
STATUTORY INSTRUMENTS

2020 No. 1388

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

PART 6

Amendments to other domestic legislation due to EU Exit

CHAPTER 3

Aquatic Animal Health

Aquatic Animal Health (England and Wales) Regulations 2009

38.—(1) The Aquatic Animal Health (England and Wales) Regulations 2009⁽¹⁾ 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⁽²⁾.”

(ii) after the definition of “the competent authority” insert—

““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⁽³⁾.”;

(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](#)⁽⁴⁾”;

(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.

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

(2) [EUDN 2009/177](#).

(3) [EUDN 2015/1554](#).

(4) [EUR 1251/2008](#).

- (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⁽⁵⁾;

“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 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—

(5) EUDN 2008/946.

- (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—

“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.”

(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.”.