



Strategic Guidelines IV – AAC recommendation on the development of shellfish-specific guidelines

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1. Context and explanatory statement

The European Commission's Directorate-General for Fisheries and Maritime affairs (DG MARE) has released a working paper on aquaculture guidelines entitled 'Review of the strategic guidelines for the sustainable development of EU aquaculture'. This document was developed following discussions on the first outlines of the new strategic guidelines discussed with EU Member States and the Aquaculture Advisory Council (AAC). Its aim is to facilitate a more detailed discussion on the issues that could be addressed in the future Guidelines based on a more in-depth internal reflection of the Commission's services.

The AAC has therefore prepared a third general recommendation on the document and decided to draft a specific fourth recommendation on specific guidelines for shellfish, as suggested by the Commission document in its latest paragraph.

In parallel, the Commission published in May 2020 its strategy titled 'Farm to Fork', which represents an important part of the Green Deal presented at the end of 2019. Shellfish farming is particularly in line with many of the objectives of this strategy, in particular the supply of 'organic' and healthful products of high nutritional value from a low trophic level of the food chain.

2. Specific targets for shellfish

The Advisory Council considers it important for the sustainable development of European shellfish to define the following priorities among these strategic objectives:

- I. **The availability of space.**
- II. **The protection of these spaces** and the water therein.
- III. **The creation of a network of statistics** specific to the shellfish sector and a better knowledge of the following:
 - a) existing businesses;
 - b) potential impacts of neighbouring industries on their environment and accidental pollution from both land and sea;
 - c) businesses impact on the environment;
 - d) their production and their ecological footprint;
 - e) mortality rates of farmed fishes.
- IV. **The reorganisation of representative structures** of the sector by allowing them to access the status of producer organisation or inter-professional organisation, particularly at the transnational and European level, giving them a major role in the creation of the statistical network mentioned in point 3 above. Pending a review by the WTO on including them, support should be provided by Member States in their EMFF operational programme to defend and manage the official EU quality signs (PDO, PGI, TSG).
- V. The development of **shellfish products traceability**, allowing a clear and simple identification of the

European shellfish products from the imported ones, as well as strengthening controls on products, both fresh and processed, especially at borders and in markets.

- VI. **The adequacy between consumer demand in Europe and an increased European shellfish production**, notably through a better knowledge of distribution channels and the new means for transporting products from producer to consumer in view of the COVID-19 pandemic.
- VII. **An applied research and development effort**, particularly for a future shellfish operation that consumes less resources, shipping (or even shipping/processing) workshops compatible with the RT2020 standard, viral inactivation techniques, biotoxin purification techniques, techniques for extracting shellfish meats compatible with a circular economy (recycling and sustainable reuse of shellfish waste), etc.

3. Recommendations by target

3.1 Space availability

Working Group 3 on horizontal issues of the Aquaculture Advisory Council (AAC WG3) adopted a report entitled 'Developing criteria and methodologies for determining aquaculture areas in the context of marine space development in the EU'¹. The AAC recommends that the Commission joins this report and its criteria in an appendix to its own guidelines.

The AAC recommends that the Commission guidelines propose to each Member State to take an inventory of existing areas and add the areas suitable for aquaculture by applying the criteria and methodologies proposed by the AAC after mapping them.

The AAC recommends that each of these areas be added to the register under the Water Framework Directive in Article 6 and Schedule IV. 1.ii.

The AAC recommends that this register and these maps be published on the online platform proposed by the Commission in its paper on European aquaculture assistance mechanism.

The AAC recommends that the definition of AZA be accompanied by the introduction of two criteria: the maximum space of operation allowed by the same company in a given area and the maximum density of farming allowed in that same area, to take into account, among other things, the trophic capacity of the environment.

The AAC recommends that national good practices in the planning of aquaculture farms, their zootechnical and environmental criteria, including the 'Structural Scheme' in force in each aquaculture farming area in France are analysed and disseminated through the open method of coordination (OMC).

¹ See Annex 1 of this recommendation.

3.2 Protecting spaces and waters

On 30/10/2019, the AAC adopted a recommendation on the protection of the quality of shellfish water.

A videoconference with DG ENVI has allowed the gathering of the Commission's position on the three options proposed by the AAC in its recommendation. The fitness check of the Water Framework Directive, conducted throughout 2019, is now complete. It concludes that the Directive does not need to be modified. Option 2 of the recommendation is therefore irrelevant according to the stakeholders consulted, while Option 3, which consists in proposing a daughter directive, is too burdensome to be considered at this stage, as it requires a prior impact study and a roadmap. Option 1, which consists of improving and strengthening the recommendations of the Commission to apply the environmental directives in force in the aquaculture sector, should therefore be considered. DG ENVI considers it appropriate to indicate within the DG MARE guidelines the improvements to be made, particularly to strengthen the consistency between the various texts.

The AAC therefore recommends that the Commission includes in these guidelines Option 1 proposed to the Commission and the Member States by the AAC. To this end, the AAC recommendation of October 2019 is included in Annexure 2.

For practicality, the AAC recommends that in the shellfish protected areas identified and mapped in the context of the recommendations in Chapter 1 above, the Commission adds a criterion to assess the good ecological status of these waters: the ecotoxicity test using the shellfish themselves. At the very least, it seems particularly relevant that protected waters for shellfish farming allow these animals to survive, grow and reproduce and that the products of this reproduction are viable.

The AAC recommends that the management plans of each of the coastal hydraulic sub-sectors in the Member States, in line with the protected shellfish growing areas, be modified to take into account the following two criteria when it is not already the case: the absence of saxitoxin and the microbiological indicator *Escherichia Coli* at a lower level than the one previously established by the 'Shellfish Waters' repealed Directive.

Regarding this last criterion, the AAC recognises that its relevance, given today's knowledge of human health, can be called into question. The AAC is also working in this spirit on a recommendation on noroviruses. Pending undeniable methods of identifying infectious norovirus and sufficient knowledge to establish without question a threshold of toxicity for European consumers, the AAC recommends that Member States establish a programme of additional measures on the quantities of enteric viruses at the effluence of treatment plants in coastal hydraulic sub-sectors where there is shellfish farming and that a specific preventive alert action programme is set up to inform producers of the risk of pathogens arriving in farming areas downstream of treatment plants. The AAC recommends that Member States include an enteric virus threshold target lower than that of human health regulations in each management plan, especially as soon as it is set by regulation (EU) no. 853/2004.

Recommendation 3 in Chapter 7 will usefully complement those in this chapter.

3.3 Statistical network and knowledge of the EU shellfish sector

The AAC considers the European Parliament's amendment to introduce the creation of an aquaculture statistical information network in the future EMFF regulation – currently in triilogue discussions – wherever relevant.

The AAC recognises the relevance of the actions taken in this area in the agricultural sector since the creation of the Union and considers that the added value of such a specific network for shellfish would be productive and meaningful; it should also be feasible considering the relatively small number of shellfish companies. .

The AAC recommends that all the mandatory declarations be combined into a single database. This will not be difficult to achieve because much of the data is already being collected and reported on under the following heads:

- socio-economic policy under the Framework Directive on Data Collection;
- production under the regulation on establishing a Common Fisheries Policy;
- health services under the Hygiene Package;
- animal health care under the Animal Health Law and its implementing acts;
- space under the Spatial Planning Framework Directive and Marine Strategy Framework Directive;
- environmental data under the Water Framework Directive and Marine Strategy Framework Directive and their implementing acts.

Many other data should also be collected; they are specific and relevant to the shellfish industry and its markets.

The AAC recommends the implementation of the 'tell us only once' rule to avoid professionals from having to provide repeat statements that they consider redundant, thus guaranteeing a more efficient management of information, while favouring compliance with professional notification obligations without generating additional costs.

The AAC recommends that the Commission's proposed platform for a European Aquaculture Assistance Mechanism houses these databases, in collaboration with EUMOFA for the relevant data.

3.4 Reorganisation and strengthening of representative structures

The sector consists mainly of micro family businesses or very small firms. The COVID-19 crisis has once again underlined the absolute need for such microstructures to have a strong and structured professional representation.

The AAC recommends that these structures be strongly associated with the implementation of the network covered in the previous chapter.

The AAC notes the low recognition of firms in aquaculture as producer organisation or inter-professional organisation in accordance with the Common Market Organisation (CMO) nomenclature. The AAC recalls the views of the Fisheries and Aquaculture Advisory Committee, now replaced by the Advisory Councils, which has since 2006 suggested that the Commission review its criteria for such organisations in the aquaculture sector. The AAC considers that the current criteria are suitable for fishing organisations operating a shared common resource but unsuitable for shellfish operators exploiting a high and private resource.

The AAC therefore recommends that the recognition criteria and missions of producer organisations and inter-professional organisations be reviewed in the forthcoming review of the Common Market Organisation for Fisheries and Aquaculture. In the meantime, the AAC recommends that the Commission eases and considers a greater coordination amongst the Member States for the recognition of existing transnational bodies.

The AAC also recommends that the defence and management of official EU quality signs (PDO, PGI, TSG) defined in Article 3, paragraph 2 of Regulation (EU) 1151/2012 of 21 November 2012, as defined by the Common Organisation of Agricultural Markets, be included in the next revision of the Common Market Organisation for Fisheries and Aquaculture. In the meantime, the AAC recommends that Member States simplify and facilitate the recognition of producer organisations for the groups requesting it and that their new EMFF operational programmes include the possibility of financing the creation and management of such groups particularly for data collection, promotion and control, innovation and research and development aspects.

Finally, the AAC recommends that the important role of European associations and federations of all CFP stakeholders in promoting effective sectoral dialogue at the transnational and pan-European level be recognised in the future Common Fisheries and Aquaculture Policy and its Common Market Organisation. In the meantime, the AAC recommends that the concerned Member States (that house the headquarters of such European associations or federations) include in their operational programme the activities of European networking, information and data collection, members' meetings aimed at fostering inter- and intra-sector dialogue and the interpretation and translation of documents.

3.5 Tracing and control in shellfish

The AAC recognises the need to move forward on the traceability of shellfish products and recommends that the guidelines should give the opportunity to establish a common reflection between Member States and professional organisations. As noted earlier, the traceability provided for in the 'control' regulation for fishing products refers to their status as a shared common resource that must be controlled to avoid overexploitation.

However, shellfish products being farmed products, the situation is completely different because they are and remain the private property of the operator from the beginning of the exploitation cycle until its marketing for human consumption. The legal motivation for controlling such products and its purpose are therefore fundamentally different in nature. Only a strong involvement of the professional representative structures, associated with the services of the Member States in charge of the collection

of statistical information, will define the legal and technical framework in which such traceability can be conducted.

The AAC recommends that the data collection for traceability, like any other data collection, is not redundant and that it obeys the strict rules of data protection. The anonymity of the registrant must be guaranteed. They must be able to access their data and correct it in real time. Only the authorised supervisors will be able to access it, within a limited framework and expressly provided for by EU laws. Data aggregated for statistical purposes, with all personal references redacted, may be used and published for analysis only if it ensures that the individual company, although anonymous, cannot be identified at a geographical scale or in a typology where too little data is available.

The AAC also recommends tighter border and market controls.

3.6 Supply/demand adjustment in a development context

The AAC recommends that campaigns be organised by Member States to raise awareness among consumers, especially the youngest, about the high nutritional value of bivalve molluscs and the high level of respect for the concepts of sustainability. For example, the AAC suggests that shellfish can be included in the menus of school canteens.

The AAC recommends that, through an adequate and systematic mechanism at the European and Member State levels, the numerical targets for spatial growth, production and consumption be supported by feasibility studies that will also take into account the trophic capacity of the farming environment, with capability to support the additional expected productions.

Some markets and shellfish products have a surplus balance, as in the case of oysters. A development strategy will need to demonstrate the enhanced opportunities for increased production and/or demonstrate that targeted communication actions will increase the number of individual consumption acts to ensure a market-wide balance between production and consumption.

Some markets, such as those for mussels, have a deficit balance, and they are mostly imported in small sizes and at low prices for industrial food processing. The guidelines will have to include a series of mechanisms guaranteeing the free movement of goods; fair competition notably in terms of environmental and social footprint of imported products in relation to their European equivalents; and the processing and valuation of shellfish products by production organisations.

The AAC recommends that the added value be recovered by small family-owned companies that produce rather than by the large international agrifood groups. The COVID-19 crisis underlines the importance of increased resilience of these very small family businesses and the importance of also valuing processed products that can eventually be stored, unlike products sold live and fresh for direct consumption.

3.7 Applied Research, Development and Innovation (RDI)

In practical terms, this objective is for the medium term and must be viewed as such.

The AAC recommends that EATIP play a central role in a research and development system for small family businesses in the sector.

The AAC also recommends that national mirror platforms be set up if this is not currently the case.

The AAC recommends the creation of an extension network by these national mirror platforms. Such a network should be supported financially by the EMFF.

The priority actions of RDI programmes should include the following:

- a) The more fuel-efficient and carbon-limited container ships of tomorrow.
- b) The drafting of specific guidelines so that production, shipping and processing establishments can be aligned to the RT2020 standard and that those establishments built after the publication of these guidelines adhere to these standards.
- c) Viral inactivation techniques for enteric viruses, such as noroviruses, hepatitis A, or even coronaviruses, must be in place and enforced at the treatment plants where collective sanitation exists. It should also be possible to inactivate them in the purification and shipment facilities of live shellfish where collective sanitation does not exist. A specific RDI programme should be initiated for this purpose, with the techniques of inactivation identified and guidelines written down.
- d) Purification techniques for the biotoxin accumulated by filter molluscs when feeding in water contaminated with toxic algae.
- e) The techniques of extraction and upgrading/processing of shellfish flesh to enable, as mentioned in the previous chapter, the valuation of products and the creation of added value within production companies, while making them more resilient by diversifying their turnover and their ability to store products when circumstances require it.
- f) In view of the previous point, it is essential that all the technical possibilities of valuing shellfish waste be developed. RDI programmes should focus on testing the economic feasibility of the various stages of the process (collection, treatment, enhancement, reuse, etc.) at the level of each Member State and/or at the cross-border level.
- g) Finally, programmes aimed at developing alternatives to the use of plastic materials in shellfish production (pockets and safety nets against predators in particular) should be given priority, especially when they include the capacity to recycle such materials from a circular economy perspective.
- h) Studies on the functioning of the different aqua ecosystems producing bivalve molluscs and the ecosystem services they provide. The aim is a better understanding and the promotion of the

preservation of European biodiversity and ecosystem services, while strengthening best production practices.

4. Annexes

1 - AAC report ‘Developing criteria and methodologies for determining aquaculture areas for marine space development in the EU’ - September 2019

The AAC Working Group on Horizontal Matters has produced a report on "Developing criteria and methodologies for determining aquaculture areas for marine space development in the EU" with the consultant Dr. Lorraine Gray.

You can access the report with the detailed criteria here:

<https://aac-europe.org/en/news/multimedia/276-aac-report-developing-criteria-and-methodologies-for-determining-aquaculture-areas-for-marine-space-development-in-the-eu>

2 - AAC Recommendation ‘Protecting the Quality of Shellfish Water’ - October 2019

This recommendation is available on the AAC’s website here:

<https://aac-europe.org/en/recommendations/position-papers/226-recommendation-on-the-specific-protection-of-shellfish-water-quality>



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