
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 393

**The Aquaculture and Fisheries (EU Exit)
(Scotland) (Amendment etc.) Regulations 2020**

PART 2

Amendments not due to EU Exit

The Aquatic Animal Health (Scotland) Regulations 2009

- 2.—(1) The Aquatic Animal Health (Scotland) Regulations 2009⁽¹⁾ are amended as follows.
- (2) In regulation 3(1) (interpretation)—
- (a) for the definition of “the competent authority”, substitute—
- “the competent authority” has the meaning given in regulation 3A;”,
- (b) omit the definition of “Decision [946/2008/EC](#)”.
- (3) After regulation 3 insert—

“The competent authority

- 3A.** The Scottish Ministers are 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](#)⁽²⁾;
- (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⁽³⁾.”.
- (4) After Part 3 insert—

“PART 3A

Quarantine

Interpretation of Part 3A

- 21A.** In this Part—

(1) [S.S.I. 2009/85](#), as amended by [S.S.I. 2011/259](#), [S.S.I. 2011/427](#) and [S.S.I. 2019/412](#).
(2) [OJ L 322, 2.12.2008, p.30](#).
(3) [OJ L 247, 23.9.2015, p.1](#).

“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⁽⁴⁾;

“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 Scotland which has been declared disease-free in respect of a disease for which that animal is a vector if it—

- (a) originates from another Member State, zone or compartment declared disease-free in respect of that specific disease; or
- (b) 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, 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 Scotland which has been declared disease-free.”.

- (5) In the cross-headings of regulations 32 and 33, for “salaries” substitute “salaris”.

(4) OJ L 337, 16.12.2008, p.94.