

2018 No. 000

EXITING THE EUROPEAN UNION

ANIMAL HEALTH

AQUACULTURE

**The Aquatic Animal Health and Alien Species in Aquaculture
(Amendment etc.) (EU Exit) Regulations 2018**

Sift requirements satisfied ***

Made - - - - ***

Laid before Parliament ***

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2018 and come into force on exit day.

PART 2

Amendment of retained direct EU legislation on aquatic animal health

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

(a) 2018 c.16.

the import into the Community of aquaculture animals and products thereof and laying down a list of vector species (“Regulation 1251/2008”) is amended as follows.

(2) In Article 1—

- (a) in point (b)(ii), for “Member States” substitute “the United Kingdom”;
- (b) in point (d), for “Community” substitute “United Kingdom”.

(3) In Article 2—

- (a) in point (a)(i), for “Community” substitute “United Kingdom”;
- (b) after point (c), insert—

“(d) 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;
- (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

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;
 - (iii) in respect of functions exercisable in relation to Northern Ireland, by the Department of Agriculture, Environment and Rural Affairs;
- (e) “constituent UK territory” means England, Wales, Scotland or Northern Ireland, as the case may be;
 - (f) “third country” means any country other than a member State or the United Kingdom and, for these purposes, the reference to the United Kingdom includes the Channel Islands and the Isle of Man;
 - (g) for the purposes of any reference in this Regulation to Directive 2006/88/EC or any provision of that Directive, that Directive or provision is to be read subject to the modifications specified in the Schedule to the Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2018, and as if:
 - (i) references to “Member State” or “Member States”, other than those modified in that Schedule, included the United Kingdom;
 - (ii) references to the diseases listed in Part 2 of Annex 4 to Directive 2006/88/EC were references to the diseases listed in Annex 1A to this Regulation.”.

(4) In Article 4—

- (a) in paragraph 1—
 - (i) for the words from “computerised system” to “Directive 90/425/EC (Traces)” substitute “United Kingdom’s system for import control notifications”;
 - (ii) in point (a), for “one Member State” substitute “a member State”;
 - (iii) in point (b)—
 - (aa) for “another Member State” substitute “the United Kingdom or constituent UK territory”;
 - (bb) after “territory,” insert “or constituent UK territory”;
 - (cc) for “Part II of Annex IV of Directive 2006/88/EC” substitute “Annex 1A to this Regulation”;
 - (dd) for “in accordance with Articles 49 or 50 thereof” substitute “by Decision 2009/177 or otherwise in accordance with provision made under Article 49(1) or 50(3) of Directive 2006/88”;

- (ee) after “eradication programme” insert “approved by Decision 2009/177 or Decision 2010/221 or otherwise in accordance with provision made under Article 44(1) or (2), 49(1) or 50(3) of Directive 2006/88”;
 - (iv) in point (c), for “Member State or” substitute “United Kingdom, or the constituent UK territory,”.
- (5) In Article 5—
- (a) for point (a) substitute—
 - “(a) are introduced into the United Kingdom, or any constituent UK territory, zone or compartment, and—
 - (i) the appropriate authority has declared the United Kingdom or the constituent UK territory, zone or compartment free of one or more of the non-exotic diseases listed in Annex 1A to this Regulation in Decision 2009/177 or otherwise by provision made under Article 49(1) or 50(3) of Directive 2006/88/EC; or
 - (ii) the United Kingdom or the constituent UK territory, zone or compartment is subject to a surveillance or eradication programme approved by Decision 2009/177 or Decision 2010/221 or otherwise by provision made under Article 44(1) or (2) of Directive 2006/88/EC;”;
 - (b) in point (b), for “Member State,” substitute “United Kingdom or the constituent UK territory,”.
- (6) In Articles 6(1) and 7—
- (a) for point (a), in each case, substitute—
 - “(a) are introduced into the United Kingdom, or any constituent UK territory, zone or compartment, and—
 - (i) the appropriate authority has declared the United Kingdom or the constituent UK territory, zone or compartment free of one or more of the non-exotic diseases listed in Annex 1A to this Regulation in Decision 2009/177 or otherwise by provision made under Article 49(1) or 50(3) of Directive 2006/88/EC; or
 - (ii) the United Kingdom or the constituent UK territory, zone or compartment is subject to a surveillance or eradication programme approved by Decision 2009/177 or Decision 2010/221 or otherwise by provision made under Article 44(1) or (2) of Directive 2006/88/EC;”;
 - (b) in point (b), for “Member State,” substitute “United Kingdom or the constituent UK territory,”.
- (7) In Article 8—
- (a) in the heading, for “Member States, zones or compartments” substitute “the United Kingdom or a constituent UK territory, zone or compartment”;
 - (b) in paragraph 1, for “Member States, zones or compartments” substitute “the United Kingdom or a constituent UK territory, zone or compartment”;
 - (c) in paragraph 2, for point (a) substitute—
 - “(a) are leaving the United Kingdom or a constituent UK territory, zone or compartment with an eradication programme approved by Decision 2009/177 or Decision 2010/221 or otherwise by provision made under Article 44(1) or (2) of Directive 2006/88/EC;”;
 - (d) in paragraph 3, for point (a) substitute—
 - “(a) are leaving the United Kingdom or a constituent UK territory, zone or compartment with an eradication programme approved by Decision 2009/177 or Decision 2010/221 or other provision made under Article 44(1) or (2) of Directive 2006/88/EC;”.
- (8) In Article 8a—
- (a) in the heading, for “Member States” substitute “the United Kingdom”;
 - (b) in paragraph 1, in point (a), for “Member States” substitute “the United Kingdom”;

- (c) in paragraph 3, for “a Member State” substitute “the United Kingdom”.
- (9) In Article 8b, in the heading and in paragraph 1(a), for “Member States” substitute “the United Kingdom”.
- (10) In Article 10(1), for “Community from third” substitute “United Kingdom from the third”.
- (11) In Article 11—
- (a) in each of paragraphs 1 and 2—
- (i) for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to this Regulation”;
- (ii) for “Community from third” substitute “United Kingdom from the third”.
- (12) In Article 12—
- (a) in paragraph 1, for “Community” substitute “United Kingdom”;
- (b) in paragraph 3, for “Community waters” substitute “the territorial or inland waters of the United Kingdom”.
- (13) Omit Article 13.
- (14) In Article 14(1) to (3), in each place where it appears, for “Community” substitute “United Kingdom”.
- (15) In Article 15(1), (2) and (3), in each place where it appears, for “Community” substitute “United Kingdom”.
- (16) In Article 16—
- (a) in the first paragraph—
- (i) for “Community” substitute “United Kingdom”, in each place where it appears;
- (ii) for “EC” substitute “United Kingdom”.
- (17) Omit Articles 17 and 19 to 21.
- (18) After Article 21, omit the words from “This Regulation” to “Member States.”.
- (19) After Annex 1, insert—

“Annex 1A

LISTED DISEASES

EXOTIC DISEASES		
	<i>DISEASE</i>	<i>SUSCEPTIBLE SPECIES</i>
FISH	Epizootic haematopoietic necrosis	Rainbow trout (<i>Oncorhynchus mykiss</i>) and redbfin perch (<i>Percha fluviatilis</i>)
MOLLUSCS	Infection with <i>Bonamia exitiosa</i>	Australian mud oyster (<i>Ostrea angasi</i>) and Chilean flat oyster (<i>O. chilensis</i>)
	Infection with <i>Perkinsus marinus</i>	Pacific oyster (<i>Crassostrea gigas</i>) and Eastern oyster (<i>C. virginica</i>)
	Infection with <i>Microcytos mackini</i>	Pacific oyster (<i>Crassostrea gigas</i>), Eastern oyster (<i>C. virginica</i>), Olympia flat oyster (<i>Ostrea conchaphila</i>) and European flat oyster (<i>O. edulis</i>)
CRUSTACEANS	Taura syndrome	Gulf white shrimp (<i>Penaeus setiferus</i>), Pacific blue shrimp (<i>P. stylirostris</i>), and Pacific white shrimp (<i>P. vannamei</i>)
	Yellowhead disease	Gulf brown shrimp (<i>Penaeus aztecus</i>), Gulf pink shrimp (<i>P. duorarum</i>), Kuruma prawn (<i>P. japonicas</i>), black tiger shrimp (<i>P. monodon</i>), Gulf white shrimp (<i>Penaeus setiferus</i>), Pacific blue shrimp (<i>P. stylirostris</i>), and Pacific white

shrimp (*P. vannamei*)

NON-EXOTIC DISEASES

	DISEASE	SUSCEPTIBLE SPECIES
FISH	Viral haemorrhagic septicaemia (VHS)	Herring (<i>Clupea spp.</i>), whitefish (<i>Coregonus</i> spp.), pike (<i>Esox lucius</i>), haddock (<i>Gadusa aeglefinus</i>), Pacific cod (<i>G. macrocephalus</i>), Atlantic cod (<i>G. morhua</i>), Pacific salmon (<i>Oncorhynchus spp.</i>) rainbow trout (<i>O. mykiss</i>), rockling (<i>Onos mustelus</i>), brown trout (<i>Salmo trutta</i>), turbot (<i>Schophthalmus maximus</i>), sprat (<i>Sprattus sprattus</i>) and grayling (<i>Thymallus thymallus</i>) and olive flounder (<i>Paralichthys olivaceus</i>)
	Infectious haematopoietic necrosis (IHN)	Chum salmon (<i>Oncorhynchus keta</i>), coho salmon (<i>O. kisutch</i>), Masou salmon (<i>O. masou</i>), rainbow or steelhead trout (<i>O. mykiss</i>), sockeye salmon (<i>O. nerka</i>), pink salmon (<i>O. rhodurus</i>) chinook salmon (<i>O. tshawytscha</i>), and Atlantic salmon (<i>Salmo salar</i>)
	Koi herpes virus (KHV) disease	Common carp and koi carp (<i>Cyprinus carpio</i>)
MOLLUSCS	Infectious salmon anaemia (ISA); infection with genotype HPR	Rainbow trout (<i>Oncorhynchus mykiss</i>), Atlantic salmon (<i>Salmo salar</i>), and brown and sea trout (<i>Salmo trutta</i>)
	Infection with <i>Marteilia refringens</i>	Australian mud oyster (<i>Ostrea angasi</i>), Chilean flat oyster (<i>O. chilensis</i>), European flat oyster (<i>O. edulis</i>), Argentinian oyster (<i>O. puelchana</i>), blue mussel (<i>Mytilus edulis</i>) and Mediterranean mussel (<i>M. galloprovincialis</i>)
	Infection with <i>Bonamia ostreae</i>	Australian mud oyster (<i>Ostrea angasi</i>), Chilean flat oyster (<i>O. chilensis</i>), Olympia flat oyster (<i>O. conchaphila</i>), Asiatic oyster (<i>O. denselammellosa</i>), European flat oyster (<i>O. edulis</i>), and Argentinian oyster (<i>O. puelchana</i>)
CRUSTACEANS	White spot disease	All decapod crustacean (order <i>Decapoda</i>)”

Commission Decision 2008/392/EC

3.—(1) Commission Decision 2008/392/EC implementing Council Directive 2006/88/EC as regards an Internet-based information page to make information on aquaculture production businesses and authorised processing establishments available by electronic means is amended as follows.

(2) In Article 1(1), for “by the Member States” substitute “by the appropriate authority”.

(3) After Article 1, insert—

“Article 1a

Interpretation

1. In this Decision, “the appropriate authority” means:
 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - (c) in relation to Scotland, the Scottish Ministers;

- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

but the appropriate authority is the Secretary of State if consent is given:

- (a) in respect of functions exercisable in relation to Wales, by the Welsh Ministers;
- (b) in respect of functions exercisable in relation to Scotland, by the Scottish Ministers;
- (c) in respect of functions exercisable in relation to Northern Ireland, by the Department of Agriculture, Environment and Rural Affairs.

2. For the purposes of any reference in this Decision to Directive 2006/88/EC or any provision of that Directive, that Directive or provision is to be read subject to the modifications specified in the Schedule to the Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2018, and as if:

- (a) references to “Member State” or “Member States”, other than those modified in that Schedule, included the United Kingdom;
- (b) references to the diseases listed in Part 2 of Annex IV to Directive 2006/88/EC were references to diseases listed in Annex 1A to Regulation 1251/2008;
- (c) requirements to notify or report to the Commission or member States were omitted.”.

(4) In Article 2—

- (a) in paragraph 1, for each of “The Member States” and “Member States” substitute “The appropriate authority”;
- (b) in paragraph 2, for “the Member States” substitute “the appropriate authority”;
- (c) in paragraph 3, for “Member States” substitute “The appropriate authority”;
- (d) omit paragraph 4.

(5) Omit Articles 3 and 4.

Commission Decision 2008/896/EC

4.—(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 2 substitute—

“Article 2

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;
 - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

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;
- (iii) in respect of functions exercisable in relation to Northern Ireland, by the Department of Agriculture, Environment and Rural Affairs;
- (b) “constituent UK territory” means England, Wales, Scotland or Northern Ireland, as the case may be;

(c) “EU-derived domestic legislation” has the meaning given by section 2(2) of the European Union (Withdrawal) Act 2018.

2. For the purposes of any reference in this Decision to Directive 2006/88/EC or any provision of that Directive, that Directive or provision is to be read subject to the modifications specified in the Schedule to the Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2018, and as if:

(a) references to “Member State” or “Member States”, other than those modified in that Schedule, included the United Kingdom;

(b) references to the diseases listed in Part 2 of Annex IV to Directive 2006/88/EC were references to diseases listed in Annex 1A to Regulation 1251/2008.”.

(3) The Annex is amended as follows.

(4) In paragraph 1, for “Member States” substitute “the appropriate authority”.

(5) In paragraph 2.1, in the third paragraph, for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”.

(6) In paragraph 3, for “Member States” substitute “The appropriate authority”.

(7) In paragraph 4, for point (a) substitute—

“(a) the health status of the United Kingdom or the constituent UK territory, zone or compartment concerned in relation to non-exotic diseases listed in Annex 1A to Regulation 1251/2008 (listed non-exotic diseases);”.

(8) Paragraph 5 is amended as follows.

(9) In the table, in the second column—

(a) in relation to “Category 1”—

(aa) in subparagraph (a)—

(bb) for “in accordance with” substitute “in Decision 2009/177 or otherwise in accordance with provision made under”;

(cc) in each of points (i) and (ii), for “Member State”, in each place where it appears, substitute “United Kingdom or the constituent UK territory”;

(dd) in subparagraph (b), for “in accordance with” substitute “in Decision 2009/177 or otherwise in accordance with provision made under”;

(ii) in relation to “Category 2”, before “Article 44(1)”, insert “provision made under”;

(iii) in relation to “Category 4”, before “Article 44(2)”, insert “provision made under”;

(b) in the words below the table—

(i) in the first unnumbered subparagraph—

(aa) in point (a), for “in accordance with Directive 2006/88/EC” substitute “by the appropriate authority”;

(bb) in point (b), for “in accordance with” substitute “in Decision 2009/177 or otherwise by provision made under”;

(ii) in the second unnumbered subparagraph—

(aa) in point (a), for “in accordance with Directive 2006/88/EC” substitute “in Decision 2009/177 or otherwise by provision made under Article 44(1) or (2) of Directive 2006/88/EC”;

(bb) in points (a) and (b), for “Member States” substitute “the appropriate authority”.

(10) In paragraph 6.1—

(a) in the third paragraph, for “Member States” substitute “The appropriate authority”;

(b) in the fourth paragraph, 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”.
- (11) In paragraph 6.4—
- (a) for “Member State” substitute “United Kingdom or the constituent UK territory”;
 - (b) for “Member States”, in the first place where it appears, substitute “The appropriate authority”;
 - (c) for “Member States”, in the second place where it appears, substitute “the appropriate authority”.

Commission Decision 2008/946

5.—(1) Commission Decision 2008/946 implementing Council Directive 2006/88/EC as regards requirements for quarantine of aquaculture animals is amended as follows.

(2) In Article 2, at the end, insert—

“6. “the appropriate authority” means:

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

but the appropriate authority is the Secretary of State if consent is given:

- (a) in respect of functions exercisable in relation to Wales, by the Welsh Ministers;
- (b) in respect of functions exercisable in relation to Scotland, by the Scottish Ministers;
- (c) in respect of functions exercisable in relation to Northern Ireland, by the Department of Agriculture, Environment and Rural Affairs;

7. “competent authority”, for the purposes of Chapters 3 and 4 of this Decision, means the appropriate authority;

8. “constituent UK territory” means England, Wales, Scotland or Northern Ireland, as the case may be;

9. “third country” means a country other than the United Kingdom and, for these purposes, the reference to the United Kingdom includes the Channel Islands and the Isle of Man.”.

(3) After Article 2, insert—

“Article 2a

Interpretation

For the purposes of any reference in this Decision to Directive 2006/88/EC or any provision of that Directive, that Directive or provision is to be read subject to the modifications specified in the Schedule to the Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2018, and as if:

- (a) references to “Member State” or “Member States”, other than those modified in that Schedule, included the United Kingdom;
- (b) references to the diseases listed in Part 2 of Annex 4 to Directive 2006/88/EC were references to diseases listed in Annex 1A to Regulation 1251/2008;
- (c) requirements to notify or report to the Commission or member States were omitted.”.

(4) In Article 3, for “Community” substitute “United Kingdom”, in each place where it appears.

(5) In Article 5—

- (a) in paragraph 1(a), for “Article 5 of Directive 2006/88/EC” substitute “the Aquatic Animal Health (England and Wales) Regulations 2009(a), the Aquatic Animal Health (Scotland) Regulations 2009(b) or the Aquatic Animal Health Regulations (Northern Ireland) 2009(c), as applicable”;
 - (b) in paragraph 3, for “Commission” substitute “appropriate authority”.
- (6) In Article 6, omit paragraph 3.
- (7) In Article 7, for “the Commission shall provide the Member States” substitute “The appropriate authority shall provide each other authority which, in relation to any constituent UK territory, is the appropriate authority with”.
- (8) In Article 8—
- (a) in paragraph 1, for “Community”, in both places where it appears, substitute “United Kingdom”;
 - (b) in paragraph 2, for point (a) substitute—
“(a) be drawn up in English or, where drawn up in another language, accompanied by a translation into English;”.
- (9) In Article 9, in each place where it appears, for “Community” substitute “United Kingdom”.
- (10) In Article 10—
- (a) in each place where it appears, for “Community” substitute “United Kingdom”;
 - (b) in paragraph 1(a), for the words from “computerised system” to “(‘the Traces system’)” substitute “the United Kingdom’s system for import control notifications”;
 - (c) in paragraph 1(c), for “Traces system” substitute “United Kingdom’s system for import control notifications”.
- (11) In Article 11, in each place where it appears, for “Community” substitute “United Kingdom”.
- (12) In Article 12, omit paragraph 4.
- (13) In Article 14, in paragraph 4(b), for “a Member State” substitute “the United Kingdom, or a constituent UK territory”.
- (14) Omit Articles 18 to 20.
- (15) In Annex 1, in Part A, in paragraph 4, for the words from “in a Member State,” to “to a listed disease(s)” substitute “in the United Kingdom, or a constituent UK territory, zone or compartment, if declared free of a listed disease(s) or subject to a surveillance or eradication programme with regard to a listed disease(s)”.

Commission Decision 2009/177/EC

6.—(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 is amended as follows.

- (2) For Article 1 substitute—

“Article 1

Interpretation

- 1. In this Decision—
 - (a) “the appropriate authority” means—
 - (i) in relation to England, the Secretary of State;

(a) S.I. 2009/463, amended by S.I. 2011/981; there are other amending instruments but none is relevant.
 (b) S.S.I. 2009/85, amended by S.S.I. 2011/427.
 (c) S.R. 2009 No. 129, amended by S.R. 2011/118.

- (ii) in relation to Wales, the Welsh Ministers;
- (iii) in relation to Scotland, the Scottish Ministers;
- (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

but the appropriate authority is the Secretary of State if consent is given—

- (i) in respect of functions exercisable in relation to Scotland, by the Scottish Ministers;
 - (ii) in respect of functions exercisable in relation to Wales, by the Welsh Ministers;
 - (iii) in respect of functions exercisable in relation to Northern Ireland, by the Department of Agriculture, Environment and Rural Affairs;
- (b) “constituent UK territory”, means England, Wales, Scotland or Northern Ireland, as the case may be.

2. For the purposes of any reference in this Decision to Directive 2006/88/EC or any provision of that Directive, that Directive or provision is to be read subject to the modifications specified in the Schedule to the Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2018, and as if:

- (a) references to “Member State” or “Member States”, other than those modified in that Schedule, included the United Kingdom;
- (b) references to the diseases listed in Part 2 of Annex 4 to Directive 2006/88/EC were references to the diseases listed in Annex 1A to Regulation 1251/2008.”.

(3) In Article 2, after “provided for in”, insert “provision made under”;

(4) In each of Articles 3 and 4—

- (a) for “Member States” substitute “Constituent UK territories”;
- (b) after “in accordance with” insert “provision made under”.

(5) In Article 5—

- (a) in the heading, for “Member States, zones and compartments” substitute “status”;
- (b) for “Member States” substitute “Diseases in respect of which the United Kingdom or a constituent UK territory, Crown Dependency, zone or compartment has been”;
- (c) after “in accordance with” insert “provision made under”.
- (d) for “in accordance of” substitute “in accordance with provision made under”.

(6) In Articles 6 and 7, after the words “provided for in”, in each place where they appear, insert “provision made under”.

(7) In Article 8—

- (a) in paragraphs 1 and 2, after the words “as provided for in”, insert “provision made under”;
- (b) in paragraph 2, omit “of zones or compartments”;
- (c) in paragraph 3—
 - (i) for the words from “By way” to “be achieved” substitute “Paragraphs 1 and 2 do not apply in relation to the achievement of disease-free status”;
 - (ii) after “in accordance with”, insert “provision made under”;
 - (iii) omit the words from “, Member States” to the end.

(8) Omit Article 9.

(9) For Article 10 substitute—

“Article 10

Internet-based information pages

The appropriate authority must establish and keep up-to-date Internet-based information pages in order to make publicly available the list of zones or compartments declared to be subject to an approved surveillance programme or disease-free in accordance with provision made under Article 50(2) of Directive 2006/88/EC.”.

(10) Omit Articles 11 to 15.

(11) In Annex 1—

(a) in Parts A and B—

(i) in the heading to each table, for “Member States” substitute “Constituent UK territories,”;

(ii) in the heading to the second column of each table, for “Member State” substitute “Constituent UK territory”;

(iii) omit the third column in each table;

(iv) in the heading to the fourth column of each table, omit “(Member State, zone or compartment)”;

(v) omit the third column;

(vi) omit the entries in the second and final columns;

(b) in Part C, for the table and the heading to that table substitute—

“Areas declared disease-free

<i>Disease</i>	<i>Geographical demarcation of the disease-free area</i>
Viral haemorrhagic septicaemia (VHS)	All continental and coastal areas within Great Britain, Northern Ireland, Guernsey, the Isle of Man and Jersey.
Infectious haematopoietic necrosis (IHN)	All continental and coastal areas within Great Britain, Northern Ireland, Guernsey, the Isle of Man and Jersey.
Koi herpes virus (KHV) disease	Northern Ireland territory.
Infectious salmon anaemia (ISA)	All continental and coastal areas within Great Britain, Northern Ireland, Guernsey, the Isle of Man and Jersey.
Infection with <i>Marteilia refringens</i>	The whole coastline of Great Britain. The whole coastline of Northern Ireland, except Belfast Lough and Dundrum Bay. The whole coastline of Guernsey and Herm. The coastal area of the States of Jersey; the area consists of the intertidal and immediate coastal area between the mean high-water mark on the Island of Jersey and a line every point of which is three nautical miles from the mean low-water mark of the Island of Jersey. The area is situate in the Normano-Breton Gulf, on the south side of the English Channel. The whole coastline of the Isle of Man.
Infection with <i>Bonamia ostreae</i>	The whole coastline of Great Britain, except: 1. The south coast of Cornwall from the Lizard to Start Point; 2. The coast of Dorset, Hampshire and Sussex from Portland Bill to Selsey Bill; 3. The area along the coast of North Kent and Essex from North Foreland to Felixstowe; 4. The area along the coast in south-west Wales from Wooltack Point to St Govan’s Head, including Milford Haven and the tidal waters of the East and West Cleddau river;

	<p>5. The area containing the waters of Loch Sunart east of a line drawn south-south-east from the northernmost tip of Maclean’s Nose to Auliston Point;</p> <p>6. The area containing West Loch Tarbert north-east of a line drawn east-south- east from Ardpatrik Point NR 734 578 to North Dunskeig Bay at NR 752 568.</p> <p>The whole coastline of Northern Ireland, except:</p> <ol style="list-style-type: none"> 1. Lough Foyle 2. Strangford Lough. <p>The whole coastline of Guernsey, Herm and the Isle of Man.</p> <p>The coastal area of the States of Jersey: the area consists of the intertidal and immediate coastal area between the mean high-water mark on the Island of Jersey and a line drawn every point of which is three nautical miles from the mean low water mark of the Island of Jersey. The zone is situated in the Normano-Breton Gulf, on the south side of the English Channel.</p>
White spot disease”	

(12) In Annex 2—

- (a) in paragraph 1.1, for “Member State” substitute “appropriate authority”;
- (b) in paragraph 1.4, omit “sent to the Commission”;
- (c) in paragraph 5.5, omit “throughout the Member State”;
- (d) in paragraph 5.6, for “Member State” substitute “United Kingdom, constituent UK territory”;
- (e) in paragraph 6.1, for “Member State” substitute “Constituent UK territory”.

(13) In Annex 3, in Parts A and B, for “Member State”, in each place where it appears, substitute “Constituent UK territory”.

(14) In Annex 4—

- (a) in paragraph 1.1, for “Member State” substitute “appropriate authority”;
- (b) in paragraph 1.4, omit “sent to Commission”;
- (c) in paragraph 6.3, omit “(disease-free Member State, zone or compartment)”;
- (d) in paragraph 6.5, omit “throughout the Member State”;
- (e) in paragraph 6.6, for “Member State” substitute “United Kingdom, constituent UK territory”;
- (f) in paragraph 7.1, for “Member State” substitute “Constituent UK territory”;
- (g) in paragraph 8.4, omit “to other Member States”.

(15) In Annexes 5 and 6, for “Member State”, in each place where it appears, substitute “Constituent UK territory”.

Commission Decision 2010/221/EU

7.—(1) Commission Decision 2010/221/EU approving national measures for limiting the impact of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43 of Council Directive 2006/88/EC is amended as follows.

(2) In Article 1—

- (a) omit “national”;
- (b) for “Member States listed in Annexes I, II and III hereto” substitute “constituent UK territories”;
- (c) after “in accordance with” insert “provision made under”.

(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;
 - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;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;
 - (iii) in respect of functions exercisable in relation to Northern Ireland, by the Department of Agriculture, Environment and Rural Affairs.
 - (b) “constituent UK territory” means England, Wales, Scotland or Northern Ireland, as the case may be.
2. For the purposes of any reference in this Decision to Directive 2006/88/EC or any provision of that Directive, that Directive or provision is to be read subject to the modifications specified in the Schedule to the Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2018, and as if:
 - (a) references to “member State” or “Member States”, other than those modified in that Schedule, included the United Kingdom;
 - (b) references to the diseases listed in Part 2 of Annex 4 to Directive 2006/88/EC were references to the diseases listed in Annex 1A to Regulation 1251/2008.”.
- (4) In Article 2—
 - (a) in the heading, omit “national”;
 - (b) in paragraph (1), for the words from “Member States” to “and fourth” substitute “parts of the British Islands listed in the second”;
 - (c) in paragraph (2), for “Member States referred to in paragraph 1” substitute “appropriate authority”.
- (5) In Article 3—
 - (a) in the heading, for “Part II of Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
 - (b) in paragraph 1, for the words from “Member States” to “Annex II” substitute “appropriate authority”;
 - (c) omit paragraph 2.
- (6) In Article 3a—
 - (a) in paragraph 1, for the words from “Member States” to “Annex III” substitute “the appropriate authority”;
 - (b) omit paragraph 2.
- (7) Omit Article 4.
- (8) In Article 5—
 - (a) in paragraph 1—
 - (i) for “a Member State listed in Annex I hereto” substitute “the appropriate authority”;
 - (ii) for “that Annex, that Member State” substitute “Annex 1, the appropriate authority”;

- (b) omit paragraph 2.
- (9) In Article 5a—
- (a) in paragraph 1 —
 - (i) for “a Member State listed in Annex III” and for “that Member State” substitute “the appropriate authority in each case”;
 - (ii) for “that Annex” substitute “Annex 3”;
 - (b) in paragraph 2—
 - (i) for “Member State concerned” substitute “appropriate authority”;
 - (ii) for “the Commission and the other Member States” substitute “each authority which, in relation to any constituent UK territory, is the appropriate authority”.
- (10) In Annex 1—
- (a) in the heading, for “Member State and areas” substitute “Constituent UK territories and Crown Dependencies”;
 - (b) omit the second and third columns;
 - (c) in the heading in the fourth column, omit “national”;
 - (d) in the fourth column omit all entries other than those in respect of an entry in the second column relating to the United Kingdom.
- (11) In Annex 2—
- (a) in the heading—
 - (i) for “Member States and parts thereof” substitute “Constituent UK territories”;
 - (ii) after “in accordance with”, insert “provision made under”;
 - (b) in the second column of the table—
 - (i) for “Member State” substitute “Constituent UK territory”;
 - (ii) omit “Sweden”, in each place where it appears;
 - (c) in the third column, omit “SE”, in each place where it appears;
 - (d) in the fourth column—
 - (i) omit “The continental parts of the territory”;
 - (ii) omit “The coastal parts of the territory”.
- (12) In Annex 3—
- (a) in the heading—
 - (i) for “Member States” substitute “Areas”;
 - (ii) omit “national”;
 - (iii) after “in accordance with”, insert “provision made under”;
 - (b) in the heading to the second column of the table, for “Member State” substitute “Area”;
 - (c) in the heading to the fourth column of the table—
 - (i) omit “national”;
 - (ii) omit “(Member States, zones and compartments)”.

Commission Implementing Decision (EU) 2015/1554

8.—(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 is amended as follows.

- (2) In Article 1—
 - (a) in point (a)—

- (i) for “Member States”, in the first place where it appears, substitute “the appropriate authority”;
 - (ii) for “Member States or” substitute “United Kingdom, constituent UK territories,”;
 - (iii) for “Part II to Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”;
 - (b) in point (c), for “a Member State” substitute “the United Kingdom, a constituent UK territory or a”.
- (3) In Article 2, after point (g), insert—
- “(h) “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;
 - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- but the appropriate Minister 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;
 - (iii) in respect of functions exercisable in relation to Northern Ireland, by the Department of Agriculture, Environment and Rural Affairs;
- (i) “constituent UK territory” means England, Wales, Scotland or Northern Ireland, as the case may be.”.
- (4) After Article 2 insert—

“Article 2a

Interpretation

For the purposes of any reference in this Decision to Directive 2006/88/EC or any provision of that Directive, that Directive or provision is to be read subject to the modifications specified in the Schedule to the Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2018, and as if:

- (a) references to “Member State” or “Member States”, other than those modified in that Schedule, included the United Kingdom;
 - (b) references to the diseases listed in Part 2 of Annex 4 to Directive 2006/88/EC were references to the diseases listed in Annex 1A to Regulation 1251/2008.”.
- (5) In Article 3—
- (a) for “Member States” substitute “The appropriate authority”;
 - (b) for “a Member State” substitute “the United Kingdom, a constituent UK territory,”.
- (6) In Article 4, for “Member States” substitute “The appropriate authority”.
- (7) Article 5—
- (a) in the heading, for “Member States,” substitute “the United Kingdom or constituent UK territories,”;
 - (b) for “Member States” substitute “The appropriate authority”;
 - (c) for “a Member State or in” substitute “the United Kingdom, in a constituent UK territory,”.
- (8) Omit Articles 6 to 8.
- (9) In Annex 1—
- (a) for “Member States”, in each place where it appears, substitute “constituent UK territories” ;

- (b) for “Member State”, in each place where it appears, substitute “constituent UK territory”;
 - (c) for “Part II of Annex IV to Directive 2006/88/EC”, in each place where it appears, substitute “Annex 1A to Regulation 1251/2008”.
- (10) In Annex 2, for “Part II to Annex IV to Directive 2006/88/EC” substitute “Annex 1A to Regulation 1251/2008”.

PART 3

Amendment of retained direct EU legislation on alien and locally absent species in aquaculture

Council Regulation (EC) No 708/2007

9.—(1) Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture is amended as follows.

(2) In Article 2—

- (a) in paragraph 1, for “Union” substitute “United Kingdom”;
- (b) in paragraph 2, for “Member States” substitute “the United Kingdom”;
- (c) in paragraph 3, for “jurisdiction of Member States” substitute “United Kingdom”;
- (d) in paragraph 4, for the words from “Article 6” to the end substitute “Article 4 of Regulation 1251/2008”;
- (e) in paragraph 5—
 - (i) for “Member States wish” substitute “the appropriate authority wishes”;
 - (ii) for “territory” substitute “constituent UK territory”;
- (f) in paragraph 6, for “Member States wish” substitute “the appropriate authority wishes”;
- (g) in paragraph 7, in the second subparagraph—
 - (i) for “Member States” substitute “The appropriate authority”;
 - (ii) for “their territory” substitute “the constituent UK territory”;
 - (iii) omit the last sentence.

(3) In Article 3—

(a) for paragraph 1 substitute—

“1. “aquaculture” means the rearing or cultivation of aquatic organisms using techniques designed to increase the production of the organisms in question beyond the natural capacity of the environment, where the organisms remain the property of a natural or legal person throughout the rearing and culture stage, up to and including harvesting;”;

(b) in paragraph 8, before “Directive 2006/88/EC”, insert “retained EU law which transposed”;

(c) for paragraph 18 substitute—

“18. “the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

but the appropriate authority is the Secretary of State if consent is given—

- (a) in relation to Scotland, by the Scottish Ministers;

- (b) in relation to Wales, by the Welsh Ministers;
- (c) in relation to Northern Ireland, by the Department of Agriculture, Environment and Rural Affairs.”.
- (d) for paragraph 19 substitute—
 - “19. “constituent UK territory” means England, Wales, Scotland or Northern Ireland, as the case may be.”.
- (4) In the heading to Chapter 2, omit “of the Member States”.
- (5) In Article 4—
 - (a) in paragraph 1, for “Member States” substitute “the appropriate authority”;
 - (b) in paragraph 2, for “authorities in the Member States” substitute “authorities”.
- (6) In Article 5—
 - (a) for “Member States” substitute “The appropriate authority”;
 - (b) for “a Member State” substitute “the appropriate authority”.
- (7) In Article 6, omit “of the receiving Member State”.
- (8) In Article 10, in paragraph 2, for “Member States which are signatories to ICES” substitute “The appropriate authority”.
- (9) Omit Article 11.
- (10) In Article 13—
 - (a) in the heading, omit “Union”;
 - (b) in point (a), before “Directive”, insert “retained EU law which transposed(a)”;
 - (c) in point (b), before “Council Directive”, insert “retained EU law which transposed(b)”.
- (11) In Article 15—
 - (a) in paragraph 2, for “territory of the Union” substitute “United Kingdom”;
 - (b) omit paragraph 3;
 - (c) in paragraph 4, omit “of the receiving Member State”.
- (12) In Article 19—
 - (a) in the heading, omit “Union”;
 - (b) in paragraphs (a) and (b), before “Directive”, in each place where it appears, insert “retained EU law which transposed”.
- (13) In Article 21—
 - (a) for “receiving Member State” substitute “competent authority”;
 - (b) for “Commission”, in each place where it appears, substitute “appropriate authority”.
- (14) In Article 23—
 - (a) in the first paragraph, for “Member States” substitute “The appropriate authority”;
 - (b) omit the second and third paragraphs.
- (15) Omit Article 25.
- (16) After Article 25, omit the words from “This Regulation” to “Member States”;
- (17) In Annex 3—
 - (a) omit “in the Member State of its location”;
 - (b) for “receiving Member State”, in each place where it appears, substitute “receiving constituent UK territory”;

(a) See in particular S.I. 2009/463, S.S.I. 2009/85 and S.R. 2009 No. 129.

(b) See in particular S.I. 2015/610, S.I. 2005/2517, S.I. 2018/1064 (W.223), S.S.I. 2005/613, S.R. 2018 No. 184 and S.R. 2006 No. 66.

- (c) in the second paragraph under the heading “Mortalities and disposal”, for “and Member States” substitute “which”.

Commission Regulation (EC) No 535/2008

10.—(1) Commission Regulation (EC) No 535/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture is amended as follows.

- (2) In Article 2, in point (b), for “a certain Member State” substitute “the United Kingdom”.
- (3) After Article 2 insert—

“Article 2a

Interpretation

In this Regulation, “the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

but the appropriate authority is the Secretary of State if consent is given—

- (a) in respect of functions exercisable in relation to Wales, by the Welsh Ministers;
- (b) in respect of functions exercisable in relation to Scotland, by the Scottish Ministers;
- (c) in respect of functions exercisable in relation to Northern Ireland, by the Department of Agriculture, Environment and Rural Affairs.”.

- (4) In Article 3—

- (a) in paragraph 1—
 - (i) for “Member States” substitute “The appropriate authority”;
 - (ii) for “Commission” substitute “Secretary of State”.
- (b) in paragraph 2, for “Commission” substitute “Secretary of State”.

- (5) In Article 4—

- (a) in paragraph 1, for “Member States”, in each place where it appears, substitute “The appropriate authority”;
- (b) omit paragraphs 2 and 3.

- (6) Omit Article 5.

- (7) After Article 5, omit the words from “This Regulation” to “Member States.”.

PART 4

Modification

Modification provision relating to Directive 2006/88/EC

11. The Schedule has effect for the purposes of references in any enactment to Directive 2006/88/EC where the enactment so provides.

Name

SCHEDULE

Regulation 11

MODIFICATION OF DIRECTIVE 2006/88/EC

1. Where an enactment provides that references to Directive 2006/88/EC are to be read subject to the modifications in this Schedule, that Directive is to be read for the purposes of that enactment as follows.

2. Article 10 is to be read as if—
 - (a) in paragraph 4, for the words from “to be drawn” to “Article 62(2)” there were substituted “in Decision 2008/896/EC”;
 - (b) paragraph 5 were omitted.
3. Article 17 is to be read as if—
 - (a) in paragraph 1, in the second place where it appears, for “Member State” there were substituted “the United Kingdom or a constituent UK territory”;
 - (b) in paragraph 2, the words from “in accordance” to “Article 62(2)” were omitted;
 - (c) paragraph 3 were omitted.
4. Article 29 is to be read as if—
 - (a) in paragraph 1(b), for “Member States, zones and compartments” there were substituted “the United Kingdom, a constituent UK territory, zone or compartment”;
 - (b) paragraph 4 were omitted.
5. Article 39 is to be read as if, for “Member State”—
 - (a) in the first place where it appears, there were substituted “the United Kingdom, constituent UK territory”;
 - (b) in the second place where it appears, there were substituted “the United Kingdom or constituent UK territory”.
6. Article 43 is to be read as if paragraphs (2) and (3) were omitted.
7. Article 44 is to be read as if—
 - (a) in paragraph 1—
 - (i) after “Member State”, in the first place where it appears, there were inserted “, in respect of the United Kingdom or a constituent UK territory”;
 - (ii) after “approval”, in the first place where it appears, the words from “in accordance” to “that procedure” were omitted;
 - (iii) the fourth unnumbered paragraph were omitted.
 - (b) in paragraph 2—
 - (i) for “a Member State” there were substituted “the United Kingdom or a constituent UK territory is”;
 - (ii) before “draws up” there were inserted “and”;
 - (iii) after “approval” the words from “in accordance” to “that procedure” were omitted;
 - (c) paragraph 3 were omitted.
8. Article 49 is to be read as if—
 - (a) in paragraph 1—

- (i) for “A Member State” there were substituted “The United Kingdom or a constituent UK territory,”;
 - (ii) the words from “in accordance” to “Article 62(2)” were omitted;
 - (iii) in points (b) and (c), for “Member State” there were substituted “United Kingdom or constituent UK territory”;
- (b) in paragraph 2—
- (i) the references to “neighbouring Member States” were, in relation to the United Kingdom, references to neighbouring member States, and, in relation to a constituent UK territory, references to neighbouring constituent UK territories;
 - (ii) for the words from “the Member State shall establish” to “territory” there were substituted “the appropriate authority shall establish appropriate buffer zones in the territory for which it is responsible”;
 - (iii) the reference to “the disease-free Member State” were to the United Kingdom or constituent UK territory, as the case may be;
- (c) in paragraph 3, the words from “in accordance” to “Article 62(2)” were omitted.
- 9.** Article 50 is to be read as if paragraphs (2), (3) and (4) were omitted.
- 10.** Article 51(2) is to be treated as omitted.
- 11.** Article 52 is to be read as if—
- (a) for “A Member State that” there were substituted “Where the United Kingdom or a constituent UK territory”;
 - (b) the words “in Member States” were omitted.
- 12.** Article 53(3) is to be read as if for “Member State” there were substituted “the United Kingdom, constituent UK territory”.
- 13.** Article 57 is to be read as if—
- (a) for “this Directive” there were substituted “retained EU law relating to animal health requirements for aquaculture animals and products, and the prevention and control of diseases in aquatic animals”;
 - (b) for the words from “diagnostic methods” to “Article 62(2)” there were substituted “diagnostic methods established by Decision 2015/1554”.
- 14.** Article 59 is to be treated as omitted.
- 15.** Part B of Annex 3 is to be read as if, before “Article 44”, “Article 49” and “Article 50” in each place where it appears, there were inserted “provision made under”.
- 16.** Part 1 of Annex 5 is to be read as if, in paragraph 2(b), for “methods adopted pursuant to Article 49(3)” there were substituted “the methods established by Decision 2015/1554”.
- 17.** Part 2 of Annex 5 is to be read as if paragraphs 1.2, 1.3, 2.2 and 3.7 were omitted.
- 18.** References to Chapter 5 are to be read as if such references were to retained EU law relating to disease control measures in relation to animal health requirements for aquaculture animals and products, and the prevention and control of diseases in aquatic animals.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) to (d) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

Part 1 amends retained direct EU legislation relating to aquatic animal health. Part 2 amends retained direct EU legislation on alien and locally absent species in aquaculture.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

DRAFT