Aquaculture: use of alien and locally absent species

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The Committee on Fisheries adopted the report drawn up by João FERREIRA (GUE/NGL, PT) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 708/2007 concerning the use of alien and locally absent species in aquaculture.

It recommended that the European Parliament's position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) should amend the Commission proposal as follows:

Legal basis: in line with the opinion delivered by the Committee on Legal Affairs pursuant to Rule 37 of the EP's Rules of Procedure, Members consider the appropriate legal basis to be **Article 43(2) of the Treaty on the Functioning of the European Union (TFEU) only**. It is also necessary to deleted all references to Article 299(2) of the EC Treaty (or the corresponding article of the TFEU, that is to say, Article 349).

Closed aquaculture facilities: to avoid possible ambiguities when the regulation is implemented, Members state that it should be made clear that closed aquaculture facilities will be treated as such if, and only if, they are situated on land. An amendment stipulates that a closed aquaculture facility should prevent losses of reared specimens or biological material, including pathogens, due to factors such as flooding – for which reason the facility must be situated at a safe distance from open waters – and predators (e.g. birds) and, in a reasonable way, prevents losses due to theft and vandalism, while ensuring appropriate disposal of dead organisms.

List of closed aquaculture facilities: the Commission proposal does not require the list to be published on a set date. However, Members state that it would be advisable, not to say essential, to specify a deadline. They propose that this list be published on the website set up in accordance with Article 4(2) of Commission Regulation (EC) No 535/2008 within **six months** of the date of entry into force of this Regulation.

Exotic and non-target species: the amended text stipulates that the competent authorities in the Member States shall be responsible for monitoring and supervising so as to ensure that closed aquaculture facilities comply with the requirements laid down in the Regulation, and also for ensuring that transport from or to those facilities takes place in conditions that are such as to prevent the escape of exotic or non-target species.

Members also underline that the facilitation of the process of introduction of exotic species needs to be complemented by the necessary measures for supervising the facilities on the part of the competent Member State authorities, the aim being to ensure effective compliance with all technical requirements put forward by the specialists (especially in the context of the IMPASSE project).

Comitology: Council Regulation (EC) No 708/2007 contains various 'comitology' provisions that are now incompatible with the Treaty on the Functioning of the European Union (TFEU). Therefore, Members have tabled a set of amendments to bring the basic act into line with the new Treaty, and in particular Article 290 thereof (delegated acts).

Entry into force: this Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.