted text, for “the United Kingdom” substitute “Great Britain”.
- (7) For regulation 10(b) substitute—
  - “(b) in paragraph 4(e), for “Union animal health law” substitute “animal health law in the constituent territory of the United Kingdom”.”.
- (8) Regulation 11 is amended in accordance with paragraphs (9) to (12).
- (9) Omit paragraph (2)(b)(ii).
- (10) In paragraph (5), in the substituted text, omit “from a member State or”.
- (11) In paragraph (7)—
  - (a) in sub-paragraph (a), in the substituted text—
    - (i) in point (a), omit “member States and”;
    - (ii) in the text after point (b), omit “or in the EU Regulation”;
  - (b) in sub-paragraph (b)—
    - (i) for paragraph (i) substitute—
      - “(i) in point (a) for “Member State” in both places where it occurs, substitute “constituent territory of the United Kingdom”.”;
    - (ii) in paragraph (ii), in the substituted text—
      - (aa) omit “or for member States”;
      - (bb) omit “or of member States”;



- (iii) omit paragraph (iii);
- (iv) in paragraph (iv), in the substituted text, omit “or of a member State” in both places where it occurs;
- (c) for sub-paragraph (c) substitute—
  - “(c) omit paragraph 3.”.
- (12) In paragraph (8)—
  - (a) for sub-paragraph (a) substitute—
    - “(a) in the heading, for “the Commission and Member States” substitute “other competent authorities in the United Kingdom”;;”;
  - (b) in sub-paragraph (b)—
    - (i) omit paragraph (i);
    - (ii) in paragraph (ii), in the substituted text, omit “and of member States”;
    - (iii) after paragraph (ii) insert—
      - “(iii) omit point (b);”;
  - (c) omit sub-paragraph (c)(i).
- (13) For regulation 12(2) substitute—
  - “(2) Omit Article 53.”.
- (14) In regulation 15—
  - (a) in paragraph (2), after sub-paragraph (a) insert—
    - “(ba) in point 2, omit “, and, where applicable, Article 12”;;”;
  - (b) in paragraph (4)—
    - (i) for sub-paragraph (b) substitute—
      - “(b) in point 3(a)(ii) for “same or another Member State” substitute “United Kingdom”;;”;
    - (ii) in sub-paragraph (c)(ii)(aa), in the substituted text omit “, a member State”.
- (15) In regulation 16—
  - (a) in paragraph (2)—
    - (i) in sub-paragraph (a)—
      - (aa) for paragraph (i)(aa) substitute—
        - “(aa) in point (c), for “Union animal health law” substitute “animal health law in force in the constituent territory of the United Kingdom”;;”;
      - (bb) in paragraph (ii), in the substituted text, omit “Regulation (EU) 2016/429, as it has effect in EU law, as amended from time to time, or under”;
    - (ii) for sub-paragraph (b) substitute—
      - “(b) in Chapter 2, in point 1(a), for “Union” substitute “United Kingdom”;;”.
- (16) In regulation 17(a), in the substituted text, omit “or the relevant European Union reference centres provided for in Article 29(1) of the EU Regulation”.
- (17) In regulation 18—
  - (a) in paragraph (5)(b), in the inserted text, omit “and of member States”;
  - (b) in paragraph (6), in the inserted text—
    - (i) in the words before point (a), omit “and member States”;
    - (ii) in point (b), omit “, member States”.
- (18) In regulation 19(3)(a)(ii) and (4)(a)(ii), in the substituted text, omit “or Union”.
- (19) In regulation 26—
  - (a) in paragraph (2)—

- (i) before sub-paragraph (a), insert—
    - “(aa) in the table, in the first row, omit “All EU official languages of the zootechnical certificates, including footnotes and notes, are available in EUR-Lex”;
  - (ii) in sub-paragraph (a), in the substituted text omit “or Union”;
  - (iii) for sub-paragraph (b) substitute—
    - “(b) in footnote (5), for “Union” substitute “United Kingdom”;
    - (c) in the notes, in the first bullet point for the words from “at least one” to the end substitute “English, and other languages may also appear.”;
  - (b) for paragraph (3) substitute—
    - “(3) In Sections B, C and D—
      - (a) in the table, in the first row, omit “All EU official languages of the zootechnical certificates, including footnotes and notes, are available in EUR-Lex”;
      - (b) in footnotes (7) and (8), for “Union” in each place where it occurs substitute “United Kingdom”;
      - (c) in the notes, in the first bullet, for the words from “at least one” to the end substitute “English, and other languages may also appear.”;
  - (c) omit paragraphs (4) and (5).
- (20) For regulation 27 substitute—

**“Amendments to Annex 2**

- 27.**—(1) Annex 2 is amended as follows.
- (2) In Section A—
- (a) in the table, in the first row, omit “All EU official languages of the zootechnical certificates, including footnotes and notes, are available in EUR-Lex”;
  - (b) in footnote (4), for “Union” substitute “United Kingdom”;
  - (c) in the notes, in the first bullet, for the words from “at least one” to the end substitute “English, and other languages may also appear.”
- (3) In Sections B, C, and D—
- (a) in the table, in the first row, omit “All EU official languages of the zootechnical certificates, including footnotes and notes, are available in EUR-Lex”;
  - (b) in footnote (5), for “Union” substitute “United Kingdom”;
  - (c) in the notes, in the first bullet, for the words from “at least one” to the end substitute “English, and other languages may also appear.”.
- (21) For regulation 28(3) and (4) substitute—
- “(3) In Sections A, B, C and D, in the table, in the first row, omit “All EU official languages of the zootechnical certificates, including footnotes and notes, are available in EUR-Lex”.”.
- (22) In regulation 29, after paragraph (2), insert—
- “(3) In Sections A, B, C and D, in the table, in the first row, omit “All EU official languages of the zootechnical certificates, including footnotes and notes, are available in EUR-Lex”.”.

## CHAPTER 8

### Plant Propagating Material and Seeds

#### **The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019**

**29.**—(1) The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019(a) are amended as follows.

(2) In regulation 4 —

(a) after paragraph (2) insert—

“(2A) In regulation 4A(1) and in the heading, for “European Union” substitute “United Kingdom”.”;

(b) for paragraph (3) substitute—

“(3) In regulation 5—

(a) in paragraph (1)—

(i) in sub-paragraph (ad)—

(aa) for “Union” substitute “GB”;

(bb) for “protected zone” substitute “PFA”;

(ii) for sub-paragraph (d) substitute—

“(d) it belongs to a variety the seeds of which may be marketed in accordance with, in relation to England, the Seed Marketing Regulations 2011, and, in relation to Wales, the Seed Marketing (Wales) Regulations 2012; and”;

(b) in paragraph (2)—

(i) in the definition of “protected zone quarantine pest”, for “protected zone” substitute “PFA”;

(ii) in the definitions of “RNQP” and “Union quarantine pest”, for “Union” substitute “GB”.”;

(c) omit paragraph (4).

(3) In regulation 5 —

(a) in paragraph (2)(a), omit “ “Directive 2000/29/EC”, ”;

(b) after paragraph (3), insert—

“(3A) In regulation 4—

(a) in paragraph (1)(ae)—

(i) for “Union” substitute “GB”;

(ii) for “protected zone” substitute “PFA”;

(b) in paragraph (2)—

(i) in the definition of “protected zone quarantine pest”, for “protected zone” substitute “PFA”;

(ii) in the definitions of “RNQP” and “Union quarantine pest”, for “Union” substitute “GB”.”;

(c) omit paragraphs (4) and (5);

(d) in paragraph (6)(a), after “or” insert “national”;

(e) in paragraph (7)—

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(a) S.I. 2019/131; amended by S.I. 2019/809, prospectively amended by S.I. 2019/1220, regulation 9: that regulation is being omitted by these Regulations.

- (i) in sub-paragraph (b)(i), for “into the United Kingdom” substitute “produced in a country outside of the United Kingdom”;
  - (ii) for sub-paragraph (d), substitute—
- “(5) Paragraphs (2) and (4) do not apply to suppliers importing propagating material produced in the Channel Islands or the Isle of Man.”.
- (4) In regulation 6—
- (a) in paragraph (3)—
    - (i) omit sub-paragraph (a);
    - (ii) after sub-paragraph (b) insert—
      - “(ba) before the definition of “crossing design” insert—
        - “a “country granted equivalence” means a third country that has been assessed by the Secretary of State that the forest reproductive material from that third country is produced under conditions equivalent to the requirements of these Regulations for that category of forest reproductive material to which these Regulations apply;”;
    - (iii) in sub-paragraph (c), for the new definition of “the Department” to be inserted by that sub-paragraph, substitute—
      - ““Crown Dependency” means the Isle of Man or any of the Channel Islands;
      - “the Department” has the meaning given in the NI Regulations;”;
    - (iv) for sub-paragraph (g) substitute—
      - “(g) in the definition of “Master Certificate”—
        - (i) in paragraph (b), for “official body for Northern Ireland” to the end substitute “Department in accordance with regulation 13 of the NI Regulations”;
        - (ii) omit paragraph (c);
        - (iii) in paragraph (d)—
          - (aa) for “EU-approved third country” substitute “OECD country granted equivalence”;
          - (bb) for the words from “a relevant” to the end substitute “the Department in accordance with the NI Regulations”;
        - (iv) in paragraph (e)—
          - (aa) for “permitted third country” substitute “non-OECD country granted equivalence”;
          - (bb) for “an official body of a member State” substitute “the Department”;
        - (v) after paragraph (e) insert—
          - “(f) in the case of forest reproductive material produced in a Crown Dependency, an official certificate issued in relation to the material by an official body of that Crown Dependency under legislation recognised by the Secretary of State to have equivalent effect to these Regulations.”;
      - (v) after sub-paragraph (i) insert—
        - “(ia) after the definition of “the 1973 Regulations” insert—
          - “a “non-OECD country granted equivalence” means a country granted equivalence and which is not a member of the OECD Scheme;
          - an “OECD country granted equivalence” means a country granted equivalence and which is a member the OECD Scheme;
          - the “OECD Scheme” means the OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade adopted by Decision C(2007)69 of the Council of the Organisation for Economic Co-operation and

- development, as last amended by Decision CA(2018)14 of the Committee for Agriculture(a);”;
- (vi) for sub-paragraph (j) substitute—
    - “(j) in the definition of “official body”—
      - (i) omit paragraphs (a) and (b);
      - (ii) in paragraph (c), for “a permitted third country” substitute “a country granted equivalence or a Crown Dependency”;
  - (vii) for sub-paragraph (k) substitute—
    - “(k) omit the definition of “permitted third countries”;
  - (viii) in sub-paragraph (m), in the new definition of “third country”, for “United Kingdom” substitute “British Islands”;
  - (ix) after sub-paragraph (m) insert—
    - “(n) after the definition of “the Tribunal” insert—
      - ““UK plant passport” has the meaning given in the EU Plant Health Regulation;”
      - ”
  - (b) after paragraph (4) insert—
    - “(4A) In regulation 3, for “to third countries” substitute “outside of Great Britain”.
  - (c) for paragraph (7)(a)(ii) substitute—
    - “(ii) in paragraph (iii), for “an EU-approved third country or a permitted third country” substitute “a country granted equivalence”;
  - (d) for paragraph (8)(a) substitute—
    - “(a) in paragraph (1)—
      - (i) in sub-paragraph (b)—
        - (aa) omit “or another member State”;
        - (bb) for “Article 14 of the Directive” substitute “regulation 19 of the NI Regulations”;
      - (ii) in sub-paragraph (c), for “EU-approved third country and imported from a third country” substitute “OECD country granted equivalence and imported”;
      - (iii) omit sub-paragraph (d);
      - (iv) in sub-paragraph (e) for “permitted third country and imported from a third country” substitute “non-OECD country granted equivalence and imported”;
      - (v) after sub-paragraph (e) insert—
        - “(ea) in the case of forest reproductive material imported into Northern Ireland, it met the requirements set out in the NI Regulations as to entry into Northern Ireland and was accompanied on its entry into England by the supplier’s label or document required by regulation 19 of the NI Regulations;
        - (eb) in the case of forest reproductive material produced in a Crown Dependency and imported into England, it has met the requirements set out in legislation of that Crown Dependency which is recognised by the Secretary of State to have equivalent effect to these Regulations and was accompanied on its entry into England by a supplier’s label or document as required by regulation 23A.”;
      - (vi) omit sub-paragraph (f);
  - (e) in paragraph (10)—

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(a) <https://www.oecd.org/agriculture/forest/documents/forest-scheme-rules-and-regulations.pdf>.

- (i) in sub-paragraph (a), for paragraph (i) substitute—
  - “(i) in sub-paragraph (e), for “another member State or a third country” substitute “a Crown Dependency or a country granted equivalence”;;”;
- (ii) for sub-paragraph (b) substitute—
  - “(b) in paragraph (3), for “an EU-approved third country” substitute “a country granted equivalence”;;”;
- (f) in paragraph (11), for “United Kingdom” substitute “British Islands”;
- (g) for paragraph (12) substitute—
  - “(12) Omit regulation 21.”;
- (h) after paragraph (14) insert—
  - “(14A) After regulation 23 insert—

**“Imports into Great Britain from a Crown Dependency**

**23A.** No person acting in the course of a business or trade whether or not for profit shall import from a Crown Dependency forest reproductive material into a relevant territory intending to market that material unless it is accompanied by a supplier’s label or document setting out the particulars required under legislation of that Crown Dependency which is recognised by the Secretary of State as having equivalent effect to regulation 19 of these Regulations.”;

- (i) for paragraph (16) substitute—
  - “(16) In regulation 25—
    - (a) in the heading, for “third countries” substitute “countries granted equivalence”;
    - (b) in paragraphs (1) and (2), for “an EU-approved third country or a permitted third country” substitute “a country granted equivalence”;
    - (c) in paragraph (6), for “EU-approved third country” substitute “OECD country granted equivalence”.”;
- (j) in paragraph (25)—
  - (i) for sub-paragraph (a) substitute—
    - “(a) in paragraph 1, for “an EU-approved third country or a permitted third country” substitute “a country granted equivalence”;;”;
  - (ii) in sub-paragraph (b)—
    - (aa) after paragraph (i) insert—
      - “(ia) omit the definition of “the OECD Scheme”;;”;
    - (bb) for paragraph (ii) substitute—
      - “(ii) in the definition of “permitted material”—
        - (aa) in sub-paragraph (a), for “an EU-approved third country” substitute “an OECD country granted equivalence”;
        - (bb) in sub-paragraph (a)(iii), after “ “selected”” insert “, “tested””;
        - (cc) in sub-paragraph (b), for “permitted third country” substitute “non-OECD country granted equivalence”;
        - (dd) in sub-paragraph (b)(i), for the words from “second” to the end substitute “authorisation for that country published by the Secretary of State;
        - (ee) omit the table below sub-paragraph (b);”;
  - (iii) for sub-paragraph (c) substitute—
    - “(c) in paragraph 3, for “EU-approved third country” substitute “OECD country granted equivalence”;

- (d) in paragraph 6 and in the heading, after “the “qualified category” ” insert “or the “tested category””;
  - (e) in paragraph 7, for “permitted third country” substitute “non-OECD country granted equivalence”.
- (5) In regulation 7—
- (a) for paragraph (2) substitute—
    - “(2) In regulation 3, for paragraph (1) substitute—
      - “(1) For the purposes of these Regulations—
        - (a) the “GB Variety List” is the list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001(a);
        - (b) a “country granted equivalence” means—
          - (i) a country that has been granted equivalence under Council Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries; or
          - (ii) a country that has been assessed by the Secretary of State that the seed from that country is produced under conditions equivalent to the requirements in these Regulations for seed to which these Regulations apply;
        - (c) “Crown Dependency” means any of the Channel Islands or the Isle of Man;
        - (d) the “NI Variety List” means the list of plant varieties prepared and published by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland in accordance with legislation having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001;”;
  - (b) for paragraph (3) substitute—
    - “(3) In regulation 4(2), for “the European Union” substitute “Great Britain”.”;
  - (c) for paragraph (4) substitute—
    - “(4) In regulation 7, for the words from “United Kingdom” to the end substitute “GB Variety List, NI Variety List or an equivalent list in a country granted equivalence”.”;
  - (d) omit paragraph (5);
  - (e) for paragraph (6) substitute—
    - “(6) In regulation 10, in paragraph (a) for “United Kingdom National List or the Common Catalogue” substitute “GB Variety List”.”;
  - (f) in paragraph (9)—
    - (i) for sub-paragraph (a) substitute—
      - “(a) in the heading, for “outside the European Union” substitute “a country granted equivalence””;
    - (ii) after sub-paragraph (a) insert—
      - “(aa) for paragraph (1) substitute—
        - “(1) Seed imported from a country granted equivalence must—
          - (a) be a variety listed in the GB Variety List; and
          - (b) be labelled with—

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(a) S.I. 2001/3510, amended by S.S.I. 2004/317, S.I. 2004/2949, S.S.I. 2005/328, 329, S.I. 2007/1871, 2009/1273, 2010/1195, 2011/464, 2012/2897, 2013/2042, 2014/487, S.S.I. 2015/395, S.I. 2016/106 (W. 52), 2018/942, 2020/579. It is prospectively amended by S.I. 2019/162.

- (i) for standard vegetable seed, a supplier’s label in accordance with paragraph 25(4) or (5) of Schedule 3;
  - (ii) for all other seed, a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.”;”;
- (iii) in sub-paragraph (b), for “into the United Kingdom” substitute “from a country granted equivalence”;
- (iv) omit sub-paragraph (c);
- (g) in paragraph (11)—
  - (i) in the new regulation 32A and in the heading. to be inserted by that paragraph, after “Crown Dependency” insert “or a country granted equivalence”;
  - (ii) in the new regulation 32B to be inserted by that paragraph—
    - (aa) for “exit day”, in each place where it occurs, substitute “IP completion day”;
    - (bb) for “two years” substitute “one year”;
- (h) omit paragraph (12);
- (i) in paragraph (13)—
  - (i) in sub-paragraph (a)(iii), in the new sub-paragraph (6)(b)(i)(bb) to be inserted by that paragraph, for “United Kingdom National” substitute “GB Variety”;
  - (ii) for sub-paragraph (e) substitute—
    - “(e) in paragraph 43(2), for “United Kingdom National List or the Common Catalogue” substitute “GB Variety List”;;”;
- (j) in paragraph (14)—
  - (i) in sub-paragraph (c)(i), for “UK” substitute “GB”;
  - (ii) for sub-paragraph (e) substitute—
    - “(e) in paragraphs 12(2)(a) and 14(1)(a), for “United Kingdom National List or the Common Catalogue” substitute “GB Variety List”;;”;
  - (iii) in sub-paragraphs (g) and (j), for “UK” substitute “GB”;
- (k) in paragraph (15)—
  - (i) in sub-paragraph (d)—
    - (aa) before paragraph (i), insert—
      - “(ai) in sub-paragraphs (2) and (3) for “United Kingdom National” substitute “GB Variety”;;”;
    - (bb) in paragraph (i) in the new paragraph (5A) to be inserted by that paragraph, for “the United Kingdom”, in each place where it occurs, substitute “Great Britain”;
  - (ii) in sub-paragraph (e)(ii), for “UK” substitute “GB”;
  - (iii) after sub-paragraph (e) insert—
    - “(ea) in paragraph 9—
      - (i) in sub-paragraphs (1), (5) and (6), for “United Kingdom National” substitute “GB Variety”;
      - (ii) in sub-paragraph (8), in the words before paragraph (a), for “the United Kingdom” substitute “Great Britain”;;”;
  - (iv) for sub-paragraph (f) substitute—
    - “(f) in paragraph 10—
      - (i) in sub-paragraph (1), for the words from “United Kingdom”, where it first occurs” to the end substitute “GB Variety List provided an application has been made for entry into the GB Variety List or the NI Variety List”;



- (ii) in sub-paragraph (4) for “relevant National List” substitute “GB Variety List, NI Variety List or an equivalent list of a country granted equivalence”;
- (iii) omit sub-paragraphs (7) and (8);”;
- (v) for sub-paragraph (g) substitute—
  - “(g) in paragraph 11(2), for “United Kingdom National List or the Common Catalogue” substitute “GB Variety List”;”;
- (vi) in sub-paragraph (h)(ii)(bb) for “exit day” substitute “IP completion day”;
- (vii) for sub-paragraph (l), substitute—
  - “(l) omit paragraph 16;”;
- (viii) for sub-paragraph (n) substitute—
  - “(n) in paragraph 18, for “United Kingdom National List or Common Catalogue” substitute “GB Variety List”;”.
- (6) In regulation 8—
  - (a) in paragraph (2)—
    - (i) in sub-paragraphs (a), (b), (c), (f), and (i)—
      - (aa) in the new paragraph (ii) to be inserted by each of those sub-paragraphs, after “Crown Dependency” insert “or a country granted equivalence”;
      - (bb) omit the new paragraph (iii) to be inserted by each of those sub-paragraphs;
    - (ii) in sub-paragraph (d), for the new definition to be inserted by that paragraph, substitute—
 

““country granted equivalence” means a country that has been assessed under regulation 5(3) and the Secretary of State is satisfied that the plant material from the country is produced under conditions equivalent to the requirements in these Regulations for plant material;

“Crown Dependency” means the Isle of Man or any of the Channel Islands;”;
    - (iii) in sub-paragraph (g), for “, any member State or any Crown Dependency” substitute “, any Crown Dependency or country granted equivalence”;
  - (b) in paragraph (3) for “United Kingdom” substitute “Great Britain”;
  - (c) for paragraph (4) substitute—
 

“(4) In regulation 5, in paragraph (3), for “European Union” substitute “United Kingdom”.”;
  - (d) omit paragraphs (6), (7) and (8);
  - (e) in paragraph (10)—
    - (i) in sub-paragraph (a) and (c)(i), for “UK” substitute “GB”;
    - (ii) in sub-paragraph (c)(ii), for “sub-paragraphs (b)(i) and (x)” substitute “sub-paragraph (b)(i)”;
  - (f) in paragraphs (14)(a), (16)(a) and (17), in the new paragraph (ii) to be inserted by those paragraphs, for “exit day” substitute “IP completion day”.

**The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019**

**30.**—(1) The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019(a) are amended as follows.

- (2) In regulation 4—

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(a) S.I. 2019/162, to which there is an amendment not relevant to these Regulations.

- (a) in paragraph (2), in the new Article A1 to be inserted by that paragraph—
    - (i) in the definition of “the appropriate authority”, omit paragraph (d);
    - (ii) after the definition of “the appropriate authority”, insert—
      - ““the Department of Agriculture” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”;
    - (iii) for the definition of “responsible authority” substitute—
      - ““responsible authority” means—
      - (a) in relation to shortages in supply of fodder seed, any authority who, in relation to any part of Great Britain, is the appropriate authority and, in relation to Northern Ireland, the Department of Agriculture, and is the Secretary of State if consent is given by—
        - (i) in relation to Wales, the Welsh Ministers;
        - (ii) in relation to Scotland, the Scottish Ministers;
        - (iii) in relation to Northern Ireland, the Department of Agriculture;
      - (b) in relation to shortages in supply of seed other than fodder seed, any authority who, in relation to any part of Great Britain, is the appropriate authority and is the Secretary of State if consent is given by—
        - (i) in relation to Wales, the Welsh Ministers;
        - (ii) in relation to Scotland, the Scottish Ministers;”;
  - (b) in paragraph (4), in sub-paragraph (a), in new paragraph 1 to be inserted by that sub-paragraph, for “in the United Kingdom” substitute “of fodder seed in the United Kingdom, or of seed other than fodder seed in Great Britain.”.
- (3) In regulation 6—
- (a) in paragraph (2)—
    - (i) in paragraph 1(d) of new Article A1 to be inserted by that paragraph, after “Northern Ireland,”, where it first occurs, insert “in relation to fodder seed, the relevant provisions of”;
    - (ii) in new Article A1 to be inserted by that paragraph, at the end insert—
      - “a “country granted equivalence” means a country that has been assessed by, in relation to England, the Secretary of State, in relation to Wales, the Welsh Ministers, and in relation to Scotland, the Scottish Ministers that the seed from that country is produced under conditions equivalent to the requirements in the Seeds Marketing Regulations for seed to which those Regulations apply.”;
  - (b) for paragraph (3) substitute—
    - “(3) In Article 1—
    - (a) after “Decision” insert “and, in relation to Northern Ireland, field inspections concerning seed-producing crops of the species specified in Directive 66/401/EEC on the marketing of fodder plant seed only”;
    - (b) omit “third”;
    - (c) for “Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC” substitute “the Seeds Marketing Regulations”;
- (3A) In Article 2—
- (a) after “Decision”, in the first place where it occurs, insert “and, in relation to Northern Ireland, seed of the species specified in Directive 66/401/EEC on the marketing of fodder plant seed only”;
  - (b) omit “third”;
  - (c) for “Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC” substitute “the Seeds Marketing Regulations”;
- (c) for paragraph (4)(b)(ii) substitute—

- “(ii) for “EC labels shall be used only” substitute “labels shall be used stating, in relation to fodder seed, “UK rules and standards”, and in relation to all other seed “GB rules and standards” only””;
- (d) in paragraph (6)(b)—
- (i) for paragraph (iv)(bb) substitute—
- “(bb) for “EC rules and standards” substitute “in relation to fodder seed – “UK rules and standards”, and in relation to all other seed “GB rules and standards””;
- (ii) for paragraph (v) substitute—
- “(v) in point 3.2, for “Community law” substitute “, in relation to fodder seed, the law of the United Kingdom, and in relation to seed other than fodder seed, the law of Great Britain””;
- (iii) for paragraph (vii) substitute—
- “(vii) in point 5—
- (aa) in the first sub-paragraph, for “the Community”, in both places where it occurs, substitute “United Kingdom”;
- (bb) for the second sub-paragraph substitute—
- “In the case of basic seed of other varieties, the seed of the preceding generations shall have been produced—
- under the responsibility of the persons responsible for the maintenance of the variety referred to in the GB Variety Lists pursuant to regulation 3 of the Seeds (National Lists of Varieties) Regulations 2001 or the NI Variety Lists pursuant to legislation having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001;
  - in a country which has been granted equivalence of checks on practices for the maintenance of varieties under Council Decision 2005/834/EC; or
  - in a country granted equivalence and under the responsibility of the persons responsible for the maintenance of the variety.”.”
- (iv) in paragraph (viii), in sub-paragraph (cc), for the inserted paragraph substitute—
- “— in a country granted equivalence.”.
- (4) Omit regulation 7.
- (5) Omit regulation 8.
- (6) In regulation 9—
- (a) in paragraph (2), in the new Article A1 to be inserted by that paragraph—
- (i) in the definition of “the appropriate authority”, omit paragraph (d);
- (ii) in the definition of “responsible authority”, for “the United Kingdom” substitute “Great Britain”;
- (b) in paragraph (5), in the words before sub-paragraph (a), after “12” insert “, 13”;
- (c) in paragraph (12), before sub-paragraph (a) insert—
- “(za) in point 1, for “EU” substitute “GB””;
- (7) In regulation 10—
- (a) in paragraph (2), for sub-paragraph (b) substitute—
- “(b) in paragraph (2)(h), for “the Union” substitute “Great Britain”.”;
- (b) in paragraph (3), for sub-paragraph (a) substitute—
- “(a) for “the Union”, in each place where it occurs, substitute “Great Britain””;
- (c) in paragraph (3)(b), in the new points (e) to (g) of Article 2 to be inserted by that paragraph—

- (i) in point (e), in the definition of “appropriate authority”, omit sub-paragraph (iv);
- (ii) in point (f), in the definition of “responsible authority”, for “the United Kingdom” substitute “Great Britain”;
- (iii) in point (g), in the definition of “the Seed Potatoes Regulations”, omit sub-paragraph (iv);
- (d) in paragraph (5)(a)(iii), in the new point (a) to be inserted by that paragraph, for “National”, in the first place where it occurs, substitute “GB Variety”;
- (e) in paragraph (13), in sub-paragraphs (a), (b)(i) and (c)(i), for “UK” substitute “GB”.

## CHAPTER 9

### Aquatic animal health

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

**31.** Parts 2 and 4 of the Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2019(a) are revoked.

#### **The Aquatic Animal Health and Alien Species in Aquaculture (Amendment) (England and Wales) (EU Exit) Regulations 2019**

**32.** Regulation 2 of, and the Schedule to, the Aquatic Animal Health and Alien Species in Aquaculture (Amendment) (England and Wales) (EU Exit) Regulations 2019(b) are revoked.

## CHAPTER 10

### Livestock identification

#### **The Livestock (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2019**

**33.—(1)** The Livestock (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2019(c) are amended as follows.

(2) In regulation 4—

- (a) in paragraph (3), for sub-paragraph (a) substitute—
  - “(a) in the definition of “holding”, for “the same Member State” substitute “Great Britain”;;”;
- (b) in paragraph (7)—
  - (i) for sub-paragraph (a)(i), substitute—
    - “(i) in the first sub-paragraph, for “the Union”, in both places where it occurs, substitute “Great Britain”;;”;
  - (ii) for sub-paragraph (a)(iii) substitute—
    - “(iii) in the third sub-paragraph, for “a Member State” substitute “Great Britain”;;”;
- (c) in paragraph (8)—
  - (i) for sub-paragraph (a) substitute—
    - “(a) in the heading, for “one Member State to another” substitute “a Member State to Great Britain”;;”;

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(a) S.I. 2019/451.  
 (b) S.I. 2019/452.  
 (c) S.I. 2019/814.

- (ii) for sub-paragraph (b)(i) substitute—
  - “(i) for “one Member State to another” substitute “a Member State to Great Britain”;
- (3) In regulation 10—
  - (a) in paragraph (3), in the text substituted by sub-paragraph (b), in point (e), omit point (iv);
  - (b) in paragraph (5), for sub-paragraph (e)(i)(aa) substitute—
    - “(aa) for “the Community” substitute “Great Britain”;
  - (c) in paragraph (10), in the text substituted by sub-paragraph (a), for “the United Kingdom”, in both places where it occurs, substitute “Great Britain”.

## CHAPTER 11

### Animal by-products

#### **The Animal Health and Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019**

**34.**—(1) The Animal Health and Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

- (2) In regulation 1—
  - (a) omit sub-paragraph (2);
  - (b) in sub-paragraph (3), for “The remaining regulations” substitute “These regulations”.
- (3) Omit regulations 3(3) and 4.

## PART 6

### Amendments to other domestic legislation due to EU Exit

#### CHAPTER 1

##### Non-commercial movement of pet animals

#### **The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974**

**35.**—(1) The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(b) is amended as follows.

- (2) In article 2—
  - (a) in paragraph 1, in the definition of “the Pets Regulation quarantine end date”—
    - (i) in sub-paragraph (a)—
      - (aa) omit paragraphs (i) and (iii);
      - (bb) in paragraph (iv), for “Article 6 of the Pets Regulation”, in both places where it occurs, substitute “Article 10 of the Pets Regulation”;
    - (ii) in sub-paragraph (b)—
      - (aa) for “sub-paragraphs (a)(i) to (v)”, substitute “sub-paragraphs (a)(ii) to (v)”;
      - (bb) omit “Article 6(b) or”.
- (3) In article 4(2)(c)(i), for “Article 6”, substitute “Article 10”.

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(a) S.I. 2019/1229.

(b) S.I. 1974/2211, amended by S.I. 1977/361, 2011/2883, 2014/3158 and 2019/526. There are other amending instruments but none is relevant.

- (4) In the following articles, wherever it occurs, omit “6 or”—
- (a) article 5(2B), (2C) and (3);
  - (b) article 6(3);
  - (c) article 8(8);
  - (d) article 12(5A)(a) and (b) and (8A)(a) and (b);
  - (e) article 13(1A) and (3A)(a) and (b);
  - (f) article 14(2).
- (5) In articles 16(3) and 17(2), for “Article 6” substitute “Article 10”.

### **The Non-Commercial Movement of Pet Animals Order 2011**

- 36.**—(1) The Non-Commercial Movement of Pet Animals Order 2011(a) is amended as follows.
- (2) In article 4(1)(a), omit “22(3),”.
  - (3) In article 6—
    - (a) omit “6 or”,
    - (b) omit “(as the case may be)”.
  - (4) In article 11(1), omit “6 or”.

## CHAPTER 2

### Equines

### **The Horses (Free Access to Competitions) Regulations 1992**

- 37.**—(1) The Horses (Free Access to Competitions) Regulations 1992(b) are amended as follows.
- (2) In regulation 4(1), for “another” substitute “any”.
  - (3) In regulation 5, for “another” substitute “any”.

## CHAPTER 3

### Aquatic Animal Health

### **Aquatic Animal Health (England and Wales) Regulations 2009**

- 38.**—(1) The Aquatic Animal Health (England and Wales) Regulations 2009(c) are amended as follows.
- (2) In regulation 3—
    - (a) in paragraph (1)—
      - (i) before the definition of “the competent authority” insert—  
““Commission Decision 2009/177/EC” means Commission Decision 2009/177/EC implementing Council Directive 2006/88/EC as regards surveillance and eradication programmes and disease-free status of Member States, zones and compartments(d);”
      - (ii) after the definition of “the competent authority” insert—

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(a) S.I. 2011/2883, amended by S.I. 2014/3158. There are other amending instruments but none is relevant.  
(b) S.I. 1992/3044.  
(c) S.I. 2009/463; amended by S.I. 2011/981 and 2019/1488.  
(d) EUDN 2009/177.

““Decision 2015/1554” means Commission Implementing Decision (EU) 2015/1554 laying down rules for the application of Directive 2006/88/EC as regards requirements for surveillance and diagnostic methods(a);”;

(iii) in the definition of “listed disease”, for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation (EC) No 1251/2008(b)”;

(b) in paragraph (3)—

(i) omit “Directive 2006/88/EC and”;

(ii) for “those instruments” substitute “that instrument”.

(3) After regulation 13(6) insert—

“(7) The reference in paragraph (2) to Part 1 of Annex 2 to Directive 2006/88/EC is to be read in accordance with paragraph 2 of Schedule 1A to these Regulations.

(8) The reference in paragraph (3) to Part 2 of Annex 2 to Directive 2006/88/EC is to be read in accordance with paragraph 3 of Schedule 1A to these Regulations.”.

(4) In regulation 18—

(a) in paragraph (1)—

(i) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation (EC) No 1251/2008”;

(ii) for “that Directive” substitute “Directive 2006/88/EC”;

(b) in paragraph (4)(a)—

(i) for ““Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation (EC) No 1251/2008”;

(ii) for “that Part”, in both places where it occurs, substitute “that Annex”;

(c) in paragraph (5)(b)(i)—

(i) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation (EC) No 1251/2008”;

(ii) for “that Part” substitute “that Annex”;

(d) after paragraph (6) insert—

“(7) The reference in paragraph (1) to Part A of Annex 3 to Directive 2006/88/EC is to be read in accordance with paragraph 4 of Schedule 1A to these Regulations.”.

(5) For Part 3A substitute—

## “PART 3A

### Quarantine

#### Interpretation of Part 3A

**21A.**—(1) In this Part—

“Commission Decision 2008/946/EC” means Commission Decision 2008/946/EC implementing Council Directive 2006/88/EC as regards requirements for quarantine of aquaculture animals(c);

“constituent GB territory” means England, Wales or Scotland as the case may be;

“the EU Directive” means Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and

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(a) EUDN 2015/1554.

(b) EUR 1251/2008.

(c) EUDN 2008/946.

control of certain diseases in aquatic animals as it has effect in European Union law, as amended from time to time.

(2) References in this Part to a part of England or Wales and to a constituent GB territory, or a zone or compartment thereof, being “declared free” of one or more diseases means declared free in accordance with Section 2 of Commission Decision 2009/177/EC.

### **Vector species**

**21B.**—(1) An aquaculture animal intended for farming or restocking may only be introduced into a part of England or Wales which has been declared free of a disease for which that animal is a vector if it—

- (a) originates from—
  - (i) a constituent GB territory, or a zone or compartment thereof, declared free of that disease;
  - (ii) Northern Ireland, or a zone or a compartment thereof, declared free of that disease in accordance with Article 49 or 50 of the EU Directive; or
  - (iii) the Channel Islands, the Isle of Man or a third country, where the competent authority has consented to its introduction; or
- (b) has been, or will be, held in quarantine facilities in accordance with the requirements of Commission Decision 2008/946/EC.

(2) For the purposes of paragraph (1)(a)(iii), consent may only be given if the appropriate authority is satisfied that the aquaculture animal concerned is free of the relevant disease.

(3) In this regulation, an aquaculture animal is a vector for a disease if it is of a species appearing in Column 2 of the table in Annex 1 to Regulation (EC) No 1251/2008 opposite the reference to the disease in Column 1, and it fulfils the conditions set out in Columns 3 and 4 of that table.

### **Wild aquatic animals**

**21C.**—(1) Wild aquatic animals of species susceptible to one or more of the diseases listed in Annex 1A to Regulation (EC) No 1251/2008 which are intended for release into a farm or mollusc farming area in a part of England or Wales which has been declared free of any of those diseases must—

- (a) originate from—
  - (i) a constituent GB territory, or a zone or compartment thereof, declared free of that disease;
  - (ii) Northern Ireland, or a zone or a compartment thereof, declared free of that disease in accordance with Article 49 or 50 of the EU Directive; or
  - (iii) the Channel Islands, the Isle of Man or a third country, where the appropriate authority has consented to its introduction; or
- (b) be, or have been, held in quarantine facilities in accordance with the requirements of Commission Decision 2008/946/EC.

(2) For the purposes of paragraph (1)(a)(iii), consent may only be given if the appropriate authority is satisfied that the aquaculture animal concerned is free of the relevant disease.”.

(6) In regulation 24—

- (a) in paragraph (2)—
  - (i) in sub-paragraph (b), for the words from “authority” to the end substitute “competent authority”;
  - (ii) in sub-paragraph (c), for “that Directive” substitute “Directive 2006/88/EC”;
- (b) after paragraph (3) insert—



“(4) The reference in paragraph (2)(c) to Article 29 of Directive 2006/88/EC is to be read in accordance with paragraph 1 of Schedule 1A to these Regulations.”.

(7) In regulation 32, for paragraph (2) substitute—

“(2) An inspector entering any land or premises under paragraph (1) may be accompanied by such person, and may enter together with such equipment or vehicle, as the inspector considers necessary.”.

(8) In regulation 42(1), for “Article 50 of Directive 2006/88/EC” substitute “Articles 2a and 2b of Commission Decision 2009/177/EC”.

(9) In regulation 43—

(a) in paragraph (1), omit “Directive 2006/88/EC or”.

(b) in paragraph (2), omit “Directive 2006/88/EC,”.

(10) In Schedule 1, in the table, insert as a third column—

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*“Geographical demarcation of the area which is disease-free*

England and Wales

England and Wales

England and Wales except the River Roach, River Crouch, Blackwater Estuary and River Colne in Essex, the north Kent Coast, Poole Harbour in Dorset and the River Teign in Devon.”

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(11) After Schedule 1, insert—

## “SCHEDULE 1A Regulations 13(7), 13(8), 18(7) and 24(4)

### Modifications to Directive 2006/88/EC

#### Modifications to Article 29

1. Article 29 is to be read as if—

(a) in the words before paragraph 1(a)—

(i) the reference to “Member States” were to the competent authority;

(ii) the reference to “Article 28(b)(iii)” were to regulation 24(2)(c) of these Regulations;

(iii) the reference to “Article 28(a)” were to regulation 24(2)(a) and (b) of these Regulations;

(b) in paragraph 1(a)—

(i) the reference to “Part II of Annex IV” were to Annex 1A to Regulation (EC) No 1251/2008;

(ii) the reference to “any Member State” were to England or Wales;

(c) in paragraph 1(b)—

(i) the reference to “Part II of Annex IV” were to Annex 1A to Regulation (EC) No 1251/2008;

(ii) the reference to “Member States, zones or compartments” were to England or Wales, or any zone or compartment within England or Wales; and

(iii) the reference to “Part A of Annex III” were a reference to Part A of Annex 3 read in accordance with paragraph 4;

(d) in paragraph 2(b), the reference to “Article 26(1)” were to regulation 23 of these Regulations;

(e) in paragraph 3—

- (i) the reference to “the Member State” were to the competent authority;
- (ii) the references to “Article 28” were to regulation 24 of these Regulations;
- (f) paragraph 4 were omitted.

#### **Modifications to Part 1 of Annex 2**

**2.** Part 1 of Annex 2 is to be read as if—

- (a) in paragraph 1—
  - (i) in the words before point (a), the reference to “Article 6” were to regulation 13(1)(a) of these Regulations;
  - (ii) in point (f), the reference to “Part II of Annex IV” were to Annex 1A to Regulation (EC) No 1251/2008;
  - (iii) in point (g)—
    - (aa) the reference to “a Member State, zone or compartment” were to England or Wales, or any zone or compartment within England or Wales;
    - (bb) the reference to “Annex 4” were to Annex 1A to Regulation (EC) No 1251/2008;
- (b) in paragraph 2, the reference to “the second subparagraph of Article 4(1)” were to regulation 5(2) of these Regulations..

#### **Modifications to Part 2 of Annex 2**

**3.** Part 2 of Annex 2 is to be read as if, in the words before point (a), the reference to “Article 6” were to regulation 13(1)(b) of these Regulations.

#### **Modifications to Part A of Annex 3**

**4.** Part A of Annex 3 is to be read as if—

- (a) in the heading, the words from “to” to “Article 12” were omitted;
- (b) in the second column of the table—
  - (i) in the entry corresponding to Category 1, the words in brackets referred to Article 2a or 2b of Commission Decision 2009/177/EC;
  - (ii) in the entry corresponding to Category 2, the words in brackets referred to Article 2b(1) of Decision 2015/1554;
  - (iii) in the entry corresponding to Category 4, the words in brackets referred to Article 2b(3) of Decision 2015/1554;
  - (iv) in the entry corresponding to Category 5, the words in brackets referred to regulation 28 of these Regulations.”.

## PART 7

### Amendments to domestic legislation not due to EU Exit

#### CHAPTER 1

##### Equines

#### **The Horses (Free Access to Competitions) Regulations 1992**

**39.**—(1) The Horses (Free Access to Competitions) Regulations 1992(a) are amended as follows.

(2) After regulation 5, insert—

#### **“Reservation of prize money or profits**

**6.**—(1) For each competition or type of competition, the competent authority may reserve, through bodies officially approved or recognised for that purpose, a certain percentage (which must not exceed 20%) of the prize money or profits for the safeguard, development and improvement of breeding.

(2) For the purposes of paragraph (1), “the competent authority” means—

(a) in relation to a competition or type of competition taking place in—

(i) England, the Secretary of State;

(ii) Wales, the Welsh Ministers;

(iii) Scotland, the Scottish Ministers;

(b) but the competent authority is the Secretary of State in relation to any competition or type of competition taking place in Great Britain where the exercise of the function referred to in paragraph (1) is outside devolved competence.

(3) For the purposes of paragraph (2)(b), the exercise of the function referred to in paragraph (1) is outside devolved competence—

(a) in relation to Wales, if it would not be within the legislative competence of Senedd Cymru if it were contained in a provision of an Act of Senedd Cymru (assuming, in the case of a provision that could only be made with the consent of a Minister of the Crown within the meaning in the Ministers of the Crown Act 1975, that such consent were given);

(b) in relation to Scotland, if it would not be within the legislative competence of the Scottish Parliament if it were contained in a provision of an Act of that Parliament.”

#### CHAPTER 2

##### Aquatic Animal Health

#### **The Aquatic Animal Health (England and Wales) Regulations 2009**

**40.**—(1) The Aquatic Animal Health (England and Wales) Regulations 2009(b) are amended as follows.

(2) In regulation 3(1), for the definition of “the competent authority” substitute—

““the competent authority” has the meaning given in regulation 3A;”;

(3) After regulation 3 insert—

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(a) S.I. 1992/3044.

(b) S.I. 2009/463; amended by S.I. 2011/981 and 2019/1488.

### **“The competent authority**

**3A.** The Secretary of State is, in relation to England, and the Welsh Ministers are, in relation to Wales, the competent authority for the purposes of—

- (a) these Regulations;
- (b) Regulation (EC) No 1251/2008;
- (c) Commission Decision 2008/896/EC on guidelines for the purpose of the risk-based animal health surveillance schemes provided for in Council Directive 2006/88/EC<sup>(a)</sup>;
- (d) Commission Implementing Decision (EU) 2015/1554 laying down rules for the application of Directive 2006/88/EC as regards requirements for surveillance and diagnostic methods<sup>(b)</sup>.”.

(4) After Part 3 insert—

## **“PART 3A**

### **Quarantine**

#### **Interpretation**

**21A.** In this Part—

- (a) “Commission Decision 2008/946/EC” means “Commission Decision 2008/946/EC implementing Council Directive 2006/88/EC as regards requirements for quarantine of aquaculture animals<sup>(c)</sup>;
- (b) “declared disease-free” means declared disease-free in accordance with Article 49 or 50 of Directive 2006/88/EC as the case may be.

#### **Vector species**

**21B.** An aquaculture animal intended for farming or restocking may only be introduced into a part of England or Wales which has been declared free of a disease for which that animal is a vector if it—

- (a) originates from another Member State, zone or compartment declared free of that specific disease; or
- (b) it has been, or will be, held in quarantine facilities in accordance with the requirements of Commission Decision 2008/946/EC.

#### **Wild aquatic animals**

**21C.** Wild aquatic animals of species susceptible to one or more of the diseases listed in Part 2 of Annex 4 to Directive 2006/88/EC caught in a Member State or zone or compartment not declared disease-free must be placed in quarantine in accordance with the requirements of Commission Decision 2008/946/EC before release into a farm or mollusc farming area in any part of England or Wales which has been declared disease-free.”.

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(a) OJ No L 322, 2.12.2008, p.30.

(b) OJ No L 247, 23.9.2015, p.1.

(c) OJ No L 337, 16.12.2008, p.94.

CHAPTER 3  
Invasive Alien Species

**The Invasive Alien Species (Enforcement and Permitting) Order 2019**

**41.**—(1) Schedule 2 to the Invasive Alien Species (Enforcement and Permitting) Order 2019(a) is amended as follows.

(2) In Part 1, in the table—

(a) after the entry for “Duck, Ruddy” insert—

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“Flatworm, New Zealand	<i>Arthurdendyus triangulates</i> ”
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(b) after the entry for “Goose, Egyptian” insert—

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“Pumpkinseed	<i>Lepomis gibbosus</i> ”
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(3) In Part 2, in the table, after the entry for “Rhubarb, Giant (otherwise known as Chilean Rhubarb)” insert—

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“Salvinia Moss	<i>Salvinia molesta</i> (otherwise known as <i>salvinia adnata</i> )”
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30th November 2020

*Gardiner of Kimble*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

**SCHEDULE**  
**Modification of Directive 2006/88/EC**

Regulation 19

**1.** Article 3 is to be read as if—

(a) in paragraph 1, after point (p) there were inserted—

“(q) ‘the appropriate authority’ means:

- (i) in relation to England, the Secretary of State;
- (ii) in relation to Wales, the Welsh Ministers;
- (iii) in relation to Scotland, the Scottish Ministers;

but “the appropriate authority” is the Secretary of State if consent is given:

- (i) in respect of functions exercisable in relation to Wales, by the Welsh Ministers;
- (ii) in respect of functions exercisable in relation to Scotland, by the Scottish Ministers;

(r) ‘the Aquatic Animal Health Regulations’ means—

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(a) S.I. 2019/527.

- (i) in England and Wales, the Aquatic Animal Health (England and Wales) Regulations 2009(a);
  - (ii) in Scotland, the Aquatic Animal Health (Scotland) Regulations 2009(b);
  - (s) ‘Commission Decision 2009/177/EC’ means Commission Decision 2009/177/EC as regards surveillance and eradication programmes and disease-free status of Member States, zones and compartments(c);
  - (t) ‘constituent GB territory’ means England, Wales or Scotland as the case may be;
  - (u) ‘Decision 2015/1554’ means Commission Implementing Decision (EU) 2015/1554 laying down rules for the application of Directive 2006/88/EC as regards requirements for surveillance and diagnostic methods(d);
  - (v) ‘Regulation 1251/2008’ means Commission Regulation (EC) No 1251/2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species(e).”.
- (b) after paragraph 2 there were inserted—

“3. References to eradication programmes and surveillance programmes are to be read as references to eradication or surveillance programmes (as the case may be) established under Decision 2015/1554.”

**2.** Article 57(b) is to be read as if—

- (a) for “Part II of Annex IV”, there were substituted “Annex 1A to Regulation 1251/2008”;
- (b) for the words from “to be” to the end substitute “established by Decision 2015/1554”.

**3.** Part A of Annex 3 is to be read as if—

- (a) in the heading, the words from “to” to “Article 12” were omitted;
- (b) in the second column of the table—
  - (i) in the entry corresponding to Category 1, for “(Articles 49 to 50)” there were substituted “(Section 2 of Commission Decision 2009/177/EC)”;
  - (ii) in the entry corresponding to Category 2, for “(Article 44(1))” there were substituted “(Article 2b(1) of Decision 2015/1554)”;
  - (iii) in the entry corresponding to Category 4, for “(Article 44(2))” there were substituted “(Article 2b(3) of Decision 2015/1554)”;
  - (iv) in the entry corresponding to Category 5, for “(Article 39)” there were substituted “(Regulation 28 of the Aquatic Animal Health Regulations)”.

**4.** Part B of Annex 3 is to be read as if—

- (a) in the table—
  - (i) in the first column, for “Annex IV”, in both places where it occurs, there were substituted “Annex 1A to Regulation 1251/2008”;
  - (ii) in the second column—
    - (aa) in the first row, for the words from “in accordance” to the end there were substituted “having satisfied Article 2a(2)(a) or (b) or Article 2b(2)(a) or (b) of Commission Decision 2009/177/EC”;

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(a) S.I. 2009/463; amended by S.I. 2011/981 and 2019/1488.

(b) S.S.I. 2009/85; amended by S.S.I. 2011/259, 2011/427, 2015/100 and 2019/412, and prospectively amended by S.S.I. 2019/9.

(c) EUDN 2009/177.

(d) EUDN 2015/1554.

(e) EUR 1251/2008.

- (bb) in the second row, for the words from “in accordance” to the end there were substituted “having satisfied Article 2a(2)(c) or Article 2b(2)(c) of Commission Decision 2009/177/EC”;
  - (cc) in the third and fifth rows, the words from “approved” to the end were omitted;
  - (dd) in the final row, for “Chapter V” there were substituted “Part 4 of the Aquatic Animal Health Regulations”;
  - (iii) in the fifth column, in the heading, “(Article 7)” were omitted;
  - (iv) in the sixth column, in the heading, “(Article 10)” were omitted;
  - (v) in the seventh column—
    - (aa) in the first row, for “Article 52” there were substituted “Article 2c of Commission Decision 2009/177/EC”;
    - (bb) in the second row, for “Article 44(1)”, there were substituted “a surveillance programme”;
    - (cc) in the fourth row, for “Article 44(2)”, there were substituted “an eradication programme”;
    - (dd) in the final row, for “Chapter V”, there were substituted “regulations 24 to 27 of the Aquatic Animal Health Regulations”;
  - (vi) in the eighth column, in the first row, the second third and fourth paragraphs were omitted.
  - (b) in the notes to the table, under the heading “Types of health surveillance”, in the first unnumbered paragraph, for “Section 2 of Chapter V” there were substituted “Part 4 of the Aquatic Animal Health Regulations”.
- 5.** The heading to Annex 5 is to be read as if, for “Member State” there were substituted “constituent GB territory”.
- 6.** Part 1 of Annex 5 is to be read as if—
- (a) in the heading, for “Member State” there were substituted “constituent GB territory”;
  - (b) in paragraph 1—
    - (i) the words before point 1.1, and point 1.1, were omitted;
    - (ii) in point 1.2—
      - (aa) in the words before point (a), “referred to in point 1.1(a)” was omitted;
      - (bb) in point (b), for “Member State” there were substituted “constituent GB territory”;
  - (c) in paragraph 2—
    - (i) in the words before point (a)—
      - (aa) for “Member State” there were substituted “constituent GB territory”;
      - (bb) for “date of application for the” there were substituted “proposed date of declaration of”;
    - (ii) in point (a), for “Member State” there were substituted “constituent GB territory”;
    - (iii) in point (b)—
      - (aa) for “the methods adopted pursuant to Article 49(3)” there were substituted “Decision 2015/1554”;
    - (iv) in the words after point (b), for “Member State” substitute “constituent GB territory”.
- 7.** Part 2 of Annex 5 is to be read as if—
- (a) in paragraph 1—

- (i) in point 1.2—
  - (aa) for “Member State” there were substituted “constituent GB territory”;
  - (bb) “1.3,” were omitted;
  - (cc) for the words from “both” to the end there were substituted “the appropriate authority for each constituent GB territory may declare the part of the zone situated in their territory disease-free.”;
- (ii) point 1.3 were omitted;
- (b) in paragraph 2, point 2.2 were omitted;
- (c) in paragraph 3, point 3.7 were omitted;
- (d) in paragraph 4, in point 4.2(b), for “Part II of Annex IV” there were substituted “Annex 1A to Regulation 1251/2008”.

### **EXPLANATORY NOTE**

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

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) to address failures of retained EU law to operate effectively and other deficiencies (in particular the deficiencies referred to in paragraphs (a) to (d) and (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union. These Regulations are also made in exercise of the powers in section 2(2) of the European Communities Act 1972 (c. 68) for reasons unconnected to the withdrawal of the UK from the European Union.

Part 2 amends the EEA Agreement. Parts 3 amends retained direct EU law concerning seeds, aquatic animal health, animal by-products, animal health and the non-commercial movement of pet animals. Part 4 and the Schedule modify Directive 2006/88/EC, which relates to aquatic animal health, for the purposes of interpreting references to it in the retained EU law amended by these Regulations. Parts 5 and 6 amend domestic secondary legislation relating to animal health, animal by-products, animal breeding, seeds, plants for planting and reproductive material, seal products, equine identification and access to competitions, aquatic animal health, livestock identification and non-commercial movement of pets and as a consequence of EU Exit. Part 7 otherwise amends domestic secondary legislation in relation to equine access to competitions, aquatic animal health and invasive alien species.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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