
STATUTORY INSTRUMENTS

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”;

(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⁽⁵⁾”;
 - (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;

(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>
		EXOTIC DISEASES	
FISH	Epizootic necrosis	haematopoietic	Rainbow trout (<i>Oncorhynchus mykiss</i>) and redbfin 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. duoranrum</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>)
		NON-EXOTIC DISEASES	
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 (<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⁽⁶⁾.
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”;

(6) EUR 1251/2008.

- (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”.
- (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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Disease</i>	<i>Geographical demarcation of the disease-free area</i>
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"> 1. The south coast of Cornwall from the Lizard to Start Point; 2. The coast of Dorset, Hampshire and Sussex from Portland Bill to Selsey Bill; 3. The area along the coast of North Kent and Essex from North Foreland to Felixstowe; 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; 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; 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; 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; 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."

(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 of 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”.