Opinion of the European Economic and Social Committee on the 'Amended proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture'

COM(2010) 393 final — 2009/0153 (COD)

(2011/C 51/16)

Rapporteur-general: **José Maria ESPUNY MOYANO**

On 2 September 2010 the European Parliament decided to consult the European Economic and Social Committee, under Article 43(2) of the Treaty on the Functioning of the European Union, on the

Amended proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture

COM(2010) 393 final — 2009/0153 (COD).

On 14 September 2010, the Bureau of the European Economic and Social Committee instructed the Section for Agriculture, Rural Development and the Environment to prepare the Committee's work on the subject.

Given the urgent nature of the work, the European Economic and Social Committee appointed **Mr Espuny Moyano** rapporteur-general at its 466th plenary session, held on 21 October 2010, and adopted the following opinion by 177 votes to two with ten abstentions.

1. Conclusions and recommendations

1.1 The Committee welcomes the new, more precise definition of so-called 'closed aquaculture facilities', based on the contributions made by the IMPASSE project (concerted research action on the *Environmental impacts of alien species in aquaculture*), and the clarification on the location of such facilities in terms of their distance from open waters, as well as other improvements to the wording of Regulation (EC) No 708/2007, which closely reflect the recommendations made in the opinion CESE 453/2010.

1.2 In the EESC's view, provided that the appropriate measures are adopted to prevent any changes to ecosystems and biodiversity, aquaculture should be able to continue reaping the benefits of introducing alien species and translocating locally absent species in the European Union and thus boost sustainable development in this area.

1.3 The Committee wishes to emphasise the need to clearly determine the conditions that closed aquaculture facilities must meet in order to cut the red tape applying to them.

1.4 The EESC also supports the amendments made to Regulation (EC) No 708/2007 following the entry into force of the Treaty of Lisbon, the main purpose of which is to authorise the changes to Annexes I, II, III and IV under the 'comitology' procedure.

2. Introduction

2.1 Aquaculture is a constantly developing sector that should meet the demands of the market, one of which is to diversify the species reared and sold.

2.2 In the past, European aquaculture, like other farming and livestock activities, passed on to society the benefits of introducing alien species. At present, four of the ten main species produced by aquaculture in the European Union can be deemed alien (rainbow trout, Pacific oyster, common carp and short-necked clam) and their presence is today considered to be routine and necessary.

2.3 Nevertheless, the introduction of invasive alien species is now seen as one of the main causes of biodiversity change globally. The primary routes of the undesired entry into the European Union of alien aquatic species are ballast water from large ships, recreational fishing and fishkeeping. Climate change is another cause of alien species entering EU waters by their own means.

2.4 Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture was recently subject to a number of amendments, on which the EESC delivered an opinion (CESE 453/2010 – rapporteur: Mr SALVATORE), which was adopted by a broad majority and remains fully applicable. Some of the suggestions made in that opinion, such as its request for a clear statement that closed aquaculture facilities are always understood to be land-based and that there must be a minimum safety distance, protection from predators, etc., have now been included in the proposal for an amendment (amendments to Article 3), which demonstrates the value of the EESC's recommendations.

3. **General comments**

3.1 The European Union should adapt the legislative framework for regulating aquaculture practices as regards the use of alien and locally absent species and of any associated non-target species, in light of both the entry into force of the Treaty of Lisbon and the contributions and suggestions made by a number of different bodies, including the EESC.

3.2 The aim of this legal framework should be to minimise the risk of adverse effects on biodiversity, especially on species, habitats and ecosystems. These regulations should be underpinned by the precautionary principle, should include procedures for assessing potential risks and should provide for the drawing-up of contingency plans.

3.3 Alien aquaculture species that were introduced into the European Union some considerable time ago and which are reared as a matter of routine should be treated differently, to ensure that they can continue to be reared without having further red tape imposed on them, provided that non-target species are not transferred with them.

3.4 Council Regulation (EC) No 708/2007 established a regulatory framework for aquaculture practices involving alien and locally absent species, in order to assess and minimise the potential impact of those species on aquatic habitats.

3.5 Reducing environmental risks requires adopting measures such as protocols for action at receiving facilities, prior environmental risk assessments and quarantine.

3.6 Proper management of risks in the use of alien and locally absent species requires the different parties concerned, especially the Member States, to shoulder their responsibilities.

3.7 Advantage should be taken of the developments in knowledge about the use of alien species in aquaculture to improve regulation in this field, especially the new scientific knowledge gained by research initiatives funded by the European Union, such as the IMPASSE project.

4. **Specific comments**

4.1 Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture should be adapted to reflect the new provisions of Article 290 of the Treaty on the Functioning of the European Union on delegated powers and of the same treaty's Article 291 on implementing powers. This will bring Council Regulation No 708/2007 into line with the decision-making procedure provided for under the new Treaty.

4.2 Because closed aquaculture facilities are deemed safe and to entail little risk of specimen escape they, amongst others, should be exempt from the obligation to carry out prior environmental impact assessments.

4.3 Given the exemptions that will be granted to closed aquaculture facilities, it is particularly important to establish the biosecurity features that this type of facility must demonstrate.

4.4 The features that closed aquaculture facilities must demonstrate should go beyond viewing the water in which rearing takes place as the only means of escape for the specimens being reared; in particular, by ensuring they are land-based and safe from predators and the potential effects of flooding, with measures in place to combat theft and vandalism, establishing a barrier effect for pathogens and managing dead organisms.

4.5 Lists detailing all closed aquaculture facilities in the European Union should be drawn up, to be consulted at any time by any Member State. These lists should be produced immediately, regularly updated and made available on the Internet.

4.6 The process of transporting alien or locally absent species from or to closed aquaculture facilities is critical, and should thus be carried out in a way that prevents specimens from escaping.

4.7 The movement of alien aquatic species through pet shops, garden centres, garden ponds and aquaria present almost as much of a threat to diversity as aquaculture and should therefore be subject to regulation and monitoring as tough as those applying to aquaculture.

4.8 Although this issue is not addressed in the proposal to amend Regulation (EC) No 708/2007, it is incorrect to define an 'open aquaculture facility' as one where aquaculture is conducted in an aquatic medium not separated from the wild aquatic medium by barriers preventing the escape of reared specimens. Open aquaculture facilities do contain physical barriers ensuring that reared specimens remain in captivity. What they cannot provide is a solid guarantee that in certain circumstances (storms, floods, predator attacks, etc.) no specimen can escape into open water.

Brussels, 21 October 2010.

The President
of the European Economic and Social Committee
Staffan NILSSON