

SCHEDULE

Regulation 19

Modification of [Directive 2006/88/EC](#)

1. Article 3 is to be read as if—
 - (a) in paragraph 1, after point (p) there were inserted—
 - “(q) ‘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;
 - (r) ‘the Aquatic Animal Health Regulations’ means—
 - (i) in England and Wales, the Aquatic Animal Health (England and Wales) Regulations 2009⁽¹⁾;
 - (ii) in Scotland, the Aquatic Animal Health (Scotland) Regulations 2009⁽²⁾;
 - (s) ‘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⁾;
 - (t) ‘constituent GB territory’ means England, Wales or Scotland as the case may be;
 - (u) ‘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⁽⁴⁾;
 - (v) ‘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⁽⁵⁾.”
 - (b) after paragraph 2 there were inserted—

“3. 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 Decision 2015/1554.”.
2. Article 57(b) is to be read as if—
 - (a) for “Part II of Annex IV”, there were substituted “Annex 1A to Regulation 1251/2008”;
 - (b) for the words from “to be” to the end substitute “established by Decision 2015/1554”.
3. Part A of Annex 3 is to be read as if—
 - (a) in the heading, the words from “to” to “Article 12” were omitted;

(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](#).

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

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- (b) in the second column of the table—
 - (i) in the entry corresponding to Category 1, for “(Articles 49 to 50)” there were substituted “(Section 2 of Commission [Decision 2009/177/EC](#))”;
 - (ii) in the entry corresponding to Category 2, for “(Article 44(1))” there were substituted “(Article 2b(1) of Decision 2015/1554)”;
 - (iii) in the entry corresponding to Category 4, for “(Article 44(2))” there were substituted “(Article 2b(3) of Decision 2015/1554)”;
 - (iv) in the entry corresponding to Category 5, for “(Article 39)” there were substituted “(Regulation 28 of the Aquatic Animal Health Regulations)”.
- 4. Part B of Annex 3 is to be read as if—
 - (a) in the table—
 - (i) in the first column, for “Annex IV”, in both places where it occurs, there were substituted “Annex 1A to Regulation 1251/2008”;
 - (ii) in the second column—
 - (aa) in the first row, for the words from “in accordance” to the end there were substituted “having satisfied Article 2a(2)(a) or (b) or Article 2b(2)(a) or (b) of Commission [Decision 2009/177/EC](#)”;
 - (bb) in the second row, for the words from “in accordance” to the end there were substituted “having satisfied Article 2a(2)(c) or Article 2b(2)(c) of Commission [Decision 2009/177/EC](#)”;
 - (cc) in the third and fifth rows, the words from “approved” to the end were omitted;
 - (dd) in the final row, for “Chapter V” there were substituted “Part 4 of the Aquatic Animal Health Regulations”;
 - (iii) in the fifth column, in the heading, “(Article 7)” were omitted;
 - (iv) in the sixth column, in the heading, “(Article 10)” were omitted;
 - (v) in the seventh column—
 - (aa) in the first row, for “Article 52” there were substituted “Article 2c of Commission [Decision 2009/177/EC](#)”;
 - (bb) in the second row, for “Article 44(1)”, there were substituted “a surveillance programme”;
 - (cc) in the fourth row, for “Article 44(2)”, there were substituted “an eradication programme”;
 - (dd) in the final row, for “Chapter V”, there were substituted “regulations 24 to 27 of the Aquatic Animal Health Regulations”;
 - (vi) in the eighth column, in the first row, the second, third and fourth paragraphs were omitted.
 - (b) in the notes to the table, under the heading “Types of health surveillance”, in the first unnumbered paragraph, for “Section 2 of Chapter V” there were substituted “Part 4 of the Aquatic Animal Health Regulations”.
- 5. The heading to Annex 5 is to be read as if, for “Member State” there were substituted “constituent GB territory”.
- 6. Part 1 of Annex 5 is to be read as if—
 - (a) in the heading, for “Member State” there were substituted “constituent GB territory”;

- (b) in paragraph 1—
 - (i) the words before point 1.1, and point 1.1, were omitted;
 - (ii) in point 1.2—
 - (aa) in the words before point (a), “referred to in point 1.1(a)” was omitted;
 - (bb) in point (b), for “Member State” there were substituted “constituent GB territory”;
 - (c) in paragraph 2—
 - (i) in the words before point (a)—
 - (aa) for “Member State” there were substituted “constituent GB territory”;
 - (bb) for “date of application for the” there were substituted “proposed date of declaration of”;
 - (ii) in point (a), for “Member State” there were substituted “constituent GB territory”;
 - (iii) in point (b)—
 - (aa) for “the methods adopted pursuant to Article 49(3)” there were substituted “Decision 2015/1554”;
 - (iv) in the words after point (b), for “Member State” substitute “constituent GB territory”.
7. Part 2 of Annex 5 is to be read as if—
- (a) in paragraph 1—
 - (i) in point 1.2—
 - (aa) for “Member State” there were substituted “constituent GB territory”;
 - (bb) “1.3,” were omitted;
 - (cc) for the words from “both” to the end there were substituted “the appropriate authority for each constituent GB territory may declare the part of the zone situated in their territory disease-free.”;
 - (ii) point 1.3 were omitted;
 - (b) in paragraph 2, point 2.2 were omitted;
 - (c) in paragraph 3, point 3.7 were omitted;
 - (d) in paragraph 4, in point 4.2(b), for “Part II of Annex IV” there were substituted “Annex 1A to Regulation 1251/2008”.