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STATUTORY INSTRUMENTS

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**2020 No. 1388**

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

PART 3

Amendment of retained direct EU law

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—

“(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(1);
  - (ii) in relation to Scotland, the Aquatic Animal Health (Scotland) Regulations 2009(2);
  - (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(3);
  - (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(4).
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”;
  - (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”;

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(1) [S.I. 2009/463](#); amended by [S.I. 2011/981](#) and [2019/1488](#).

(2) [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](#).

(3) EUDN 2009/177.

(4) EUDN 2015/1554.

- (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<sup>(5)</sup>”;
  - (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;

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(5) EUR 2017/625.

- (ii) for “the EC” substitute “Great Britain”;
- (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 IA*

*LISTED DISEASES*

	<i>DISEASE</i>		<i>SUSCEPTIBLE SPECIES</i>
			<b>EXOTIC DISEASES</b>
FISH	Epizootic necrosis	haematopoietic	Rainbow trout ( <i>Oncorhynchus mykiss</i> ) and redfin perch ( <i>Percha fluviatilis</i> )
MOLLUSCS	Infection <i>exitiosa</i>	with <i>Bonamia</i>	Australian mud oyster ( <i>Ostrea angasi</i> ) and Chilean flat oyster ( <i>O. chilensis</i> )
	Infection <i>marinus</i>	with <i>Perkinsus</i>	Pacific oyster ( <i>Crassostrea gigas</i> ) and Eastern oyster ( <i>C. virginica</i> )
	Infection <i>mackini</i>	with <i>Microcytos</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 septicaemia (VHS)	haemorrhagic	Herring ( <i>Clupea spp.</i> ), whitefish ( <i>Coregonus spp.</i> ), pike ( <i>Esox lucius</i> ), haddock ( <i>Gadusaeglefinus</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 ( <i>Paralichthys olivaceus</i> )
	Infectious necrosis (IHN)	haematopoietic	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. rhodurs</i> ) chinook salmon ( <i>O. tshawytscha</i> ), and Atlantic salmon ( <i>Salmo salar</i> )

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	<i>DISEASE</i>	<i>SUSCEPTIBLE SPECIES</i>
	Koi herpes virus (KHV) disease	Common carp and koi carp ( <i>Cyprinus carpio</i> )
	Infectious salmon anaemia (ISA); infection with genotype HPR-deleted of the genus Isavirus (ISAV)	Rainbow trout ( <i>Oncorhynchus mykiss</i> ), Atlantic salmon ( <i>Salmo salar</i> ), and brown and sea trout ( <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 (order <i>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.