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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 85**

**The Aquatic Animal Health (Scotland) Regulations 2009**

**PART 3**

**PLACING ON THE MARKET**

**Additional certification provisions**

**18.**—(1) Where any aquaculture animal, which is susceptible to a disease listed in the second column of Part II of Annex IV to Directive [2006/88/EC](#) or is a vector for that disease, is introduced into Scotland with the intention of being released into the wild or into a put and take fishery, the place of introduction is, for the purpose of regulation 17(1), to be treated as though it has, in relation to that disease, a Category I disease-free health status under Part A of Annex III to that Directive.

(2) Where any wild aquatic animal, which is susceptible to a listed disease or is a vector for that disease, is introduced into Scotland with the intention of being released into the wild or into a put and take fishery, the animal is, for the purposes of regulations 17(1) and 18(1), to be treated as though it is an aquaculture animal introduced with the intention of being released into the wild or into a put and take fishery.

(3) Where any wild aquatic animal, which is susceptible to a listed disease or is a vector for that disease, is introduced into Scotland for further processing before human consumption, the animal is, for the purpose of regulation 17(1), to be treated as though it is an aquaculture animal introduced for further processing before human consumption.

(4) In paragraph (1)—

- (a) an animal is susceptible to a disease listed in the second column of Part II of Annex IV to Directive [2006/88/EC](#) if it appears in the third column of that Part opposite the reference to the disease in the second column of that Part;
- (b) an animal is a vector for a disease if it appears in Column 2 of the table in Annex I 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.

(5) In paragraphs (2) and (3)—

- (a) “wild aquatic animal” means any live aquatic animal which can survive in the natural aquatic environment in Scotland and is not an aquaculture animal;
- (b) an animal is susceptible to a listed disease if it appears—
  - (i) in the third column of Part II of Annex IV to Directive [2006/88/EC](#) opposite the reference to the disease in the second column of that Part; or
  - (ii) in the second column of Schedule 1 to these Regulations opposite the reference to the disease in the first column of that Schedule;
- (c) an animal is a vector for a listed disease if it appears in Column 2 of the table in Annex I to Regulation (EC) [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.

(6) In paragraphs (1) to (3) any reference to the introduction of any animal into Scotland includes the introduction of the animal into any zone or compartment within Scotland from any other zone or compartment within Scotland.