

POSITION PAPER

On the legal cataloguing of farmed fish MANURE

3 December 2021

Background

Recirculating aquaculture systems (RAS) are land-based fish farming facilities that minimise water intake by filtering, adjusting, and reusing the water. Compared to the traditional pond or open water aquaculture, the water recirculation process in RAS makes it possible to control the culture conditions and the collection of waste¹.

The development of fish farm production in Recirculation aquaculture systems (RAS), but also of other aquaculture systems that allow for the settlement, separation, and filtering of effluents and the collection of organic materials, is increasing the collection of this solid fraction from aquaculture effluents in the European Union. The FEAP estimates that the total production of such solid fraction of effluents, both from RAS and non-RAS, amounts to 55.000 tons per year, and is expected to grow in the coming years.

This material mainly consists of faeces, urine, and water, like manure from other farmed animals, not differing from manure coming from other farmed animals concerning the risk of spreading diseases to humans or other animals. Additionally, feed provided to farmed fish is regulated under the same strict EU legislation on animal feed as other farmed animals. Fish digestion does not add anything to the faeces, just as in the case of terrestrial animals, this further makes the case for categorisation of this solid fraction of fish farm effluents as 'manure'.

However, the use of this organic material as fertiliser and soil improver has been prohibited by public authorities in some Member states because of the existence of an exception in the definition of manure set in the Animal by-product Regulation (EC) 1069/2009² (*'manure' means any excrement and/or urine of farmed animals other than farmed fish, with or without litter*).

Not being considered manure, this material has been catalogued by some national public authorities as sludge and so under Regulation Sludge Directive (86/278).

The FEAP was not consulted during the preparation of the Animal by-products regulation (Reg. 1069/2009) and is still today unaware of the underlying reasons for the exception set then in the 'manure' definition.

¹ EUMOFA report on Recirculation aquaculture systems (RAS). December 2020. [<https://bit.ly/3pbKtQw>].

² Regulation (EC) 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation). [<https://bit.ly/3smvNQI>].

Since 2019 the FEAP has been in dialogue with the European Commission (DG Environment and DG Sante) on the potential uses of the fish farm concentrated effluent materials on agricultural land for fertilisation and soil improvement purposes. As a result, the FEAP carried out bibliographical research and has concluded that this exclusion in the 'manure' definition was neither included in the European Commission's regulation proposal nor was proposed by the European Parliament. It was introduced by the European Council presidency in 2008/2009 (France in 2008 and Czech Republic in 2009). The By-products draft Commission regulation was discussed several times by the Council Working Party of Veterinary Experts (Animal Health). In fact, they discussed the regulation at six meetings in 2008 and another seven times in 2009. The amended text was then tabled by the Presidency when they prepared the triologue.

The FEAP position

1. The FEAP supports the European Green Deal and the principles of the Circular Economy. Valuable waste should not be disposed of as it leads to unsustainable practices. Provided public and animal health risks are minimised these materials should be safely used for various applications sustainably. For example, applied to agricultural fields as fertilizer or soil improvement.
2. The FEAP points out that even if the definition of 'manure' set in the Animal by-product regulation does not cover the solid fraction of fish farm effluents, this material should not be automatically catalogued as 'sludge'.
3. The FEAP clarifies that the solid fraction of fish farm effluents addressed in this position paper is different from the organic materials resulting from fish processing plants.
4. The solid fraction resulting from the settlement, separation and filtering of effluents from fish farms should be clearly catalogued as 'manure' under the Animal by-products regulation. A future amendment of this regulation should include this change.

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The Federation of European Aquaculture Producers is an organisation that represents the European fish farming profession and is based in Brussels. FEAP is composed of 24 national fish farming associations from 23 countries, both EU and non-EU. The combined yearly production of FEAP members surpasses 2,5 million tonnes of nutritious, safe, delicious and environmentally sustainable fish.