Aquaculture, animal health: Community financial contributions in the veterinary field for fighting against animal diseases (amend. Decision 90/424/EEC)

2005/0154(CNS) - 23/08/2005 - Document attached to the procedure

COMMISSION'S IMPACT ASSESSMENT

For further information concerning the background to this issue, please refer to the summary of the Commission's initial proposals of 23 August 2005 for a Council Directive on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals - COM(2005)0362 and for a Council Decision amending Decision 90/424/EEC on expenditure in the veterinary field (please refer to procedure reference CNS 2005/0154).

1- POLICY OPTIONS AND IMPACTS

1.1- Option 1- Zero option: since this project was initiated by the need for updating the existing legislation, the zero-option would be to maintain the existing legislation. As the whole project has been driven by a need to update the legislation, the zero-option is not discussed.

1.2- Type of legislation for regulating animal health conditions for trade :

1.2.1- Option 2 : Regulation: Regulations have direct application in the Member States and are binding in their entirety. By choosing a Regulation, and thereby avoiding the need for Member States to transpose the act into national law, the time needed to have the legislation fully applicable would be significantly reduced compared to a Directive.

However, the Commission acknowledges the fact that it may be difficult to draw up, implement and apply a Regulation which would meet the demands of an industry which is as diverse in nature as the European aquaculture industry. The main reasons for this are:

- different species are raised in different parts of the Community, and different species needs different management practice;
- different climatic conditions influence the manifestation of disease even in the same species (infection with some pathogens does not cause problems in high temperature waters in the south of the Community, but in the low temperatures in the north of the Community there will be extensive mortalities due to the infection);
- different farming practices in the Community, like cage farming of salmonids versus pond farming of carps, farming areas or harvested natural beds for molluscs versus "cage or pond farms" for fish versus shrimp farms measured in hectares.

1.2.2- Option 3 : Intra-Community Trade Directive: with an Intra Community Trade Directive, the Community legislation will lay down the animal health conditions for cross-border trade of aquaculture animals. A special problem in aquatic animal diseases compared to terrestrial animal diseases is that the spread of diseases is directly linked to the flow of the watercourse, or coastal current, in addition to the

migration of wild aquatic animals, which does not respect national boundaries. It is therefore important that the Member States applies at least the same animal health conditions for trade inside a Member State as between Member States. This fact is also acknowledged in the present legislation (Council Directive 91 /67/EEC), as this is a Placing on the Market Directive. With the aim of completing the Internal Market, the view of the Commission is that the same minimum rules should apply within the Member States as between the Member States.

1.2.3- Option 4 : Placing on the market Directive: this option will be in line with, and not represent any change in the policy compared to the present legislation. Taking into account the wide variety of production types and species raised in EU aquaculture, however, all necessary technical details, in particular concerning risk management and disease control, are not possible to include in the primary legislation. Consequently, the proposal should be a Directive. It is therefore proposed to establish the principles, strategies and aims in the Directive, while detailed implementing rules should be adopted as secondary legislation under comitology procedures.

CONCLUSION: As a consequence of the discussion under points 1.2.1 and 1.2.2, **according to the Commission, the best legislative option is to propose a Directive relating to placing on the market. IMPACT**

The main provisions for placing on the market an import remains largely unchanged. However, some existing trade barriers have been removed without jeopardising the health status of aquaculture animals. The general disease control provisions will remain unchanged, with some minor adjustments. All diseases considered exotic to the Community will be subject to eradication provisions in order to maintain the Community's free status. Under the present legislation such measures are applied for fish disease but not for mollusc diseases. The importation provisions are harmonised with the relevant provisions of Council Directive 2002/99/EC (the most recent Directive laying down animal health import provisions).

- Positive impacts will arise from an updated Community legislative framework that takes into account current scientific knowledge and the structure of today's aquaculture industry in the Community. There will be a positive shift in focus away from preventing the spread of disease and towards the occurrence of disease. Significant resources are now being used to maintain disease-free status in farms and zones that have been declared disease-free. The proposal would allow the Member State to re-allocate some of these resources to disease preventive activities. The proposal implements the philosophy that the best solution is often found closest to the problem, and delegates more operational responsibility to the Member States. By introducing general risk-based animal health surveillance, a better overview of the disease situation can be achieved. At the same time, the risk of spreading diseases to farms or areas where the disease has not yet been found is reduced. It takes into account the potential for exchange of disease agents between farmed and wild aquatic animals. The new legislation will be consistent with the International Aquatic Animal Health Code of the World Organisation for Animal Health (OIE), and will reduce existing trade barriers between third countries, including developing countries, and the Community.

- The negative impact will be limited, as the proposal will to a large extent be founded on the existing legislation. Some new elements and requirements will have an administrative and economic impact on the Member States and on the industry. The proposal for authorisation of aquaculture production business will cause extra work for the competent authorities in the Member States. However, since all mollusc farms and the majority of fish farms are already registered, the authorisation requirement is achievable for the Member States. The introduction of general risk-based animal health surveillance in all farms or farming areas is an extension of the requirements in the present mollusc legislation, under which all Member States must have a monitoring and sampling programme.

The **economic impact** of the proposal on the Community budget is expected to be limited and should not entail significant additional costs for the Community budget, compared to the costs resulting from the present legislation.

2- FOLLOW-UP

Member States have to adopt and publish their implementing legislation by the date laid down in the Directive.

There is a general approach in the proposal for more use of electronic communication and exchange of information, compared with the current situation. There are no legal requirements in the proposal for regular or annual status reports to the Commission. Use of electronic reporting is already required, by means of TRACES for recording and reporting the movements of animals, and ADNS for reporting disease outbreaks.