

2022 No. 835

AQUACULTURE

The Aquatic Animal Health (Amendment) Regulations 2022

<i>Made</i> - - - -	<i>18th July 2022</i>
<i>Laid before Parliament</i>	<i>19th July 2022</i>
<i>Coming into force</i> - -	<i>15th August 2022</i>

The Secretary of State, in exercise of the powers conferred by sections 38 and 51(1) of the Fisheries Act 2020(a), makes the following Regulations.

In accordance with section 41(1) of that Act, the Secretary of State has consulted the Scottish Ministers, the Welsh Ministers, the Northern Ireland department and such other persons likely to be affected by the Regulations as the Secretary of State considers appropriate.

In accordance with section 40(1) and (2) of that Act, the Secretary of State has, where necessary, obtained the consent of the Scottish Ministers and the Welsh Ministers to the making of these Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Aquatic Animal Health (Amendment) Regulations 2022.

(2) These Regulations come into force on 15th August 2022.

(3) An amendment made by these Regulations has the same extent as the provision amended.

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(b) 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”.

(a) 2020 c. 22.

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

(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—

(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(a), 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(b), 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(c) is amended as follows.

(2) In Article A1—

(a) the existing text becomes paragraph 1;

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

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

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

(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(a) 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.”.

(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”.

PART 2

Amendments to domestic legislation

Aquatic Animal Health (England and Wales) Regulations 2009

7.—(1) The Aquatic Animal Health (England and Wales) Regulations 2009(b) are amended as follows.

(2) In regulation 3(1), in the definition of “listed disease”, in paragraph (b) omit “the first column of”.

(3) After regulation 3A, insert—

“List of susceptible species and geographic areas declared disease-free

3B.—(1) The appropriate authority may from time to time specify in a document a list of species susceptible to any diseases listed in Schedule 1 together with the geographic areas declared free from any such disease.

(2) “The appropriate authority” for the purposes of paragraph (1) means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers,

but the appropriate authority is the Secretary of State if consent is given by the Welsh Ministers in respect of the exercise of the function conferred by paragraph (1) in relation to Wales.”.

(4) In regulation 18—

(a) in paragraph (4), for sub-paragraphs (a) and (b) substitute—

“(a) an animal is susceptible to a disease listed in the second column of Annex 1A to Regulation (EC) No 1251/2008 if it is of a species listed as susceptible to that

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

(b) S.I. 2009/463; amended by S.I. 2011/981; 2019/1488; and 2020/1388.

disease in a document published under Article 3a(1) of Regulation (EC) No 1251/2008;

- (b) an animal is a vector for a disease listed in the second column of Annex 1A to Regulation (EC) No 1251/2008 if it is of a species listed as a vector for that disease in a document published under Article 3(1) of Regulation No 1251/2008 and it fulfils the conditions set out in that document.”.

(b) in paragraph (5)—

(i) for sub-paragraph (b) substitute—

“(b) an animal is of a species susceptible to a listed disease if the species is listed as susceptible to that disease—

(i) in a document published under Article 3a(1) of Regulation (EC) No 1251/2008; or

(ii) in a document published under regulation 3B(1) .”;

(ii) for sub-paragraph (c) substitute—

“(c) an animal is a vector for a listed disease if it is of a species listed as a vector for that disease in a document published under Article 3(1) of Regulation (EC) No 1251/2008 and fulfils the conditions set out in that document.”.

(5) In regulation 21B(3), for “is of a species appearing in Column 2” to the end substitute “is of a species listed as a vector for that disease in a document published under Article 3(1) of Regulation (EC) No 1251/2008 and fulfils the conditions set out in that document.”.

(6) In regulation 21C, after paragraph (2), insert—

“(3) In this regulation, 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 under Article 3a(1) of Regulation (EC) No 1251/2008.”.

(7) In Schedule 1, in the table omit the second and third columns (susceptible species and geographical demarcation of the area which is disease-free).

Aquatic Animal Health (Scotland) Regulations 2009

8.—(1) The Aquatic Animal Health (Scotland) Regulations 2009(a) are amended as follows.

(2) In regulation 3—

(a) in paragraph (1), in the definition of “listed disease”, in paragraph (b) omit “the first column of”;

(b) in paragraph (3), omit “and geographical demarcation of areas declared disease free”.

(3) After regulation 3A, insert—

“List of susceptible species and geographic areas declared disease free

3B. The Scottish Ministers may from time to time specify in a document a list of species susceptible to the diseases listed in Schedule 1 together with the geographic areas declared free from those diseases.”.

(4) In regulation 18—

(a) in paragraph (4), for sub-paragraphs (a) and (b) substitute—

“(a) an animal is susceptible to a disease listed in the second column of Annex 1A to Regulation (EC) No 1251/2008 if it is of a species listed as susceptible to that disease in a document published under Article 3a(1) of Regulation (EC) No 1251/2008;

(a) S.S.I. 2009/85; amended by S.S.I. 2011/259, 427; 2015/100; 2019/412, 9; 2020/393.

- (b) an animal is a vector for a disease listed in the second column of Annex 1A to Regulation (EC) No 1251/2008 if it is of a species listed as a vector for that disease in a document published under Article 3(1) of Regulation No 1251/2008 and fulfils the conditions set out in that document.”;
- (b) in paragraph (5), for sub-paragraphs (b) and (c) substitute—
 - “(b) an animal is susceptible to a listed disease if it is of a species listed as susceptible to that disease—
 - (i) in a document published under Article 3a(1) of Regulation (EC) No 1251/2008; or
 - (ii) in a document published under regulation 3B.
 - (c) an animal is a vector for a listed disease if it is of a species listed as a vector for that disease in a document published under Article 3(1) of Regulation (EC) No 1251/2008 and fulfils the conditions set out in that document.”.
- (5) In regulation 21B(3), for “is of a species appearing in Column 2” to the end substitute “is of a species listed as a vector for that disease in a document published under Article 3(1) of Regulation (EC) No 1251/2008 and fulfils the conditions set out in that document.”.
- (6) In regulation 21C, after paragraph (2), insert—
 - “(3) In this regulation 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 under Article 3a(1) of Regulation (EC) No 1251/2008.”.
- (7) In the table in Schedule 1—
 - (a) in the heading, omit “and geographical demarcation of areas declared disease free”;
 - (b) omit the second and third columns (susceptible species and geographical demarcation of the area which is disease free).

Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019

9. In regulation 7(3) of the Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019(a), omit “or which is only listed in Annex 3 as regards part of its territory,”.

Benyon
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

18th July 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to retained EU law and domestic regulations relating to the import of aquatic animals.

The amendments in Part 1 remove the lists of susceptible and vector species from retained EU law and provide powers to publish those lists administratively. The amendments also remove the species and zonal elements from Annex 3 to Regulation (EC) No 1251/2008 and provide the power to publish those elements administratively.

The amendments in Part 2 remove the susceptible species and vector species lists in domestic regulations and replace these with a power to publish the lists administratively.

A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

(a) S.I. 2019/817; amended by S.I. 2020/1463.

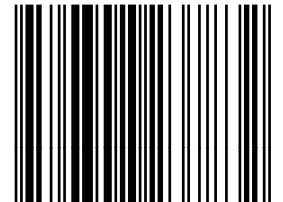
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