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Background

The EU MSFD identifies input of nutrients as one of the human-induced pressures on the marine environment and aquaculture as one of the sources of nutrients. The MSFD also requests all the member states to develop programs of measures to reach a good environmental status (GES) of the marine environment or maintain it in the areas where the GES has already been achieved following the precautionary principle.

HELCOM Nutrient reduction scheme was established as a part of the Baltic Sea Action Plan in order to reduce input of nutrients and mitigate eutrophication of the Baltic Sea. The latest assessment of the maximum allowable input (MAI) based on the national data reported by 2012, identified that the environmental target was achieved in Bothnian Sea, Danish straits and Kattegat.

Nonetheless, the total input of nutrients into the Baltic Sea is far beyond the environmental targets. That was recognized by the EUROPEAN COURT OF AUDITORS, which concluded that combating eutrophication in the Baltic Sea requires further and more effective action.

The document contains concern by FEAP that the existing Guidance on application of WFD and MSFD is outdated and hampers development of aquaculture in the Baltic Sea region. Particularly, it concerns the application of precautionary principle. By the way, FEAP highlights in the document that the nutrient neutral aquaculture, development of which recommended by HELCOM Recommendation 37/3, does not exist.

Action requested

The Meeting is invited to take note the concern by FEAP and provide feedback on the suggested update of the EU Guidance of application of MSFD and WFD.

Concerns: Implementation of the WFD and MSFD in the European Union

Liege, 31st August 2016

The approaches of many National administrations to implementation of the Water Framework Directive (WFD) and the Marine Strategy Framework Directive (MSFD) represent a key barrier to growth in European aquaculture. FEAP therefore welcomed the Commission's decision to provide guidelines on these two directives in relation to aquaculture in order to help national and regional administrations implement environmental EU legislation without imposing unnecessary burdens on producers.

Having studied the Guidance document *"On the application of the Water Framework Directive (WRD) and the Marine Strategy Framework Directive (MSFD) in relation to aquaculture"* (SWD(2016) 178 final), the FEAP is led to conclude, unfortunately, that this Guidance does not provide so many useful and practical solutions to support growth in European aquaculture.

FEAP wishes specifically to address four core issues that are identified in the document.

1) Socio-economic benefits of aquaculture

FEAP finds that the document does not place a high enough emphasis on the positive socio-economic benefits and contributions of aquaculture within coastal areas, nor does it recognise its contribution to rebalancing the EU seafood deficit and the sector's key role in the Union's Blue Growth strategy. These points must be added into any assessment of potential development in addition to purely environmental concerns. The Guidance provided should include these socio-economic aspects.

2) Inflow of nutrients into areas with significant nutrient inputs

The Guidance states that nutrients can contribute to local eutrophication with impacts on elements of biological quality. The Guidance concludes that aquaculture may have some impact at local scale but is generally unlikely to have significant impact, except in areas that already have significant nutrient inputs. This is often the case in many WFD areas. One solution is to locate new fish farms in MSFD areas but precautionary actions are blocking such an approach because there may be a risk of nutrient inflow into a WFD area. This is not scientifically correct; according to DHI (www.dhigroup.com), such inflow is diffuse and will be "neutralised" by a corresponding outflow. The Guidance should accordingly guide authorities not to apply the Precautionary Principle on the inflow of nutrients into WFD areas.

3) The Precautionary Principle

The Guidance states that Precautionary Principle has to be applied to aquaculture. The Commission refers to a previous Guidance document ((COM(2000) 1 final) and concludes that this *"should help clarify the requirements in the application of the Precautionary Principle to sustainable aquaculture development and address concerns raised about the sector's growth ambitions, especially for new developments such as offshore aquaculture"*. FEAP disagrees with this position. The previous Guidance is outdated and authorities are using the Precautionary Principle to stop the establishment of new fish farms and the expansion of existing farms. The Guidance should provide new and updated guidelines on the application of the Precautionary Principle to aquaculture.

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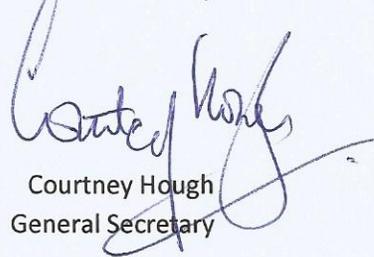
4) Nutrient-neutral aquaculture in the Baltic Sea

The Guidance states that the Baltic Sea is significantly eutrophic and that Member States may consider nutrient-neutral aquaculture. FEAP disagrees with this position. Aquaculture will not have a significant effect on the eutrophication of the Baltic Sea. Nutrient discharge from existing and new aquaculture farms will only have no or only minor effects on the eutrophication in The Baltic Sea.

The report of the European Court of Auditors "*Combating eutrophication in the Baltic Sea: further and more effective action needed*" calls for more action on nutrient reductions. However, the report also concludes that further reductions are not required for Kattegat, the Bothnian Sea and the Danish Straits (point 24 page 19 and annex III page 53). FEAP therefore recommends either to delete the reference to the Baltic Sea from the Guidance or to add alternatively that further nutrient reductions are not required for Kattegat, the Danish Straits and the Bothnian Sea. FEAP further stresses that nutrient-neutral aquaculture does not exist and thus cannot be proposed as a viable solution.

FEAP kindly calls for the Commission to open and revise the Guidance in accordance with the aforementioned issues.

Yours sincerely



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