



**FEDERATION OF
EUROPEAN
AQUACULTURE
PRODUCERS**

For the attention of EU Member State representatives and Stakeholders

European Aquaculture

Licensing and Permit Procedures in the EU

The FEAP thanks the European Commission for organising the workshop on MSFD licencing and permitting procedures, held in Brussels on the 8th of April 2016.

Following the meeting and the discussions held there, the aquaculture sector wishes to emphasise the following points:

1. As pointed out in the presentation made by Mr Javier Ojeda (APROMAR), the European aquaculture sector faces severe obstacles for its development. Key reasons for this are the excessive red tape and legal availability of sites, caused by an over restrictive implementation of EU environmental legislation at National/Regional levels.
2. The aquaculture sector would like to believe that the MSFD is not supposed to duplicate existing legislation and add more red tape, as some Member States appear to do, but more to pull it together in a strategic manner (N2K, Maritime Spatial Planning etc.).
3. In respect to MSFD, this Directive is, in general, not well understood by the sectors operating in the marine environment. Most of the aquaculture stakeholders have never heard of the MSFD, mainly because it is not applicable to most of the finfish and shellfish industries. The MSFD (exclusive) area is indeed outside most if not all areas where aquaculture is achieved.
4. There may be a few marine fish farms outside the baseline + 1 nautical mile (the border between the WFD and the MSFD). However, there are – after recommendation from some state administrations – a lot of applications for establishment outside the baseline + 1 nautical mile.
5. The application of the precautionary principle and the implementation of European environment Directives are others. However, aquaculture needs good water to be efficient and productive. High quality water is of primary importance for both the growth and health performance of the fish. The provision of positive impacts of aquaculture are a reality and we regret that sewage discharge water and agriculture runoffs have not been taken into account in the Arcadis study for the GES (Good Environment Status) descriptors.
6. Clear guidance is needed for Member States so that they can act appropriately and ensure the avoidance of additional burdens to sustainable development in the marine environment; this comment is particularly relative to the measurement of scale (i.e. project scale vs regional scale), the cumulative effects of different activities (i.e. how these are measured / calculated) and data availability (who collects, pays and uses such data)

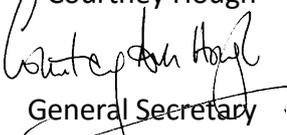
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7. In respect of European aquaculture, a guidance document on “Aquaculture & Natura 2000” already exists and, soon, a guidance document on “Aquaculture & WFD/MSFD” should also be published by DG Environment.
8. Both documents should reflect how the “*Commission intends to help national and regional administrations to **implement EU environmental legislation without imposing unnecessary burdens on producers***”, as mentioned in the ‘Strategic Guidelines for the development of EU aquaculture (COM(2013)229)’.
9. A final point focuses on the text in the MSFD related to the Regional Seas Conventions (RSC), and its interpretation by some Member States. A convention is legally binding, when it comes to its agreed content and text. However recommendations, declarations etc. are only politically binding for the contracting parties.
The text of MSFD is rather vague in its references to RSC, using wording like “practical and appropriate” and “as far as possible”.
FEAP finds that these statements signify that there is no change in the status of RSC. Thus, a violation of (e.g. a HELCOM-recommendation or decision) is **not** an infringement of EU-law and should **not** be subject to a lawsuit from the Commission. FEAP is aware that some national administrations have a different view to this.

In conclusion, the application of European environmental law, combined with national licencing policies, already imposes a disproportionate burden on micro (family) enterprises and SMEs that are active in aquaculture. The MSFD has nothing to add to this situation unless it can contribute to the reduction of red tape and level the playing field (as per the EU Blue Growth strategy), a position that is clearly needed for sustainable pan-European aquaculture development.

Courtney Hough

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