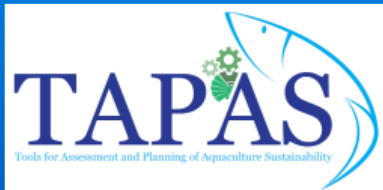


# Critical Review of Legislation and Practice and Their Impact on Aquaculture Development

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This project has received funding  
from the EU H2020 research and  
innovation programme under Grant  
Agreement No 678396



# EU Policy on aquaculture

## **Strategic Guidelines for the sustainable development of EU aquaculture 2013**

1. Available data show a growing gap – estimated at 8 million tonnes – between the consumption of seafood in the EU and captures from fisheries.
2. The Commission (& MS) aim reduce this gap by environmentally, socially and economically sustainable EU aquaculture
3. Aquaculture can contribute to the overall objective of filling the gap between EU consumption and production of seafood in a way that is environmentally, socially and economically sustainable.
4. Each Member State to indicate in a multiannual national plan its own aquaculture growth objectives (volume and value).

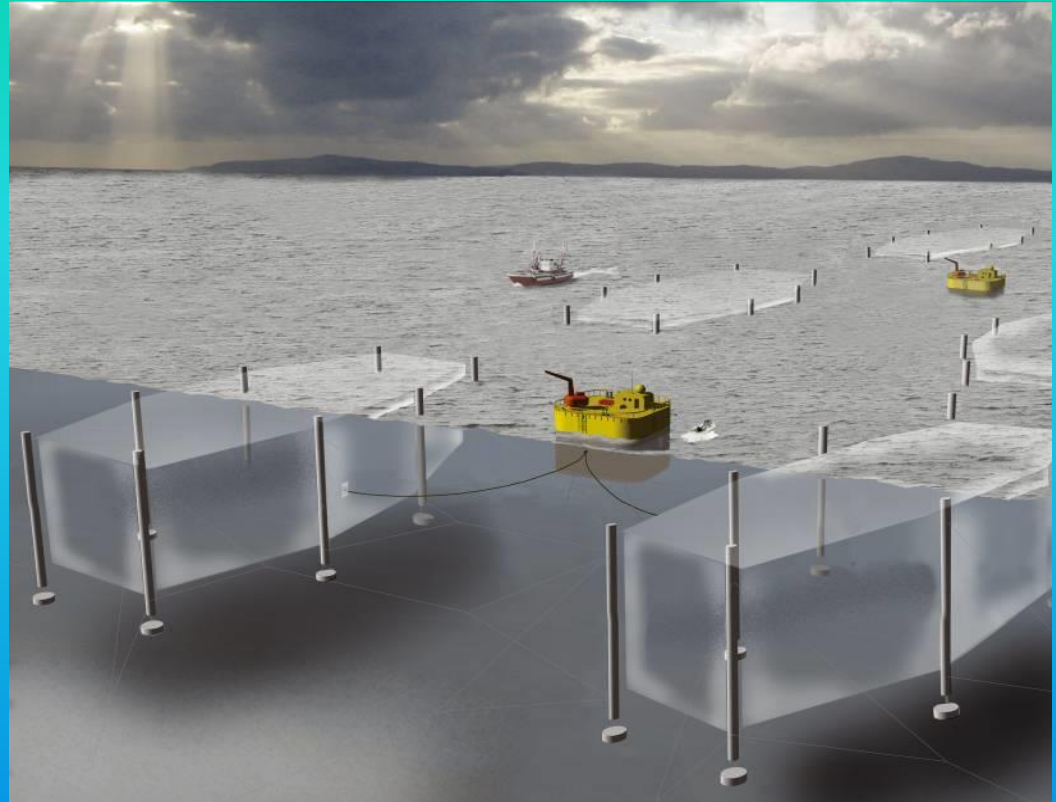
## *Hunter or Shepherd ?*



*“With earth's burgeoning human populations to feed we must turn to the sea with new understanding and new technology. We need to farm it as we farm the land.”*

**JACQUES COUSTEAU,  
1973**

# Tomorrow's Offshore Seafood Industry ?



- In fact EU aquaculture production is showing almost no growth.
- In some countries it has declined.

**Why?**

# Is EU legislation impacting on aquaculture?

*“A majority of the experts point out that the administrative issues are far more important to solve than the technical ones. The EWG 14-10 experts identified **environmental regulations, difficulties in the licenses process** due to multilevel governance and competition for space both on land and in the coastal zones as the most important areas to be addressed to increase growth in the EU aquaculture sector.”*

**Scientific, Technical and Economic Committee for Fisheries (STECF) – The economic performance of the EU aquaculture sector (STECF 14-18). 2014**

# The way forward for European aquaculture

Commissioner Vella (Brussels, 24 May 2016)

- Need to continue to help the European aquaculture sector grow.
- Create sustainable jobs and growth in Europe,
- Contribute to improved food security for European citizens.
- Over the next 10 years we can increase the value of the EU aquaculture sector by 30% - without compromising on our environmental standards.
- Slow, costly and complex procedures mean that many regions miss out on the jobs and growth that new aquaculture business can bring.
- Help identify and eliminate unnecessary red tape and gold-plating of standards, which deter and prevent growth in the sector

# How is EU law impacting on aquaculture development?

Very little hard data available

EU is trying to compile information at present

Expert and stakeholder opinion suggests:-

- Complex processes not clearly understood leading to delays
- Very costly data gathering and analysis taking time and money
- Uncertainty as to requirements leading to misunderstanding and “gold plated standard” approach
- Lack of a unified approach at EU, National & Regional authority levels.

## Key developments in EU law

**Birds Directive** 79/409/EEC (April 1979). It is the oldest piece of EU legislation on the environment. Amended in 2009, it became 2009/147/EC.

**Habitats Directive** 92/43/EEC (May 1992) on the conservation of natural habitats aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements.

**Natura 2000** is a network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right. The aim of the network is to ensure the long-term survival of Europe's most valuable and threatened species and habitats, listed under both the Birds Directive and the Habitats Directive.





# Some EU Law impacting on Aquaculture:-

Marine Spatial Framework Dir. 2014/89/EU

Water Framework Dir. 2000/60/EC

Shellfish Waters Dir. 2006/113/EC

The Habitats Dir. 92/43/EEC

The Birds Dir. 2009/147/EC

Natura 2000

Listed Diseases Dir. 2006/88/EC

Health of Aqua Animals & Products Reg. 2006/88/EC

Marine Strategy Framework Dir. 2008/56/EC

Hazardous Waste Dir. 2000/532/EC

Waste Dir. 2006/12/EC

Environmental Liability Dir. 2004/35/EC

Aarhus Convention: 2003/4/EC, 2003/35/EC

EIA Dir. 2014/52/EU

Dangerous Substances 2006/11/EC

Animal Health Law 2016/429/EU

Use of Alien & Locally Absent Species in Aqua 708/2007/EC)

Residues of Veterinary Medicinal Products Dir. 96/23/EC

Hygiene Rules for Food of Animal Origin Reg. 853/2004/EC

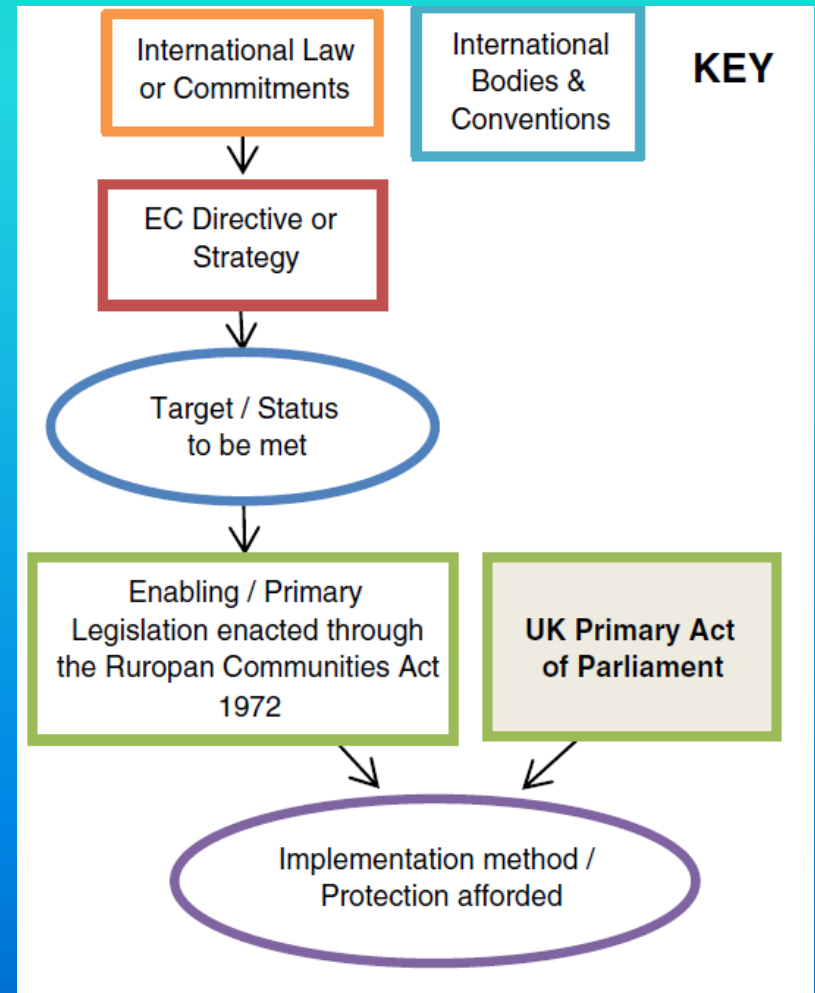
#19 and counting!

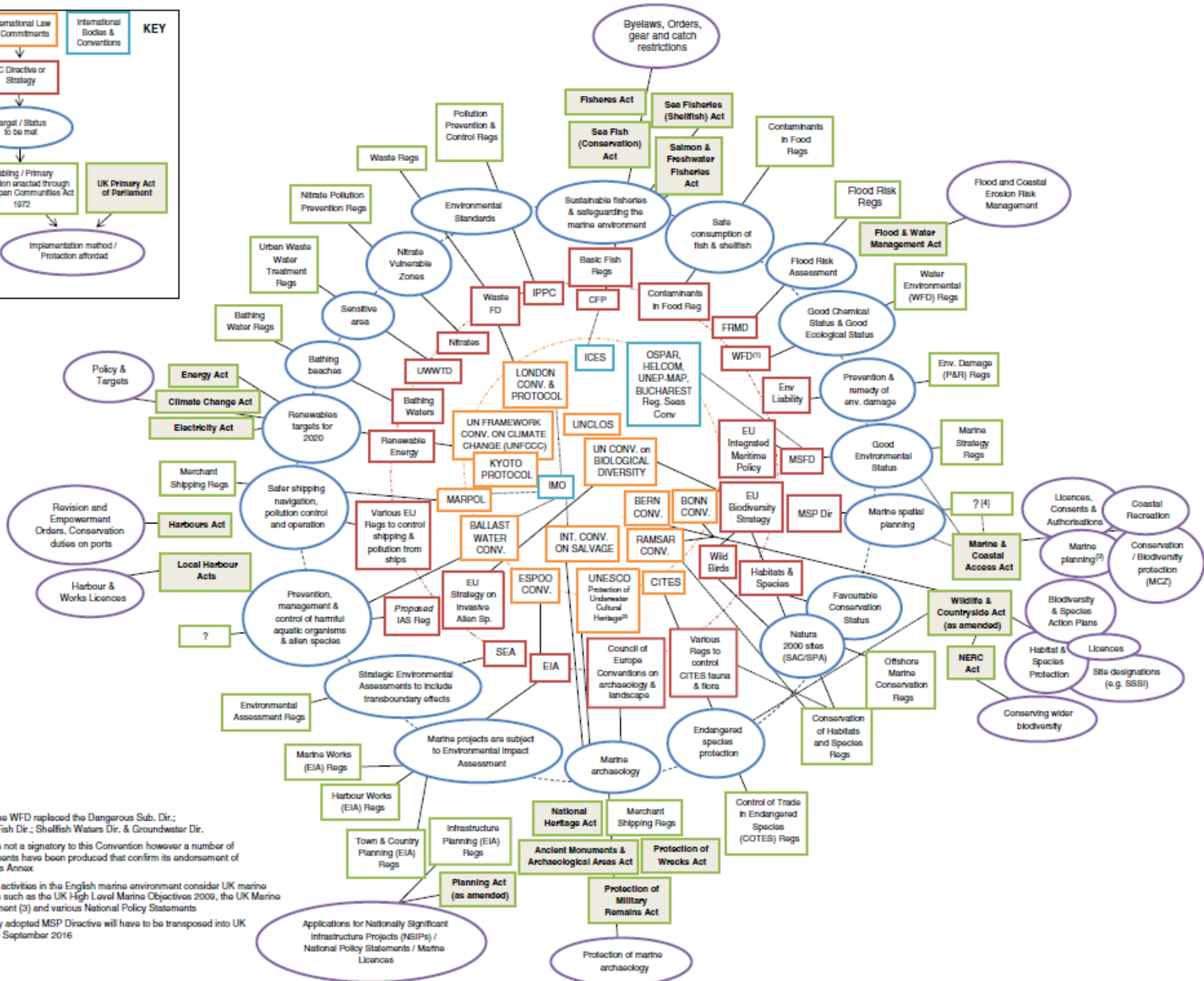
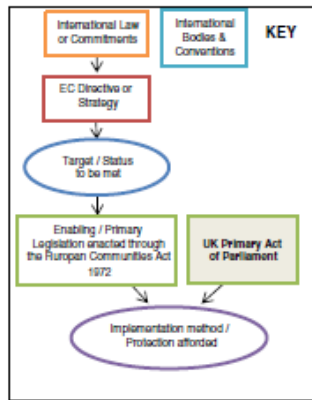
## There is a process to implement international & transnational law:

- International conventions e.g. OSPAR, UNCLOS etc
- EU directives and regulations
- Bilateral treaties

This process has implications for EU aquaculture

Case Study: UK





(1) In 2013 the WFD replaced the Dangerous Sub. Dir.; Freshwater Fish Dir.; Shellfish Waters Dir. & Groundwater Dir.

(2) The UK is not a signatory to this Convention however a number of public statements have been produced that confirm its endorsement of the rules in its Annex

All regulated activities in the English marine environment consider UK marine policy drivers such as the UK High Level Marine Objectives 2009, the UK Marine Policy Statement (3) and various National Policy Statements

(4) The newly adopted MSP Directive will have to be transposed into UK legislation by September 2016

Applications for Nationally Significant Infrastructure Projects (NSIPs) / National Policy Statements / Marine Licences

Protection of marine archaeology

# TAPAS:

## Tools for Assessment and Planning of Aquaculture Sustainability

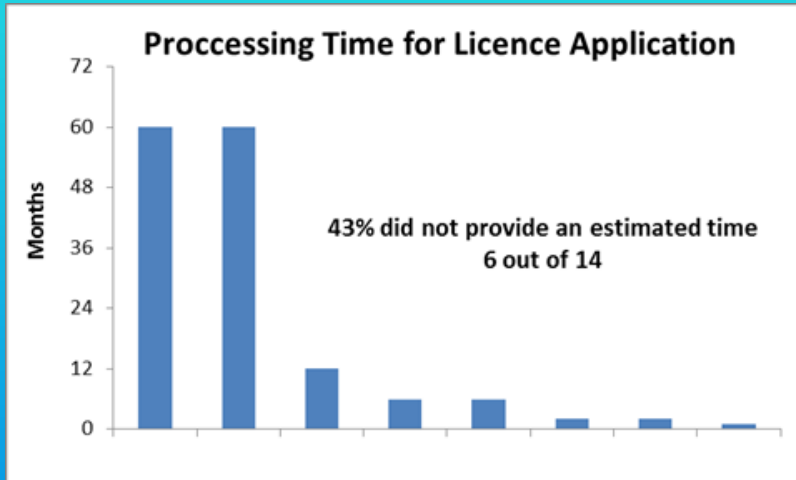
*TAPAS will use a requirements analysis to evaluate existing regulatory and licensing frameworks across the EU, taking account of the range of production environments and specificities and emerging approaches such as offshore technologies, integrated multi-trophic aquaculture, and integration with other sectors. We will propose new, flexible approaches to open methods of coordination, working to unified, common standards.*

Goals:-

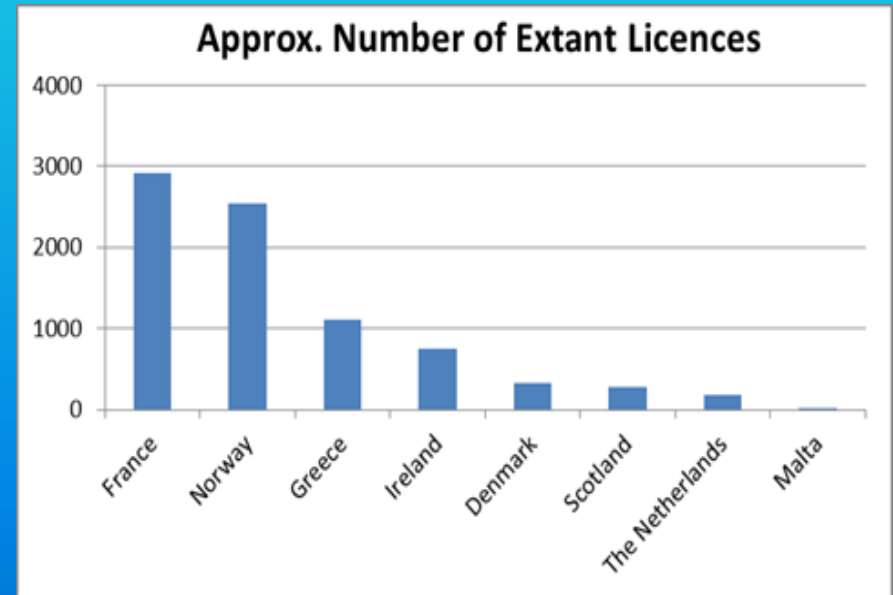
Identify bottlenecks, suggest solutions and ground-truth with stakeholders



# Some preliminary results form the TAPAS project



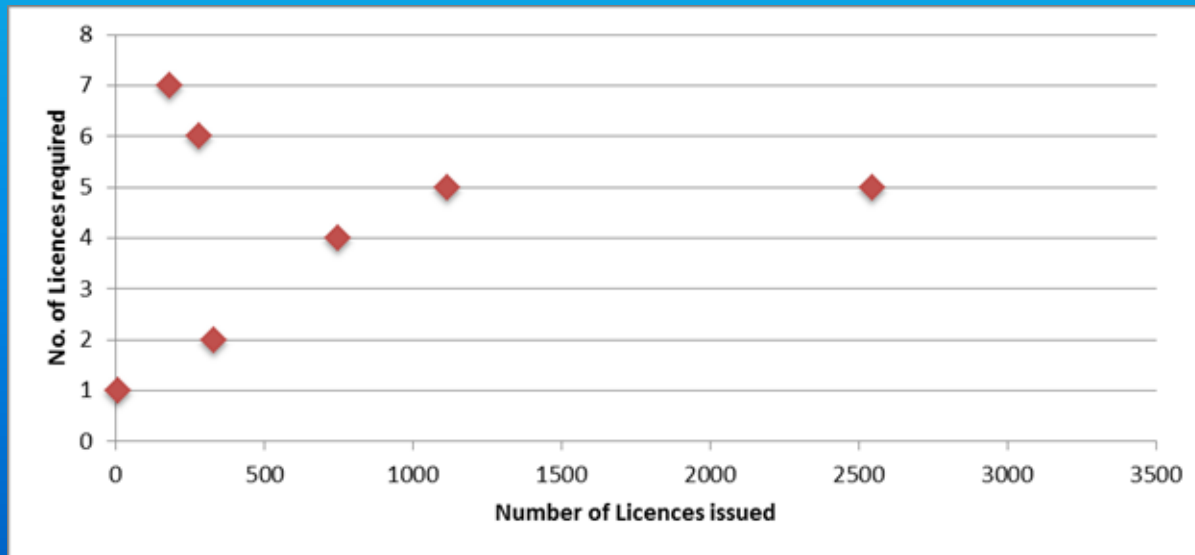
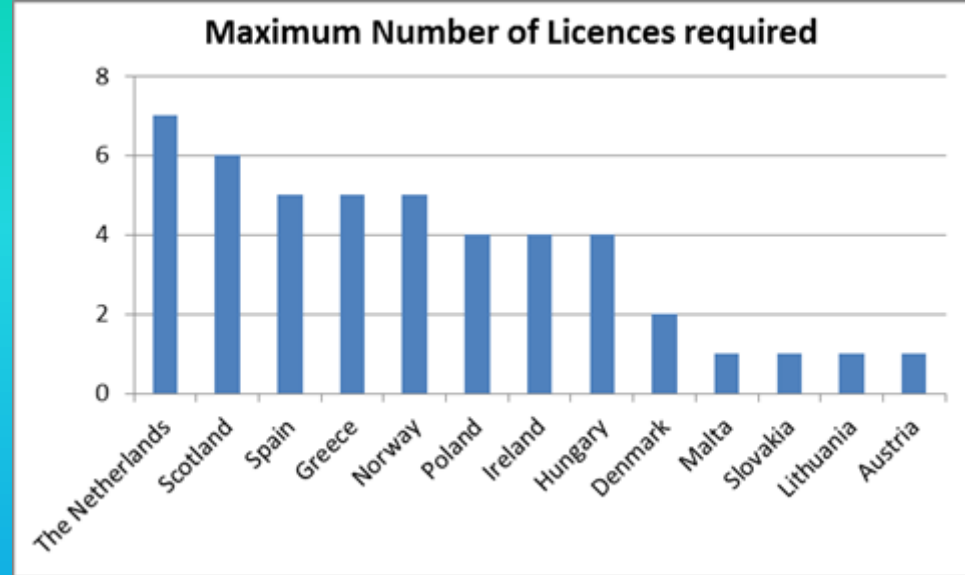
Of the 14 respondents, 6 gave no estimate, 2 estimated upto 60 months, one estimated 12 months, and 5 estimated less than 6 months.



# Multiple licenses for a single operation !

Most aquaculture producers are SMEs

The weight of regulatory and administrative costs compared to turnover and number of employees can be up to ten times higher for SMEs than for large companies



## Conclusions so far:-

- The complex nature of aquaculture legislation is a major issue.
- The administrative burden is heaviest on SME's.
- Need to implement EU environmental legislation without imposing unnecessary burdens on producers.
- Need to deal with environmental planning and compliance thresholds at a regional or local level;-not SME level.
- Much work to be done on identifying thresholds & management tools to simplify the process.

# Next Steps?

- Identify bottlenecks
- Ground-truth with stakeholders
- Simplify administrative procedures
- Co-ordinated spatial planning
- Develop management tools (*toolbox*)
- Multi-annual national strategic plan for aquaculture

*“Providing a better framework for the aquaculture industry is by far the most important issue to solve to lay the foundation for future growth in the European aquaculture sector.”*



## Some Key questions for you

- Is aquaculture recognised as a contributor to food security?
- Is there clarity on acceptable impacts of aquaculture?
- What is an acceptable timeline for a decision making process?
- What are the bottlenecks to developing aquaculture?