
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 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⁽¹⁾.

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”;
 - (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—

(1) EUR 1251/2008.

- (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”.