


Procedure file

Basic information	
CNS - Consultation procedure Regulation	2006/0056(CNS) Procedure completed
Aquaculture: protection of the aquatic environment from the risks associated with the use of alien and locally absent species	
Amended by 2009/0153(COD)	
Subject 3.15.02 Aquaculture 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		03/05/2006
		ALDE MORILLON Philippe	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2806	11/06/2007
European Commission	Commission DG	Commissioner	
	Maritime Affairs and Fisheries	BORG Joe	

Key events			
03/04/2006	Legislative proposal published	COM(2006)0154	Summary
15/05/2006	Committee referral announced in Parliament		
03/10/2006	Vote in committee		Summary
10/10/2006	Committee report tabled for plenary, 1st reading/single reading	A6-0331/2006	
14/11/2006	Results of vote in Parliament		
14/11/2006	Decision by Parliament	T6-0472/2006	Summary
11/06/2007	Act adopted by Council after consultation of Parliament		
11/06/2007	End of procedure in Parliament		
28/06/2007	Final act published in Official Journal		

Technical information	
Procedure reference	2006/0056(CNS)
Procedure type	CNS - Consultation procedure

Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by 2009/0153(COD)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	PECH/6/35735

Documentation gateway

Legislative proposal	COM(2006)0154	04/04/2006	EC	Summary
Document attached to the procedure	SEC(2006)0421	04/04/2006	EC	
Committee draft report	PE374.471	12/07/2006	EP	
Amendments tabled in committee	PE378.541	11/09/2006	EP	
Committee report tabled for plenary, 1st reading/single reading	A6-0331/2006	10/10/2006	EP	
Economic and Social Committee: opinion, report	CES1355/2006	26/10/2006	ESC	
Text adopted by Parliament, 1st reading/single reading	T6-0472/2006	14/11/2006	EP	Summary
Commission response to text adopted in plenary	SP(2007)0054	11/01/2007	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2007/708](#)
[OJ L 168 28.06.2007, p. 0001](#) Summary

Final legislative act with provisions for delegated acts

Delegated acts

2021/2950(DEA)	Examination of delegated act
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Aquaculture: protection of the aquatic environment from the risks associated with the use of alien and locally absent species

PURPOSE : to establish a framework governing aquaculture practices in relation to alien and locally absent species to assess and minimise the possible impact of these on the aquatic environment and in this manner contribute to the sustainable development of the sector.

PROPOSED ACT : Council Regulation.

CONTENT : aquaculture has benefited economically from the introduction of alien species and translocation of locally absent species in the past (for example rainbow trout, Pacific oyster and salmon) and the policy objective for the future is to maximise benefits associated with introductions and translocations while at the same time avoiding alterations to ecosystems, preventing negative biological interaction, including genetic change, with indigenous populations and restricting the spread of non-target species and detrimental impacts on natural habitats.

Invasive alien species have been identified as one of the key causes of loss of biodiversity.

The proposed measures would regulate the introduction of such species through the setting up of a permit system. The proposal would not only enhance the protection of ecosystems but would also contribute to the continued development of the aquaculture industry.

The new framework would ensure adequate protection of the aquatic environment from the risks associated with the use of non native species in aquaculture. This framework should include procedures for the analysis of the potential risks, the taking of measures based on the prevention and precautionary principles and the adoption of contingency plans where necessary. These procedures should build on experience gained through the existing voluntary frameworks, and notably the International Council for the Exploration of the Sea (ICES) Code of Practice on the Introductions and Transfers of Marine Organisms and the European Inland Fisheries Advisory Commission (EIFAC) Code of Practice and

Manual of Procedures for consideration of introduction and transfer of marine and freshwater organisms.

The core of the present proposal is the establishment at national level of a system of permits for all new species which are introduced for aquaculture. Under the proposed measures, all projects to introduce a non-native species would have to be submitted for approval to a national advisory committee, which would determine whether the proposed introduction was 'routine', or not. In the case of non-routine introductions, an environmental risk assessment (ERA) would have to be carried out. Only movements which are assessed as being low risk could then be granted a permit. If the risk was considered to be medium or high, the advisory committee would enter into dialogue with the applicant to see whether adequate mitigation procedures or technologies which could reduce the risk to an adequately low level were available.

In the case of non-routine movements, the proposal provides for quarantine procedures, and in certain cases, the national authorities may also require a pilot release to be implemented prior to full-scale commercial introduction. The proposed regulation also sets out a number of requirements concerning contingency plans, monitoring procedures, and the keeping of national registers.

The scope of the current proposal is limited to movements of fish stocks which fall under the Common Fisheries Policy. Ornamental fish are therefore not concerned by these measures.

The new measures should not lead to undue delays as strict time limits are set out in the proposal. Member States will decide who pays, but it is envisaged that industry will normally bear the cost. Aquaculture operators could form associations to share the costs. As the permit can cover a five-year period, costs should not hinder the future development of aquaculture.

As regards the budgetary impact, the proposed Regulation may have some implications in terms of staff time to make applications for prospective movements of alien species and in terms of the resources needed for consulting STECF and the Advisory Committee for Fisheries and Aquaculture, but this is routine work for these committees.

Aquaculture: protection of the aquatic environment from the risks associated with the use of alien and locally absent species

The committee adopted the report by its chairman, Philippe MORILLON (ALDE, FR) broadly approving the proposed regulation concerning use of alien and locally absent species in aquaculture, subject to a number of amendments under the consultation procedure:

- a new recital stressed that aquaculture "is not the only source of potential dissemination of alien species in the aquatic medium" and said that a comprehensive approach should be applied to this issue, taking into account the risks associated with other activities such as the use of ballast water and trade in ornamental fish;
- the regulation should 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 committee argued that some originally non-indigenous species (e.g. the rainbow trout, Pacific oyster and carp) are now very widespread and traditionally used in Community aquaculture. The Commission should establish a list of species to which the regulation would not apply, on the basis of the scientific data available;
- the regulation should take into account the fact that closed aquaculture facilities present a lower risk of escape;
- the maximum duration of permits should be extended from 5 years, as proposed by the Commission, to 7 years in order to take account of the reproductive cycle of some species and the time needed to recoup the investment required;
- the deadline for decisions to grant or refuse permits should be shortened from one year (which the committee felt was unreasonably long) to 6 months;
- the regulation should allow several competent authorities and advisory committees to co-exist at national level where this arrangement best suits the institutional structure of a Member State;
- there should be an adequate transition period (12 months) between the entry into force and the implementation of the regulation.

Aquaculture: protection of the aquatic environment from the risks associated with the use of alien and locally absent species

The European Parliament adopted a resolution drafted by Philippe **MORILLON** (ALDE, FR) and made some amendments to the proposal. (For a summary of these amendments, please see the document dated 03/10/2006.) Parliament added that any withdrawal of a permit must be justified on scientific grounds. The resolution was adopted by 429 votes in favour to 19 against with 13 abstentions.

Aquaculture: protection of the aquatic environment from the risks associated with the use of alien and locally absent species

PURPOSE: to protect the aquatic environment against the risks associated with the use in aquaculture of non-indigenous species and to contribute to the sustainable development of this sector in Europe.

LEGISLATIVE ACT: Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture.

CONTENT: The regulation establishes a Community framework and sets up an authorisation system at national level for the introduction or translocation of aquatic organisms for use in aquaculture, with a view to optimising benefits associated with these practices in the EU, whilst avoiding alterations to ecosystems, preventing negative biological interaction with indigenous populations and restricting the spread of non-target species and detrimental impacts on natural habitats.

The main provisions of the Regulation are as follows:

- Member States shall ensure that all appropriate measures are taken to avoid adverse effects to biodiversity, and especially to species, habitats and ecosystem functions which may be expected to arise from the introduction or translocation of aquatic organisms and non-target species in aquaculture and from the spreading of these species into the wild. This Regulation shall not apply to the keeping of ornamental aquatic animals or plants in pet-shops, garden centres, contained garden ponds or aquaria.

- Aquaculture operators intending to undertake the introduction of an alien species or the translocation of a locally absent species 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. The applicant shall be informed in writing within a reasonable time of the decision to issue or refuse a permit, and, in any case, not later than six months from the date of application. At any point in time, the Competent Authority can withdraw the permit, temporarily or permanently, if unforeseen events with negative effects on the environment or on native populations occur.

- Member States shall keep a register of introductions and translocations containing a historical record of all applications made and the associated documentation gathered before the issue of a permit and during the monitoring period.

The new measures are in line with the United Nations Convention on biological diversity, which identifies some invasive alien species as one of the causes of loss of local species and harm to marine and coastal biodiversity.

ENTRY INTO FORCE: 18/06/2007. The Regulation will apply six months after the Commission's Regulation on implementing rules enters into force, but not later than 1 January 2009.