Basic information

2009/0153(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Aquaculture: use of alien and locally absent species Amending Regulation (EC) No 708/2007 2006/0056(CNS) **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	FERREIRA João (GUE/NGL)	03/11/2009

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs	LECHNER Kurt (PPE)	23/03/2010

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	3070	2011-02-21

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	DAMANAKI Maria

Key events

Date	Event	Reference	Summary
15/10/2009	Initial legislative proposal published	COM(2009)0541	Summary

12/11/2009	Committee referral announced in Parliament, 1st reading		
02/12/2009	Additional information		Summary
02/06/2010	Vote in committee, 1st reading		Summary
07/06/2010	Committee report tabled for plenary, 1st reading	A7-0184/2010	
19/07/2010	Legislative proposal published	COM(2010)0393	Summary
22/11/2010	Debate in Parliament		
23/11/2010	Decision by Parliament, 1st reading	T7-0423/2010	Summary
23/11/2010	Results of vote in Parliament		
21/02/2011	Act adopted by Council after Parliament's 1st reading		
09/03/2011	Final act signed		
09/03/2011	End of procedure in Parliament		
04/04/2011	Final act published in Official Journal		

Technical information

Procedure reference	2009/0153(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 708/2007 2006/0056(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2 Treaty on the Functioning of the European Union TFEU 349-p1sub1-as1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/01339

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE439.126	13/04/2010	
Specific opinion	JURI	PE441.054	28/04/2010	
Amendments tabled in committee		PE441.148	10/05/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0184/2010	07/06/2010	
Text adopted by Parliament, 1st reading/single reading		T7-0423/2010	23/11/2010	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00061/2010/LEX	09/03/2011	

European Commission

Document type	Reference	Date	Summary
Initial legislative proposal	COM(2009)0541	15/10/2009	Summary
Document attached to the procedure	SEC(2009)1347	15/10/2009	Summary
Legislative proposal	COM(2010)0393	19/07/2010	Summary
Commission response to text adopted in plenary	SP(2011)610	26/01/2011	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2010)0393	15/10/2010	
Contribution	IT_SENATE	COM(2010)0393	20/10/2010	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0453/2010	17/03/2010	
EESC	Economic and Social Committee: opinion, report	CES1374/2010	21/10/2010	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2011/0304
OJ L 088 04.04.2011, p. 0001 Summary

Aquaculture: use of alien and locally absent species

2009/0153(COD) - 19/07/2010 - Legislative proposal

The Commission presents an amended proposal on amending Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture.

After the entry into force of the Lisbon Treaty on 1 December 2009, the proposal has moved to the ordinary legislative procedure. The **legal base** is now Article 43(2) of the Treaty on the Functioning of the European Union.

It is also appropriate to align the "**comitology**" provisions in issue to the novel provisions of Article 290 of the Treaty on the Functioning of the European Union pertaining to delegated powers and of Article 291 of the Treaty on the Functioning of the European Union pertaining to implementing powers. This will make Council Regulation No 708/2007 fully consistent with the new decision-making set-up under the new Treaty. It is thus necessary to amend the Commission's initial proposal accordingly.

Lastly, it is proposed to amend the Commission's initial proposal in order to incorporate certain specifications of **definitions** (i.e. "closed aquaculture facility"), **clarifications of certain provisions** (i.e. situation of facilities at a safe distance from open waters) and a number of drafting improvements.

The amended proposal has no implications for the EU budget.

Aquaculture: use of alien and locally absent species

2009/0153(COD) - 09/03/2011 - Final act

PURPOSE: to introduce technical amendments to Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture.

LEGISLATIVE ACT: Regulation (EU) No 304/2011 of the European Parliament and of the Council of 9 March 2011 amending Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture.

CONTENT: the Council adopted at first reading a regulation amending regulation (EC) No 708/2007 concerning the use of alien and locally absent species in aquaculture.

Council Regulation (EC) No 708/2007 establishes a framework governing aquaculture practices in relation to alien and locally absent species to assess and minimise the possible impact of those species and of associated non-target species on aquatic habitats. It provides that introductions and translocations for use in closed aquaculture facilities may at a future date be exempted from the permit requirement of Chapter III of that Regulation, based on new scientific information and advice.

The Community-funded concerted action, entitled ‘Environmental impacts of alien species in aquaculture’ (IMPASSE), has delivered a new operational definition of ‘closed aquaculture facilities’. For facilities according to that definition, the degree of risk associated with alien and locally absent species can be reduced to an acceptable level if the potential for escape of the organisms to be farmed and of non-target organisms is addressed during transportation and if well-defined protocols are applied at the receiving facility. Introductions and translocations for use in closed aquaculture facilities should only be exempted from the permit requirement if those conditions are met.

The new Regulation amends the definition of ‘closed aquaculture facility’ in Regulation (EC) No 708/2007 by adding specific features intended to ensure the biosecurity of those facilities.

Member States should draw up a list of closed aquaculture facilities located in their territory. For reasons of transparency, that list should be published and regularly updated on a website set up in accordance with Commission Regulation (EC) No 535/2008.

Certain other adaptations are needed to Regulation (EC) No 708/2007, in particular, to remove the references to ‘closed aquaculture facilities’ in the definition of ‘routine movement’ and from Annex I.

ENTRY INTO FORCE: 24/04/2011.

DELEGATED ACTS: the Commission should be empowered to adopt delegated acts involving technical and scientific progress. The power to adopt the delegated acts shall be conferred on the Commission for a period of 5 years from 24 April 2011. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it. The European Parliament or the Council may object to a delegated act within a period of 2 months from the date of notification (that period shall be extended by 2 months).

If either the European Parliament or the Council objects to the delegated act, it shall not enter into force.

Aquaculture: use of alien and locally absent species

2009/0153(COD) - 23/11/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 638 votes to 16, with 11 abstentions, a legislative resolution 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.

Parliament adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). The amendments adopted in plenary are the result of a compromise reached between the European Parliament and the Council. They amend the Commission’s proposal as follows:

Legal basis: the appropriate legal basis is **Article 43(2) of the Treaty on the Functioning of the European Union (TFEU) only**.

Delegated acts: the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in order to adapt Annexes I, II and III to technical and scientific progress, to amend Annex IV in order to add species to that Annex and to adopt specifications of the conditions necessary for adding species to Annex IV.

The measures necessary for the implementation of this Regulation should be adopted by the Commission by means of implementing acts in accordance with Article 291 of the Treaty on the Functioning of the European Union. According to that Article, rules and general principles concerning mechanisms for the control by Member States of the Commission's exercise of its implementing powers shall be laid down in advance by a regulation adopted in accordance with the ordinary legislative procedure. Pending the adoption of that new regulation, Council Decision 1999/468/EC of 28 June 1999 (**comitology**) laying down the procedures for the exercise of implementing powers conferred on the Commission continues to apply, with the exception of the regulatory procedure with scrutiny, which is not applicable.

Aquaculture: use of alien and locally absent species

2009/0153(COD) - 15/10/2009 - Document attached to the procedure

The Commission presents this staff working document concerning the proposal to amend Regulation (EC) No 708/2007 on the use of alien and locally absent species in aquaculture.

As already mentioned in the explanatory memorandum of the Commission’s initial proposal, a formal Impact Assessment on this issue has not been carried out for the following reasons:

- **lack of specific data** on the number of facilities or on production in "closed aquaculture facilities" in the EU, therefore the Commission services cannot provide an estimate of the number of companies that may benefit from this proposal at present;
- the proposed amendment of Regulation 708/2007 **does not represent any specific risk** that needs to be highlighted.

A specific Impact Assessment addressing this limited modification of the Regulation would not therefore provide any added value as it represents just an executive decision on a technical issue with marginal consequences. It would not be proportionate to invest additional effort and time in carrying out a formal Impact Assessment.

Aquaculture: use of alien and locally absent species

2009/0153(COD) - 15/10/2009 - Initial legislative proposal

PURPOSE: to introduce amendments to Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture.

PROPOSED ACT: Council Regulation.

BACKGROUND: the introduction of species beyond their natural range is expanding rapidly as a result of increased transport, trade, travel and tourism. Invasions by non-indigenous species are widely recognised as one of the main causes of global biodiversity loss. They can have adverse environmental, economic and social impacts. Alien species can act as vectors for novel diseases, alter ecosystems, compete with native species, etc.

Council Regulation (EC) No 708/2007 establishes a framework governing aquaculture practices in relation to alien and locally absent species to assess and minimise the possible impact of those species and of associated non-target species on aquatic habitats. It provides that introductions and translocations for use in closed aquaculture facilities may at a future date be exempted from the permit requirement of Chapter III of that Regulation, based on new scientific information and advice

Under the Sixth Framework Programme a concerted action was funded with the title "Environmental impacts of alien species in aquaculture" (the IMPASSE project). Its overall goal was to develop guidelines for environmentally sound practices for introductions and translocations in aquaculture.

The recently submitted final report on the IMPASSE project has delivered an operational definition of 'closed aquaculture facilities' for which the degree of risk associated with alien species could be reduced considerably, possibly to an acceptable level, if the potential for escape of target and non-target organisms is addressed during transportation and by well-defined protocols at the receiving facility. This means that introductions and translocations for use in such facilities could be exempted from the permit requirement under certain conditions.

The aim is to remove the red tape associated with the permit procedure for those closed aquaculture facilities which can be considered as bio-secure and would be interested in farming "alien or locally absent" aquatic species.

IMPACT ASSESSMENT: the results of the IMPASSE project regarding closed aquaculture facilities were presented within the Management Committee for Fisheries and Aquaculture and a large number of Member States were in favour of improving the current definition in order to allow the said exemption. Therefore, the present proposal amending Council Regulation 708/2007 was prepared. Its aim is to remove the red tape associated with the permit procedure for those 'closed aquaculture facilities' which can be considered as biosecure. The proposed modification does not represent a major or substantial change to the Regulation. A specific Impact Assessment addressing this limited modification of the Regulation would not therefore provide any added value as it represents just an executive decision on a technical issue with marginal consequences. It would not be proportionate to invest additional effort and time in carrying out a formal Impact Assessment.

CONTENT: this proposal falls within the ambit of the Common Fisheries Policy, which is the exclusive competence of the Community. It provides that, according to Council Regulation 708/2007, introductions and translocations for use in 'close aquaculture facilities' may at a future date be exempted from the permit requirement of Chapter III of the Regulation, based on new scientific information and advice.

The proposed action aims to **exempt biosecure 'closed aquaculture facilities' from the permit requirement** of Chapter III of the Regulation. Taking into account the scientific advice, the proposal includes modification of the current definition of 'closed aquaculture facility', adding the appropriate characteristics to guarantee that such facilities do not allow the escape of target and non-target organisms to the wild environment.

In addition, a new provision regarding the **transport of alien and locally absent species to 'closed aquaculture facilities' is included**. Consequently, the Member States shall set up a list of closed aquaculture facilities. This list shall be published and regularly updated on a website which has been created under Commission Regulation (EC) No 535/2008. Some articles and Annex I are amended accordingly to reflect the new provisions.

BUDGETARY IMPLICATIONS: the proposal has no implications for the Community budget.