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COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMISSION STAFF WORKING DOCUMENT

COUNCIL REGULATION

**amending Regulation (EC) No 708/2007 concerning use of alien and locally absent
species in aquaculture**

{COM(2009) 541 final}

Background information

As already mentioned in the Explanatory Memorandum, a formal Impact Assessment has not been carried out. This document summarises the main arguments to justify this approach and provides background information on the issue at stake.

Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture establishes a framework governing aquaculture practices in relation to those species. It provides for a system of permits to be introduced at Member State level in order to sift out species, or associated non-target species, that may be potentially damaging for the natural environment if specimens of such species were to escape from the aquaculture facility. Under this system a permit is needed for any movement (i.e. introduction or translocation) of specimens of such species for use in aquaculture and also a prior environmental risk assessment is required in given cases.

This Council Regulation applies to all aquaculture facilities. Nevertheless, movements of alien or locally absent species for use in "closed aquaculture facilities" are already considered by the Regulation to be of lower risk compared to their use in other aquaculture facilities. All such movements require the prior granting of a permit by the competent authorities, but for "closed aquaculture facilities" prior environmental assessment of those movements is not compulsory ((Article 2(6) of the Regulation).

At the time of adoption of the Regulation, Member States did not have a common view as regards defining further some criteria of "closed aquaculture facilities", and considered that additional scientific elements might be needed to support a decision to totally exempt such facilities from any permit requirement regarding the movement of alien or locally absent species. However, such a possibility was already being considered at the time of adoption of the Regulation.

Indeed, its Article 2(7) provides that introductions and translocations for use in "closed aquaculture facilities" may at a future date be exempted from the permit requirement, based on new scientific information and advice, and that a decision to that effect could be taken by "Comitology".

Since then, the Community-funded concerted action "Environmental impacts of alien species in aquaculture"(IMPASSE) (funded under the Sixth Framework Programme) has produced a more precise definition of "closed aquaculture facility", which includes the necessary characteristics to consider these facilities as bio-secure. The definition proposed by the IMPASSE project provides more precise criteria to ensure proper environmental protection.

The use of a new definition of "closed aquaculture facility" based on the IMPASSE results would justify exempting introductions and translocations of alien species for use in such facilities from the permit requirement, hence achieving administrative simplification.

The results of the IMPASSE project in relation to closed aquaculture facilities were presented to the Member States within the Management Committee for Fisheries and Aquaculture, and a large number of Member States supported the idea to improve the current definition of "closed aquaculture facility" in order to allow the said exemption. The aim is to remove the red tape associated with the permit procedure for those closed aquaculture facilities which can be considered as bio-secure and would be interested in farming "alien or locally absent" aquatic species.

However, if exempting closed aquaculture facilities from the permit requirement may be decided by the Commission, the parallel amendment of the present definition of "closed aquaculture facility" (provided in Article 3(3) of the Regulation) - to make such exemption fully compatible with a high level of environmental protection - requires an amendment of the Council Regulation.

The proposed modifications do not represent a major or substantial change to the Regulation. Technical adjustments need to be made to the definition of "closed aquaculture facility" and related provisions in order to allow the exemption under consideration, while keeping fully in line with the objectives of this Regulation. As mentioned above, this action is already envisaged in the Council Regulation and the proposed change will just address a pending decision of the legislative framework concerning the use of alien and locally absent species in aquaculture.

The proposal for Council Regulation 708/2007 was accompanied by its own Impact Assessment (SEC (2006)421). The IMPASSE concerted action provides the scientific and technical basis for exempting introductions and translocations of alien or locally absent species for use in "closed aquaculture facilities" from the permit obligation. Moreover, the consequences of the proposal will be very limited as it applies only to "closed aquaculture facilities". However, these facilities will benefit from the proposed simplification, as time-consuming permit procedures which tie up resources will be eliminated. This amendment will ensure that the current high level of environmental protection is maintained and, at the same time, will help to produce positive social and economic impacts since the facilities concerned can be freed from the costs associated with the permit procedures. A specific Impact Assessment addressing this limited modification of the Regulation would not therefore provide any added value as it represents just an executive decision on a technical issue with marginal consequences. It would not be proportionate to invest additional effort and time in carrying out a formal Impact Assessment.

The size of the problem

Specific data on the number of facilities or on production in "closed aquaculture facilities" that would today comply with the new proposed definition are not available. Mandatory collection of information or statistics on aquaculture activities, and particularly the technicalities of the production facilities, by Member States is sporadic. However, limited but relevant information concerning all the Recirculation Aquaculture Systems (RAS) can be used to show that the impact of the proposed amendment of Regulation 708/2007 will be very limited.

Currently, RAS technology in Europe produces a range of different species at varying stages of development; fingerlings, grow-out and broodstock. Grow-out facilities account for the most use of RAS by volume, producing approximately 20 000 t per annum in 2005. Eel, African catfish, and trout¹ are by far the most significant, with the Netherlands and Denmark accounting respectively for some 50% and 25% of total European production. At EU hatchery

¹ African catfish and rainbow trout are included in Annex IV to Regulation 708/2007, which means that, in principle, these species are exempted from the permit procedure but it depends on the decision of the MS.

level approximately 370 million fingerlings were estimated to have been produced in 2005. The main centres of production were Greece, Denmark, Italy and France^{2,3}.

According to Schneider et al⁴ (personal communication) the main species to grow out using RAS in Europe are African catfish, European catfish, Arctic char, Eel, Sturgeon, Tilapia, Turbot, Pike perch, Sole, Barramundi, Sea bass, Trout (Trout in outdoor recirculation systems), and a small group of others⁵.

The vast majority of the companies using the recirculation systems can be found in the Netherlands (80-100 companies; total production of between 9 400 and 13 000 tonnes; value of production: €45 million – €2 million; approximately 200 full-time equivalents employed in RAS⁶) and Denmark (7 000 tonnes (mostly eel and trout); production value about €16.3 million; 64 people employed in RAS – including full-time, part-time, and seasonal workers^{7,8}).

However, there are no data available on annual turnover of the enterprises and on the number of movements.

The above data illustrate that even the entire RAS output constitutes just a small proportion of the total production of European aquaculture. It needs to be stressed in addition that the number of "closed aquaculture facilities" as strictly defined by the proposal is lower than the number of total RAS facilities, and is today very limited. Moreover, not all species which are presently farmed in those facilities are covered by Regulation 708/2007.

Risk involved:

The proposed amendment of Regulation 708/2007 does not represent any specific risk that needs to be highlighted. The more precise definition of "closed aquaculture facility" is stricter and tighter than the previous one and therefore ensures maximal bio-security of those facilities. At the same time, it removes red tape.

Detailed information on the number of such facilities in the EU is not available, and the Commission services cannot provide an estimate of the number of companies that may benefit from this proposal at present. But this administrative simplification may also be of benefit in

² For comparison: overall aquaculture production in the EU was about 1.3 million tonnes in 2005.

³ JRC: Prospective Analysis of the Aquaculture Sector in the EU; part 2: Characterisation of emerging aquaculture systems – cf. <http://ipts.jrc.ec.europa.eu/publications>

⁴ Oliver Schneider et al., Wageningen UR, IMARES

⁵ In principle, Regulation 708/2007 does not apply to farming of African catfish, European catfish, Arctic char, Eel, Sturgeon, Turbot, Pike perch, Sole, Seabass, Trout.

⁶ JRC: Prospective Analysis of the Aquaculture Sector in the EU; part 2: Characterisation of emerging aquaculture systems – cf. <http://ipts.jrc.ec.europa.eu/publications>

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⁸ The value of overall aquaculture production is approximately €3 billion. Direct employment in the EU aquaculture sector is, according to the data available, approximately 65 000 full-time jobs. Regarding the structure of the sector, the vast majority of the enterprises are SMEs. According to Framian 2007, there are some 14 400 firms in the EU.

the future to any enterprises that would be interested in developing aquaculture of a new "alien or locally absent" species and would make the necessary changes to a production facility in line with the proposed definition of "closed aquaculture facility".