
STATUTORY INSTRUMENTS

2022 No. 835

The Aquatic Animal Health (Amendment) Regulations 2022

PART 1

Amendments to retained direct EU law

Commission Regulation (EC) No 1251/2008

2.—(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⁽¹⁾ is amended as follows.

(2) In Article 1(a), for “vector species” substitute “diseases, making provision for the publication by the appropriate authority of a list of vector and susceptible species”.

(3) For the heading to Chapter 2, substitute “Provision for Vector and Susceptible Species”.

(4) For Article 3 substitute—

“Article 3

List of vector species

1. The appropriate authority may from time to time specify in a document published for the purposes of this article a list of vector species and the conditions under which those species are to be regarded as vectors of the diseases listed in Annex 1A.

2. Aquaculture animals of species listed in the document published under paragraph 1 shall only be regarded as vectors for the purposes of this Regulation where those animals fulfil the conditions set out in that document.”.

(5) After Article 3, insert—

“Article 3a

List of susceptible species

1. The appropriate authority may from time to time specify in a document published for the purposes of this article a list of species susceptible to the diseases listed in Annex 1A.

2. Subject to paragraph 3, an aquaculture animal is to be regarded as of a species susceptible to a disease in this Regulation if it is of a species listed as susceptible to that disease in a document published under paragraph 1.

3. In Articles 8a and 9, an aquaculture animal is to be regarded as susceptible to a disease if it is of a species susceptible to a disease in accordance with the terms of those articles.”.

(6) In Article 8a—

(1) EUR 2008/1251, amended by S.I. 2020/1388 and 1463.

- (a) in the heading, for “in Schedule 1 to” substitute “under powers conferred by”;
- (b) for point (a) of paragraph 1 substitute—
 - “(a) are introduced into a constituent GB territory or part thereof that is listed in a document published by the appropriate authority under regulation 3B of the Aquatic Animal Health Regulations as free of one or more of the diseases listed in Schedule 1 to those Regulations;”;
- (c) in point (b) of paragraph 1, for “Part C of Annex II as species susceptible to the diseases” substitute “a document published by the appropriate authority under regulation 3B of the Aquatic Animal Health Regulations as species susceptible to a disease listed in that document”;
- (d) for paragraph 3 substitute—

“3. Paragraph 1 and 2 shall apply to consignments of fish of any species originating from waters where species listed in a document published by the appropriate authority under regulation 3B of the Aquatic Animal Health Regulations as species susceptible to infection with *Gyrodactylus salaris*, are present, where those consignments are intended for a constituent GB territory or part thereof listed in a document published by the appropriate authority under regulation 3B of the Aquatic Animal Health Regulations as free of *Gyrodactylus salaris* (GS).”.
- (7) In Article 10—
 - (a) in paragraph 1, for “third countries, territories, zones or compartments listed in Annex 3” substitute “third countries or territories listed in Annex 3, or zones or compartments of those third countries or territories set out in a list which the Secretary of State may, with the consent of the appropriate authority, publish from time to time”;
 - (b) after paragraph 2, insert—

“3. The list published by the Secretary of State under paragraph 1 may specify the aquaculture species permitted to enter Great Britain from the countries, territories, zones, or compartments referred to in paragraph 1.”.
- (8) In Article 11—
 - (a) in paragraph 1, for “third countries, territories, zones or compartments listed in Annex 3 to this Regulation” substitute “third countries or territories listed in Annex 3, or zones or compartments of those third countries or territories, set out in a list which the Secretary of State may, with the consent of the appropriate authority, publish from time to time”;
 - (b) after paragraph 3, insert—

“4. The list published by the Secretary of State under paragraph 1 may specify the aquaculture species permitted to enter Great Britain from the countries, territories, zones, or compartments referred to in paragraph 1.”.
- (9) Omit Annex 1.
- (10) In Annex 1A, in the table, omit the third column (susceptible species).
- (11) In Annex 3, in the table, omit the third, fourth, fifth, sixth and seventh columns, together with the headings to those columns (aquaculture species, fish, molluscs, crustaceans, zone compartment, code, description).

Commission Decision 2008/896/EC

3. In Article 1a of Commission Decision 2008/896/EC on guidelines for the purpose of the risk-based animal health surveillance schemes provided for in Council Directive 2006/88/EC(2), after paragraph 2, insert—

“3. For the purposes of this Decision, an animal is susceptible to a disease listed in Annex 1A to Regulation 1251/2008 if it is of a species listed as susceptible to that disease in a document published by the appropriate authority under Article 3a(1) of Regulation (EC) No 1251/2008.”.

Commission Decision 2008/946/EC

4. In Article 2 of Commission Decision 2008/946/EC implementing Council Directive 2006/88/EC as regards requirements for quarantine of aquaculture animals(3), after paragraph 10, insert—

“11. “susceptible species”, in relation to a disease, means a species listed in a document published by the appropriate authority under Article 3a(1) of Regulation (EC) No 1251/2008 as susceptible to that disease;

12. “vector species”, in relation to a disease, means a species listed as a vector of that disease in a document published by the appropriate authority under Article 3(1) of Regulation (EC) No 1251/2008 that fulfils the conditions set out in that document.”.

Commission Decision 2009/177/EC

5.—(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(4) is amended as follows.

(2) In Article A1—

- (a) the existing text becomes paragraph 1;
- (b) after renumbered paragraph 1, insert—

“2. In this Decision an animal is of a species susceptible to a disease if it is of a species listed as susceptible to that disease in a document published by the appropriate authority under Article 3a(1) of Regulation (EC) No 1251/2008.”.

Commission Implementing Decision (EU) 2015/1554

6.—(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(5) is amended as follows.

(2) In Article 2, after point (m), insert—

- “(n) “susceptible species”, in relation to a disease, means a species listed as susceptible to that disease in a document published by the appropriate authority under Article 3a(1) of Regulation (EC) No 1251/2008;
- (o) “vector species”, in relation to a disease, means a species listed as a vector of that disease in a document published by the appropriate authority under Article 3(1) of Regulation (EC) No 1251/2008 that fulfils the conditions set out in that document.”.

(2) EUDN 2008/896, amended by S.I. 2020/1388.

(3) EUDN 2008/946, amended by S.I. 2020/1388.

(4) EUDN 2009/177, amended by S.I. 2020/1388.

(5) Commission Implementing Decision (EU) 2015/1554, amended by S.I. 2020/1388.

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

(3) In Annex 1, except in point (b) of Part 1 of the Annex (Introduction), in each place where it occurs, omit “listed in Annex 1A to Regulation 1251/2008”.