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REPORT

on the proposal for a Council regulation concerning use of alien and locally
absent species in aquaculture
(COM(2006)0154 – C6-0137/2006 – 2006/0056(CNS))

Committee on Fisheries

Rapporteur: Philippe Morillon

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council regulation concerning use of alien and locally absent species in aquaculture
(COM(2006)0154) – C6-0137/2006 – 2006/0056(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2006)0154)¹,
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0137/2006),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A6-0331/2006),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and the Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Recital 5 a (new)

(5a) Aquaculture is not the only source of potential dissemination of alien species in the aquatic medium. Other activities, such as, inter alia, the use of ballast water and trade in ornamental fish, are possibly more significant in terms of environmental risk and require special

¹ Not yet published in OJ.

management measures. Comprehensive strategies should be developed to deal with the problem of alien species in an integrated fashion. However, until such a strategy is implemented, it is appropriate to adopt sectoral measures such as the ones proposed in this Regulation.

Justification

As the environmental threats are very varied in nature, and especially in the kind of sectorial industrial activity which may be the source of such threats, comprehensive and integrated strategies should be developed to treat the issue of dissemination of alien species in the aquatic medium.

Amendment 2
Recital 5 b (new)

(5b) Specific strategies should be developed to counter the introduction of genetically modified species into the EU's fish farming sector and to control the movement of fertilised eggs.

Justification

It is necessary to guard against the possibility of genetically-modified fish escaping into the marine environment and breeding with indigenous species. It is also essential to ensure that the regulation is extended to cover the importation from out with the EU and the movement within the EU of fertilized ova. In addition, the practice of moving juvenile tuna from fish grounds to distant locations for ranching may give rise to potential threats under the terms of this regulation.

Amendment 3
Recital 8 a (new)

(8a) It should be taken into account that movements of alien or locally absent species to be held in closed aquaculture facilities which are secure and which present a very low risk of escape should not normally be subject to any prior environmental risk assessment.

Amendment 4
Recital 9 a (new)

(9a) Some alien species have commonly been used in aquaculture for a long time and experience has shown that the associated environmental risk is minimal. The activities connected therewith should therefore benefit from a differential treatment facilitating their development without any additional administrative burden.

Justification

Non-indigenous species that are long established and widespread in the Community should be dealt with differently, provided that they produce no known harmful effects.

Amendment 5
Recital 9 b (new)

(9b) There should be an adequate transition period between the entry into force and the implementation of this Regulation, in view of the financial and institutional implications for the parties concerned.

Amendment 6
Article 2, paragraph 4 a (new)

4a. This Regulation shall take into account the fact that closed aquaculture facilities, as defined in Article 3, point 3, present a lower risk of escape.

Justification

Land-based, indoor, recirculation aquaculture systems are very bio-secure. The risk for escape of aquaculture organisms from these systems is negligible¹. Furthermore, these facilities operate independently from open water sources.

¹ Scientific report Consensus Working Group on Recirculation Systems by Verreth, Martins, Eding and Scheinder (2005).

Amendment 7
Article 2, paragraph 5 a (new)

This Regulation, except for Articles 3 and 4, shall not apply to species which have commonly been used in aquaculture for more than 30 years and for which escape to the wild has been proven not to represent an environmental hazard.

The Commission, in accordance with the procedure laid down in Article 30(3) of Regulation (EC) No 2371/2002 and on the basis of scientific knowledge, shall establish the list of such species before the entry into force of this Regulation.

Justification

Some non-indigenous species introduced decades ago in Europe are now very widespread and are some of the species traditionally used in aquaculture in the Community (e.g. the rainbow trout, the Pacific oyster and carp). These species should in principle be exempt from the provisions of this regulation provided they do not produce any known harmful effects.

Amendment 8
Article 5

Member States shall designate the competent authority responsible for ensuring compliance with the requirements of this Regulation ('the competent authority'). Each competent authority shall appoint to assist it an advisory committee, which shall include appropriate biological and ecological expertise ('the advisory committee').

Member States shall designate the competent authority responsible for ensuring compliance with the requirements of this Regulation ('the competent authority'). Each competent authority shall appoint to assist it an advisory committee, which shall include appropriate biological and ecological expertise ('the advisory committee'). ***Where competence in respect of the management of aquaculture activities has been delegated to regional or sub-regional bodies, such competent authorities and advisory committees may be designated by those regional or sub-regional bodies.***

Justification

This amendment aims to allow the existence of several competent authorities and advisory committees in some Member States, on the basis of their institutional and regional structures.

Amendment 9
Article 6, paragraph 1

1. Anyone intending to undertake the introduction or translocation of an aquatic organism shall apply for a permit from the competent authority of the receiving Member State. Applications may be submitted for multiple movements to take place over a period of not longer than **five** years.

1. Anyone intending to undertake the introduction or translocation of an aquatic organism shall apply for a permit from the competent authority of the receiving Member State. Applications may be submitted for multiple movements to take place over a period of not longer than **seven** years.

Justification

The five-year maximum period is too short and does not take account of the reproductive cycles of some species and the time needed to recoup the investment required.

Amendment 10
Article 10, paragraph 1

1. The applicant shall be informed in writing of the decision to issue or refuse a permit within a reasonable time and in any case not later than **one year** from the date of the submission of the application.

1. The applicant shall be informed in writing of the decision to issue or refuse a permit within a reasonable time and in any case not later than **six months** from the date of the submission of the application.

Justification

A one-year deadline is too long, cannot be considered reasonable and does not address the sector's needs.

Amendment 11
Article 12

At any point in time the Competent Authority can withdraw the permit if unforeseen events with negative effects on the environment or on native populations occur.

At any point in time the Competent Authority can withdraw the permit if unforeseen events with negative effects on the environment or on native populations occur. ***Any withdrawal of a permit must be justified on scientific grounds.***

Justification

If the Competent Authority withdraws the permit, it has to be based on scientific information.

Amendment 12
Article 25, paragraph 1 a (new)

It shall apply from...*

**** Twelve months following the date of its entry into force.***

Justification

In view of the financial and institutional implications for applicants and the national authorities, there should be an adequate transition period.

EXPLANATORY STATEMENT

I- The Commission proposal

This proposal for a regulation applies to the introduction of exotic species and the translocation of locally absent species for their use in Community aquaculture.

These species provide European aquaculture with a real economic opportunity, both in terms of diversification and the characteristics they possess that could make them better suited to rearing in captivity than indigenous species. However, according to the Commission, in some cases their introduction into European ecosystems has led to a reduction in biodiversity. Dealing with this issue is therefore an important step towards incorporating environmental concerns in the common fisheries policy (CFP).

This proposal centres on the setting-up of an authorisation system at national level for the introduction or translocation of aquatic organisms for use in aquaculture. Under the proposed measures, applications for the introduction or translocation of species would be submitted to the competent authority of the Member State of destination and would be subject to consideration by a national advisory committee responsible for establishing whether the proposed introduction is of a routine or non-routine nature. In the case of non-routine introductions, an environmental risk assessment (ERA) should be carried out. Permits should only be granted for movements considered to be of low risk. If the level of risk is deemed to be high or medium, the advisory committee will examine the application in consultation with the applicant to see whether there are suitable mitigation procedures or technologies that could reduce the risk to an acceptable level.

As regards non-routine movements, the proposal provides for quarantine arrangements and, in some cases, the national competent authorities may also request a 'pilot release' prior to the large-scale marketing of species. The competent authority may only issue permits for non-routine movements in cases where the risk assessment, including any mitigation measures, shows a low risk to the environment. Any refusal of a permit must be justified on scientific grounds.

The proposal for a regulation also sets out a number of requirements in terms of contingency plans, monitoring procedures and national registers.

The proposal does not cover the translocation of aquatic organisms within Member States except in the cases mentioned in Article 2(2). Member States may, however, decide, by derogation from this paragraph, to apply the regulation to translocations within their territories in other cases.

Article 11 of the proposal sets out a specific procedure for consulting the parties concerned and confirming permits in cases where the potential or known environmental effects of a proposed movement of an organism are liable to affect other Member States.

Furthermore, at any point in time the competent authority can withdraw the permit if

unforeseen events with negative effects on the environment or on native populations occur (Article 12).

The measures contained in this proposal are based on the 'Code of Practice on the Introductions and Transfers of Marine Organisms' drawn up by the International Council for the Exploration of the Sea (ICES), the 'Code of Practice and Manual of Procedures for consideration of introductions and transfers of marine and freshwater organisms' of the European Inland Fisheries Advisory Commission (EIFAC), the Canadian National Code on the Introduction and Transfer of Aquatic Organisms and on existing Community instruments for the protection of biodiversity.

In its 2001 biodiversity action plan in the area of fisheries (COM(2001)0162), the Commission undertook to study the impact of the introduction of non-indigenous species on the environment as a whole. The 2002 Community strategy for the sustainable development of European aquaculture (COM(2002)511 final) promised the proposal of management rules to address the potential negative effects of these movements.

The measures set out in the proposal for a regulation should be without prejudice to the requirements of other Community legislation, in particular that concerning animal health requirements for aquaculture animals and products thereof and protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (Article 13).

II- Rapporteur's observations

The rapporteur welcomes the creation of a Community framework to ensure that the marine environment is adequately protected from the risks associated with using exotic species in aquaculture. This framework is important for the development of aquaculture in Europe, a fast-growing sector that must begin diversifying the species reared in order to adapt production to market conditions and requirements.

It is necessary therefore, to anticipate and prevent harmful biological interaction with indigenous populations, including genetic change, and to restrict the spread of non-target species and other detrimental effects.

Nevertheless, the rapporteur believes that some of the exotic species and varieties that were introduced in Europe several decades ago should be excluded from the scope of the proposal for a regulation if they produce no known harmful effects.

Some originally non-indigenous species are now very widespread and are some the species traditionally used in Community aquaculture (e.g. the rainbow trout, the Pacific oyster and carp).

The rapporteur proposes that, in line with Article 30(3) of Council Regulation (EC) No 2371/2002, the Commission should adopt a list of species to which this proposal for a regulation will not apply, on the basis of the scientific data available.

Moreover, the rapporteur is of the opinion that the list in Annex I may prove to be excessively detailed and could discourage potential applicants. An amendment to Article 6(2) is proposed, therefore, to make it possible for the advisory committees to omit to ask for some of the information listed in Annex I, taking particular account of the nature of the facilities (e.g. whether they are closed or open), the species in question (e.g. low-risk species) and previous experience (e.g. where facilities have been operating for several years without any known harmful effects).

Other amendments propose:

- extending the maximum duration of permits. The maximum period of five years is too short and does not take account of the reproductive cycle of some species and the time needed to recoup the investment required;
- shortening the deadline for decisions to grant or refuse permits, as a one-year deadline seems unreasonable and does not address the sector's needs;
- allowing the existence at national level of several competent authorities and advisory committees where this arrangement best suits the institutional structure of a Member State;
- ensuring adequate time between the entry into force and the implementation of the proposed regulation for transition purposes.

The rapporteur also recommends the inclusion of a recital stressing that aquaculture is not the only or probably even the main reason that exotic species are introduced in the marine environment and that a comprehensive approach should be applied to this issue, taking into account the risks associated with other sectors.

PROCEDURE

Title	Proposal for a Council regulation concerning use of alien and locally absent species in aquaculture
References	COM(2006)0154 – C6-0137/2006 – 2006/0056(CNS)
Date of consulting Parliament	2.5.2006
Committee responsible Date announced in plenary	PECH 15.5.2006
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 15.5.2006
Not delivering opinion(s) Date of decision	ENVI 3.5.2006
Enhanced cooperation Date announced in plenary	
Rapporteur(s) Date appointed	Philippe Morillon 3.5.2006
Previous rapporteur(s)	
Simplified procedure – date of decision Date of decision	
Legal basis disputed Date of JURI opinion	
Financial endowment amended Date of BUDG opinion	
Parliament to consult European Economic and Social Committee – date decided in plenary	
Parliament to consult Committee of the Regions – date decided in plenary	
Discussed in committee	11.7.2006 28.8.2006
Date adopted	3.10.2006
Result of final vote	+: 17 -: 0 0: 0
Members present for the final vote	Stavros Arnaoutakis, Elspeth Attwooll, Iles Braghetto, David Casa, Paulo Casaca, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Alfred Gomolka, Pedro Guerreiro, Ian Hudghton, Rosa Miguélez Ramos, Philippe Morillon, Seán Ó Neachtain, Catherine Stihler, Margie Sudre, Daniel Varela Suanzes-Carpegna
Substitute(s) present for the final vote	Josu Ortuondo Larrea, Carl Schlyter
Substitute(s) under Rule 178(2) present for the final vote	
Date tabled	10.10.2006
Comments (available in one language only)	...