

POLICY NOTE

THE ALIEN AND LOCALLY ABSENT SPECIES IN AQUACULTURE (SCOTLAND) REGULATION 2015

SSI 2015/103

The Alien and Locally Absent Species in Aquaculture (Scotland) Regulations 2015 (“the 2015 Regulations”) make provision for the enforcement of Council Regulation (EC) No 708/2007 (“the EU Regulation”) and for the notification of both an intended movement of those species which are listed in Annex IV (with exceptions) of the EU Regulation and the translocation of a locally absent species within the United Kingdom.

Policy Objectives

Alien species have been identified as one of the key causes for the loss of biodiversity in the EU and the world at large. They can have significant economic and social impacts and could undermine the EU’s sustainable development objectives.

Scotland has a celebrated aquaculture brand. The Scottish Government aims to support industry to grow in a sustainable manner. In order to fully adapt to market conditions and changes, it is important that the aquaculture industry is able to diversify the species it cultures, but that this is balanced with appropriate safeguards for aquatic environments.

An example of the significant adverse environmental impact the introduction of an alien species can cause is well demonstrated in England and Wales by the North American signal crayfish. This species was imported in the late 1970s with government support, specifically for the development of small-scale aquaculture, in open ponds, as an agricultural extensification scheme. However, crayfish escaped from such sites and colonised many rivers in England and Wales. The species competes with the native white-clawed crayfish and carried a disease, crayfish plague, to which the native British crayfish have no immunity. Native white-clawed crayfish have now all but disappeared in the southern half of England. This case highlights the need for prior assessment of the potential impacts of species introduced for use in aquaculture.

The EU Regulation places an obligation on Member States to ensure there is adequate protection of aquatic habitats from the risks associated with the use of alien and locally absent species in aquaculture, and contributing to the sustainable development of the aquaculture industry. It does this by providing for a system of permits and environmental risk assessment. Permits are required for the introduction of alien species and for the translocation of locally absent species between Member States. However, movements to closed aquaculture facilities are exempt but only where the species are transported under conditions which prevent the escape of those species and non-target species.

The EU Regulation exempts certain commonly used species, which are listed in Annex IV (Annex IV species) from the permitting requirements. However, Member States are able to place controls on the use of these species where they so wish.

The 2015 Regulations create a requirement for notifications of the movement of Annex IV species and an authorisation system but they also exempt from the notification requirements, movements of 2 of the Annex IV listed species – *Crassostrea gigas* (Pacific oyster) and *Oncorhynchus mykiss* (rainbow trout). Both of these are well established aquaculture species in Scotland.

In the case of a locally absent species, persons must also notify before the species is moved. They will then be advised by means of a notice if there are grounds for foreseeing threats to the environment due to the translocation. In such cases the EU Regulation will apply and the individual must apply for a permit.

The 2015 Regulations make provision for decisions concerning the grant of permits and notices concerning Annex IV species or locally absent species to be appealed. Permits (and notices in respect of Annex IV species) may also be amended or, where there is non-compliance, suspended or revoked. Enforcement notices may also be issued to require compliance.

Consultation

Consultation on the Council Regulation (EC) No.708/2007 has taken place at various stages since 2006. During the negotiation stages of the Regulation, Defra engaged with industry, and consulted with the Commission. This enabled the UK Government to ensure that the Regulation would not apply retrospectively to established businesses, thus lessening the burden on the industry.

Overall it was felt that the Regulation would not have a significant impact on the UK's established aquaculture production businesses. Most of the existing businesses concerned with non-native species deal in certain, commonly-farmed species that are already well established in trade. These have largely been exempted from any additional controls.

Scottish Government also undertook a 4 week consultation from 14th October 2014 to 11th November 2014. The consultation document was sent to relevant stakeholders and placed on the Scottish Government web site.

The requirements in the EU Regulation apply directly to Member States. The 2015 Regulations therefore ensure that powers are in place to implement those requirements. The consultation exercise therefore applies to the proposals for implementing the EU Regulation requirements through the 2015 Regulations .

The consultation asked for general comments from relevant stakeholders as opposed to direct questions. A total of 3 responses were received, 2 of which raised no major issues and 1 which was in support of the Regulation. In light of these comments, no amendments were made to the draft Regulation.

Impact Assessments

A full equality impact assessment is not deemed necessary as the Regulation will not have any adverse differential impacts.

The 2015 Regulations have been subject to an strategic environmental assessment (SEA) pre-screening. No comments were received during this process and it was concluded that a full SEA was not necessary as the Regulations will not have any adverse impacts on the environment.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been prepared for the 2015 Regulations and is attached. The powers enabled in the 2015 Regulations will ensure there is adequate protection of aquatic habitats from the risks associated with the use of alien and locally absent species in aquaculture, and contributing to the sustainable development of the aquaculture industry.

Scottish Government
Marine Scotland Directorate

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