Opinion of the European Economic and Social Committee on the Proposal for a Council Regulation concerning use of alien and locally absent species in aquaculture

COM(2006) 154 final — 2006/0056 (CNS)

(2006/C 324/07)

On 2 May 2006, the Council decided to consult the European Economic and Social Committee, under Article 37 of the Treaty establishing the European Community, on the abovementioned proposal.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 8 September 2006. The rapporteur was Mr Tornberg.

In view of the renewal of the Committee’s term of office, the Plenary Assembly has decided to vote on this opinion at its October plenary session and has adopted Mr Espuny Moyano as rapporteur-general under Rule 20 of the Rules of Procedure.

At its 430th plenary session, held on 26 October 2006, the European Economic and Social Committee adopted the following opinion by 94 votes to none, with two abstentions.

1. Introduction

1.1 The Council has called on the EESC to issue an opinion on the proposal for a Council Regulation concerning use of alien (*) and locally absent (**) species in aquaculture.

1.2 The Commission’s proposal is aimed at protecting the aquatic environment and its biodiversity from the risks that accompany the occurrence of alien species. The Commission has deemed the existing framework, which includes the Habitats Directive (***) to be insufficient.

1.3 The Commission is proposing to introduce a regulation, based on already existing practices and codes of practice, without prejudice to future strategies.

1.4 The proposed regulation does not deal with problems relating to, for example, angling, ornamental fish and other exotic animals, but aims to foresee, prevent and manage the future problems caused by alien species away from their natural habitats.

1.5 The Committee feels that there is a tendency to over-regulate within the European Union. This should not be the case for the proposed regulation.

1.6 The EESC recommends the drawing up of a list of established species (i.e. ‘naturalised’ alien species) in order to reduce the bureaucracy and red tape for these species.

1.7 The Committee recommends that the term ‘locally absent species’ be properly defined. The terms ‘zones’ and ‘ecoregions’ should also be defined in the context of the proposed regulation.

1.8 The EESC also feels that the EU is a single market, and that there should be a distinction between alien and locally absent species within the EU and outside of the EU.

1.9 The EESC notes the foreseeable problems small producers would face as a result of the introduction of this regulation. In particular, it notes the lengthy forms, as per Annex 1 of the proposal.

2. General comments

2.1 The proposal to regulate at EU level the import of alien species into the Community area for use in aquaculture, which will protect the variety of native aquatic fauna and flora (****) and at the same time promote the development of aquaculture, is very much welcomed by the EESC in principle.

2.2 The Committee acknowledges the high importance and need for a regulation concerning the use of alien species in aquaculture, in order to protect the aquatic environment and its biodiversity.

2.3 In the event of the proposed regulation’s adoption, the Committee urges the Commission to launch an appropriate information campaign on the regulation in order to prevent it from being misused by the media seeking to scare consumers and to sell more newspapers.

(*) Alien species as defined by the proposal for a Council regulation COM (2006) 154 final (Article 3).
(**) Locally absent species as defined by the proposal for a Council regulation COM(2006) 154 final (Article 3).

(****) The study group discussed the example of the American bullfrog escaping into the Aquitaine region of Southern France and other parts of Europe with negative effects. Although the bullfrog is not a product of aquaculture, it may be assumed that it came from the ornamental sector, which is not covered by this regulation.
2.4 The EESC feels that it is essential for the regulation to favour the development of aquaculture in Europe (1), since it is a growing sector which will create many opportunities in the future, if it is not hampered by the current proposal in its present form.

2.5 The EESC notes the rapid progress and development of the sector outside the EU, noting also that the sector is saturated and in need of the development of new species. The EESC also points out that the aquaculture sector has the potential to be a success story within the framework of the CFP (Common Fisheries Policy), for the fishing sector.

2.6 The EESC feels that intra-EU trade should be simplified, with less red tape and documentation, and should not be over-regulated.

2.7 The Committee stresses the need to ensure that the regulation is not so cumbersome as to hinder the further development of the sector and has concerns regarding the unity between its ecological, economic and social aspects. Moreover, the Committee feels that translocation of species is sufficiently controlled within the EU.

2.8 The real difficulties for the aquatic environment in our regions are caused by the introduction of exotic or alien species in aquaculture. In order to simplify and shorten the proposal as much as possible, the Committee's proposal would be to concentrate efforts on this problem and deal with locally absent species separately. The use of locally absent species does not seem very important in aquaculture. Another related problem is that the regions where one species is absent, are not defined by the Commission.

2.9 A further simplification would be to distinguish between species within the EU and alien and locally absent species from outside of the EU. The EESC recommends that this be taken into consideration since the EU is moving towards a more integrated common market.

2.10 The Committee observes that, due to the volatility of the sector, it might not always be feasible and practicable for producers to plan as far ahead as deemed necessary by the Commission in order to receive a permit for import and movements.

2.11 For example, if a producer is breeding a certain stock from Israel and the stock dies, the producer needs to act quickly and, for instance, import from the USA in order to avoid losing valuable time. The current proposal would prevent the producer from carrying out his activities until he receives a new permit. Translocations and movements, and in particular trade movements, should be exempt from the proposed regulations after the general scientific statement that the 'risk' to cultivate an alien or locally absent species in aquaculture is low.

2.12 The EESC notes the frustration of professionals within the sector at the approach often taken by the Commission. Therefore it is also important to focus on ensuring that the regulation is simplified and practically-oriented and that costs are minimised for the parties concerned.

2.13 The Committee notes that ornamental fish and salmon are not dealt with in this proposal, but stresses that these are potentially large contributors to the overall problem.

2.14 The EESC stresses the importance of ensuring that the regulation is clear in its objectives and has a clear scope and limit. Given that there are no comprehensive and detailed rules concerning the sector, the EESC suggests that the Commission should propose such an overarching regulation, or at least launch an action plan for the future direction of the sector.

2.15 The EESC is aware that the proposal originated before the EU's 2005 simplification initiative but feels that the current proposal should take this into account by being simplified.

3. Specific comments

3.1 The proposal goes far beyond necessary and justified measures; the status quo regarding species some of which have been used in European aquaculture for centuries (e.g. carp, rainbow trout, char and others) is not taken into account. So far the cultivation of these species has not led to any damage to ecosystems. Risk assessments for the movement of these species at all stages of development and lengthy authorisation procedures are far removed from reality and not practicable. It is common practice for aquaculture firms in the Community area to cooperate across borders in compliance with the veterinary requirements and to move carp, trout and other established fish species on a short-term basis.

3.2 The Committee urges that established fish species (*) be excluded from the provisions of the draft regulation through a positive list or a list of exceptions by the individual member states. Equally, the issue of locally absent species should be excluded. It is incomprehensible to associate controlled aquaculture with the spreading or translocation of indigenous but locally absent fish or other species.

3.3 The issue of locally absent species is already regulated by specific regulations of the Member States. The proposed regulation should concentrate on the protection of the EU's aquatic biodiversity from the risks that accompany the import of alien species. In fact it would be very difficult to implement the proposed regulation concerning locally absent species because there is no generally accepted definition of local regions in this context. Omitting the provisions on locally absent species would make the proposed Council Regulation more readily comprehensible and much easier and cheaper to implement.

(*) For example, carp (cyprinus carpio) and rainbow trout (oncorhynchus mykiss) in Poland, to mention but a few.

3.4 The Committee points out that the decision period of up to a year on an application for movement (Article 10) would delay production decisions to an unacceptable extent and lead to unacceptable economic disturbances, and recommends that the period be shortened.

3.5 The EESC also stresses the importance of exploring the possibility of a ‘what if’ scenario under Article 10, to provide for cases where a permit application receives no response. For example, under Spanish law, silence equals consent if there is no reply within the proposed deadline of one year. The EESC feels that, if legally possible, the Spanish example should be applied to this Article of the proposal.

3.6 Applications for multiple movements over 5 years (Article 6) are not practicable, since very short-term unplanned decisions on purchases, sales and the exchange of fish at various development stages are frequently required. The proposed regulation would directly conflict with the planned provisions on the declared objectives of promoting aquaculture and promoting the diversification of the range of species in aquaculture.

3.7 Decisions on applications for the import and movement of aquatic organisms for aquaculture are important; they should be based on scientific reasons and announced as early as possible.

3.8 For the authorities concerned, the planned consultative committee and the aquaculture firms, the wide-ranging rules would mean immense personnel and financial expenditure, which cannot be met with the available human resources. That would conflict with the general drive to reduce bureaucracy both in the Member States and at EU level.

3.9 The EESC feels that the excessive quantity of rules should be reduced to what is strictly necessary. In particular, there should be fewer criteria in Annex 1 of the proposed regulation.

3.10 The import and movement of alien fish species can entail considerable risks. Thorough scientific knowledge is needed to assess these risks. The scientific data needed cannot, as suggested in Annex 1, be acquired by applicants from their work; the applicant would need expert advice.

3.11 The Committee feels that, in order to help producers, a list of EU scientists with the required knowledge should be made readily available to producers. At the same time, information or training on the application process should also be made available to producers.

3.12 It is proposed that instead of the planned individual assessments only one sample risk assessment for each ecoregion or Member State, to be carried out by a qualified scientific establishment, should be provided for. If the risk is estimated as ‘slight’ in such a sample assessment, any future application for a routine movement in that ecoregion can be confined to providing details on locality, personnel and dates. This proposal would lead, if implemented, to a better quality of risk assessment and at the same time to an enormous saving in bureaucratic expenditure for the aquaculture firms and the authorities. The costs of a sample assessment by a scientific establishment should be borne by the European Fisheries Fund (EFF).

3.13 The Committee further stresses the need for ecoregions to be defined by the Council Regulation for harmonisation between the Member States.

3.14 The EESC feels that it would be beneficial to have an interval of at least one year between the date of publication of the regulation and its entry into force, in order to bring national legislation into line and to inform the sector and people concerned of the changes that will be introduced.

3.15 The Committee draws attention to its previous opinions on the CFP (\(^7\)), aquaculture (\(^8\)) and biodiversity (\(^9\)), and fully stands by them in the context and scope of this opinion.

3.16 The Committee draws the Commission’s attention to GMO and polyploid species. Their potential danger to the aquatic environment should not be underestimated. There is a need for stricter regulation of genetically modified organisms as well as salmon in aquaculture and the introduction and translocation of ornamental species.

3.17 The Committee calls upon the Commission to take note of both this opinion and those previously mentioned in order to create a better working environment for the aquaculture sector with regard to the use of alien and locally absent species in aquaculture.

Brussels, 26 October 2006.

The President of the European Economic and Social Committee

Dimitris DIMITRIADIS

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\(^7\) Simplification of the CFP, CESE 961/06, rapporteur: Sarró Iparraguirre (adopted on 5 July 2006).

\(^8\) Ibidem footnote no 3.