



# Recommendations on the coherence of zones concerning shellfish farming

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## **Index**

Index .....	2
1 Context .....	3
2 Zoning for shellfish farming .....	3
2.1 Areas directly affected by shellfish farming .....	3
2.2 Areas indirectly affected by shellfish farming .....	3
2.3 The logical and coherent geometric interweaving of these various areas .....	3
3 Case study.....	4
3.1 Ireland.....	4
Consistent zoning in the Wexford area on the east coast of Ireland.....	6
3.2 France .....	7
A zoning that lacks coherence in the region of La Guérinière on the island of Noirmoutier in France. .....	8
4 Recommendations.....	10
4.1 To the Commission.....	10
4.2 To Member States .....	10
5 Annex.....	11
5.1 Order of the Prefect of Vendée establishing sanitary zoning .....	11

## 1 Context

In October 2019, the Aquaculture Advisory Council (AAC) adopted a recommendation on the protection of the quality of shellfish waters, highlighting the inconsistency and confusion, in some Member States, between two zonings resulting from two different regulatory provisions: shellfish protected areas within the meaning of the Water Framework Directive and areas classified as sanitary under the Hygiene Package.

Subsequently, in June 2020, the AAC adopted another recommendation on the development of specific guidelines for shellfish farming, incorporating this inconsistency and recommending the identification of areas suitable for shellfish farming in all European seas and their mapping, zoning and protection. This recommendation was accompanied by the need to link coastal watersheds with homogeneous coastal water bodies and to bring the latter in line with other zoning under this homogeneity.

The purpose of this recommendation of October 2021 is, therefore, to analyse these inconsistencies more precisely and to propose to the Commission and the Member States a framework aimed at a stronger coherence of the various zonings.

## 2 Zoning for shellfish farming

### 2.1 Areas directly affected by shellfish farming

The zonings directly concerned with a community regulatory provision are as follows:

- Shellfish rights of licences dedicated to sea farming activities under the Maritime Spatial Planning Framework Directive 2014/89/EU.
- Protected areas under the Water Framework Directive 2000/60/EC, Annex IV-1-ii "Economically important aquatic species".
- Areas classified from a health point of view under Regulation (EC) No 854/2004 (hygiene package).
- Areas classified from an animal health point of view under Regulation (EU) 2016/429 (Animal Health Package).

### 2.2 Areas indirectly affected by shellfish farming

The two main zonings regarding shellfish zoning listed in 2.1, which are established by a community regulatory provision, fall under the Water Framework Directive 2000/60/EC:

- The Coastal Hydraulic Sub-Sectors of the Watersheds, also known as "coastal watersheds".
- Coastal water bodies that extend between the coastline, or intermediate waters where they exist, and the baseline offshore.

### 2.3 The logical and coherent geometric interweaving of these various areas

Consultations with experts who are members of AAC from the various coastal Member States where shellfish farming is a well-developed activity facilitated the summary of the existence of these various zonings and the possibility for the public to consult them or even download them from the Internet in a manipulable format, as presented in the table below.

Member State	Sign	Protected area	Zone classified as sanitary	Area classified as zoosanitary	Hydraulic sub-sector	Coastal water body
Ireland	X	X	X		X	X
France	X		X	X	X	X
Spain	X	X	X		X	X
Italy	X		X		X	X

These various regulations have been instituted at successive periods in time and implemented by different authorities in the Member States. This temporal succession and diversity of responsible departments, which do not communicate much with each other, has led to the definition of zoning that is not consistent with each other, possibly leading to difficulties in application or interpretation on the ground.

The logic for drawing a new shellfish farming area in a virgin area by a single national authority in charge of the file, should be, and in this order:

1. **Cadastral** right-of-way: This results from the geometric fusion of each parcel or cadastral licence.
2. **Protected** area: This area is identical to or greater than the geometric perimeter of the cadastral right-of-way or includes a buffer zone.
3. **Zone classified as sanitary**: This is identical to or greater than the geometric perimeter of the protected zone.
4. **Zone classified as animal health**: This is identical to or greater than the geometric perimeter, and the zone classified as sanitary.

Further, coastal water bodies are, by definition, homogeneous from the point of view of the 11 descriptors that make it possible to define the “good environmental status” of<sup>1</sup>water, including the mechanical point of view and the perspective of dispersion of chemical, biochemical molecules, particles or suspended biological material. Under these conditions, it is logical that a zone classified as sanitary, which corresponds to the classification criterion of homogeneous diffusion of *E. coli* bacteria, should be completely superimposed on a coastal body of water. Where this is not the case, only the coexistence of two coastal watersheds can coherently justify a secant perpendicular to the coastline where the two hydraulic subsectors are adjacent to land. Segmenting a coastal mass by a secant parallel to the coastline, cutting a coastal water body into a more coastal part and a second offshore part, does not affect consistency with the zoning mentioned above.

This recommendation analyses two different case studies:

1. The situation in Ireland, where shellfish farming has recently developed, and where the use of the Internet as a tool for distance learning and information, is widespread and commonly used. Therefore, the need to create mandatory zoning could be justified according to the logic presented above.
2. France is one of the countries of the Union where shellfish farming has been strongly developed for more than a century and where various zonings have been carried out gradually by different authorities.

### **3 Case study**

#### **3.1 Ireland**

The zonings shown on the map on the next page are those of the Shellfish region of Wexford on the east coast of Ireland.

By simplifying the line of the contours of the licenced plots, the cadastral area is integrated into the slightly larger protected area encompassing the cadastral area.

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<sup>1</sup> Article 3 of Directive 2006/58/EC establishing a framework for Community action in the field of marine environmental policy ("Marine Strategy Framework Directive") and Decision (EU) 2017/848 establishing criteria and methodological standards for good environmental status of marine waters and standardised specifications and methods for monitoring and assessment, repealing Directive 2010/477/EU



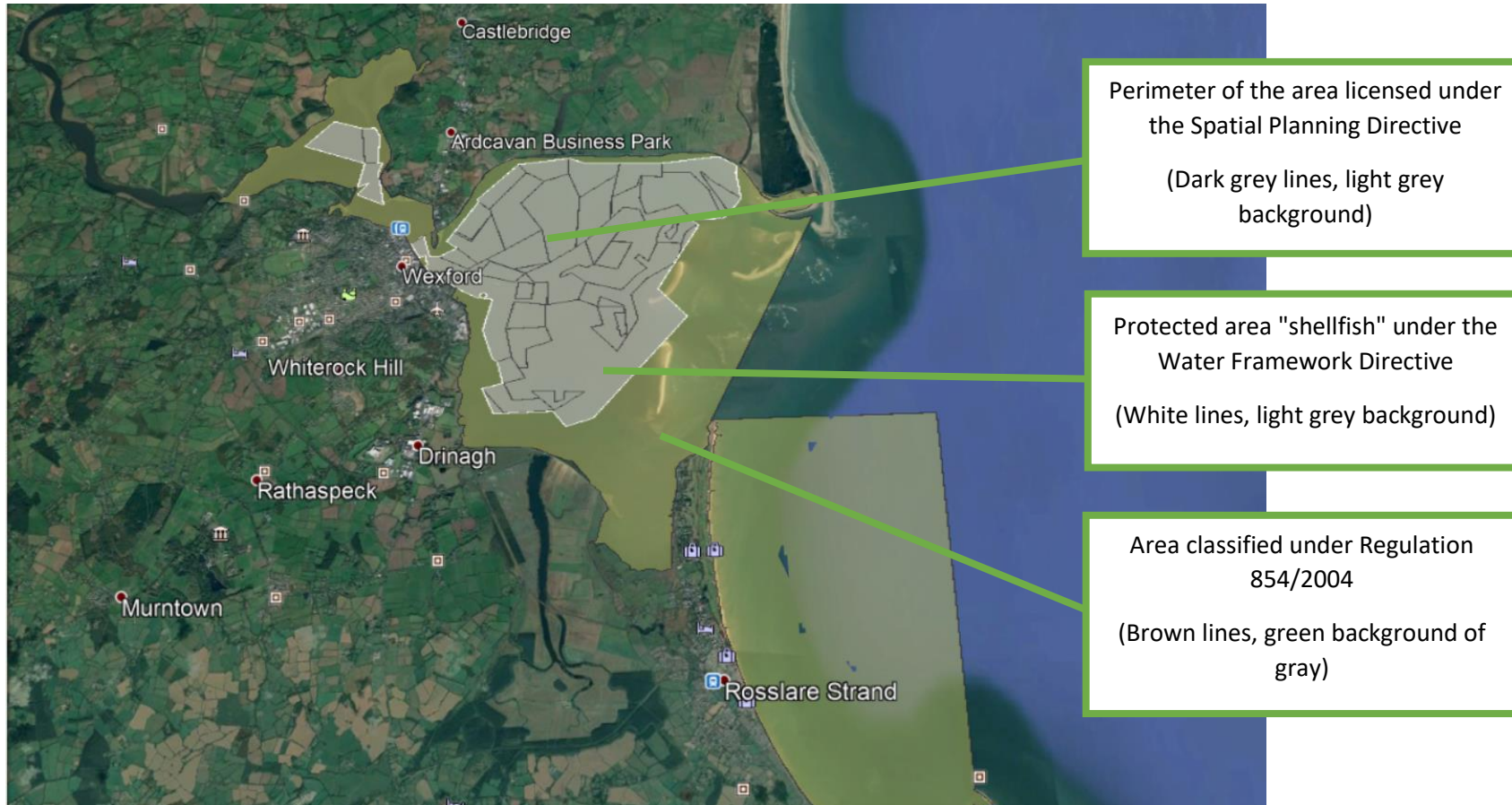
## *Recommendations on the coherence of zones concerning shellfish farming*

The classified area is much larger than the protected area. It fully encompasses the protected area. Zoning is consistent with the coastal water body.

To date, there is no animal health zone. It should be noted that the Animal Health Package is the most recent, with 2021 being the effective entry into force for most of its measures.

**Apart from the latter remark, the AAC notes the total coherence and logical interweaving of the various zonings in the Wexford area of Ireland, that were mentioned here above in Section 2.. This consistency can be generalised to other Irish shellfish regions.**

Consistent zoning in the Wexford area on the east coast of Ireland.



### **3.2 France**

The cadastral zone and its right-of-way exist in detail.

There is no protected shellfish zone.

The classified sanitary zone encompasses the cadastral zone well and even extends out to the sea, well beyond the current cadastral right-of-way.

It should be noted that the website dedicated to the [sanitary classification of shellfish waters](#) in France mentions “protected shellfish” zoning. The French authorities state that the classified area is also the protected zone. In fact, several aspects contradict this peremptory statement:

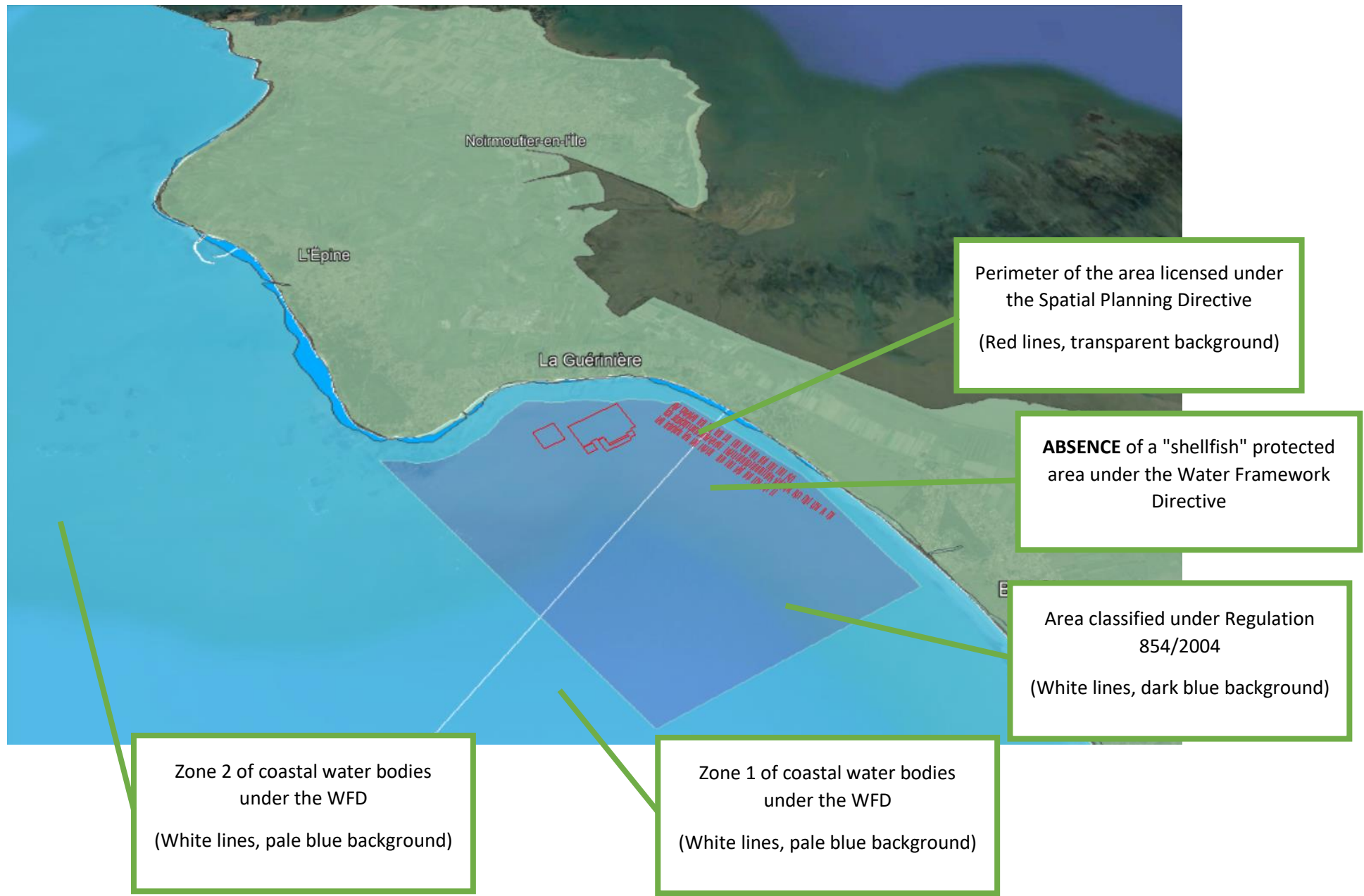
- The prefectural decree in Annex 5.1 of this recommendation establishing the classified area and its geometry refers exclusively to the Hygiene Package and the texts adopted in its application, either at the European or French level.
- No corrective measures or action programmes defined in Articles 8 and 11 of the Water Framework Directive of 23/10/2000 and Article 1 of Directive 2008/32/EC of 11/03/2008 are included either in that decree or in the corresponding coastal watershed water management scheme (Article 20 of the Directive of 23/10/2000).

The zone classified as animal health exists; it includes the cadastral zone and the sanitary zone and follows the two coastal water bodies visible on the second map.

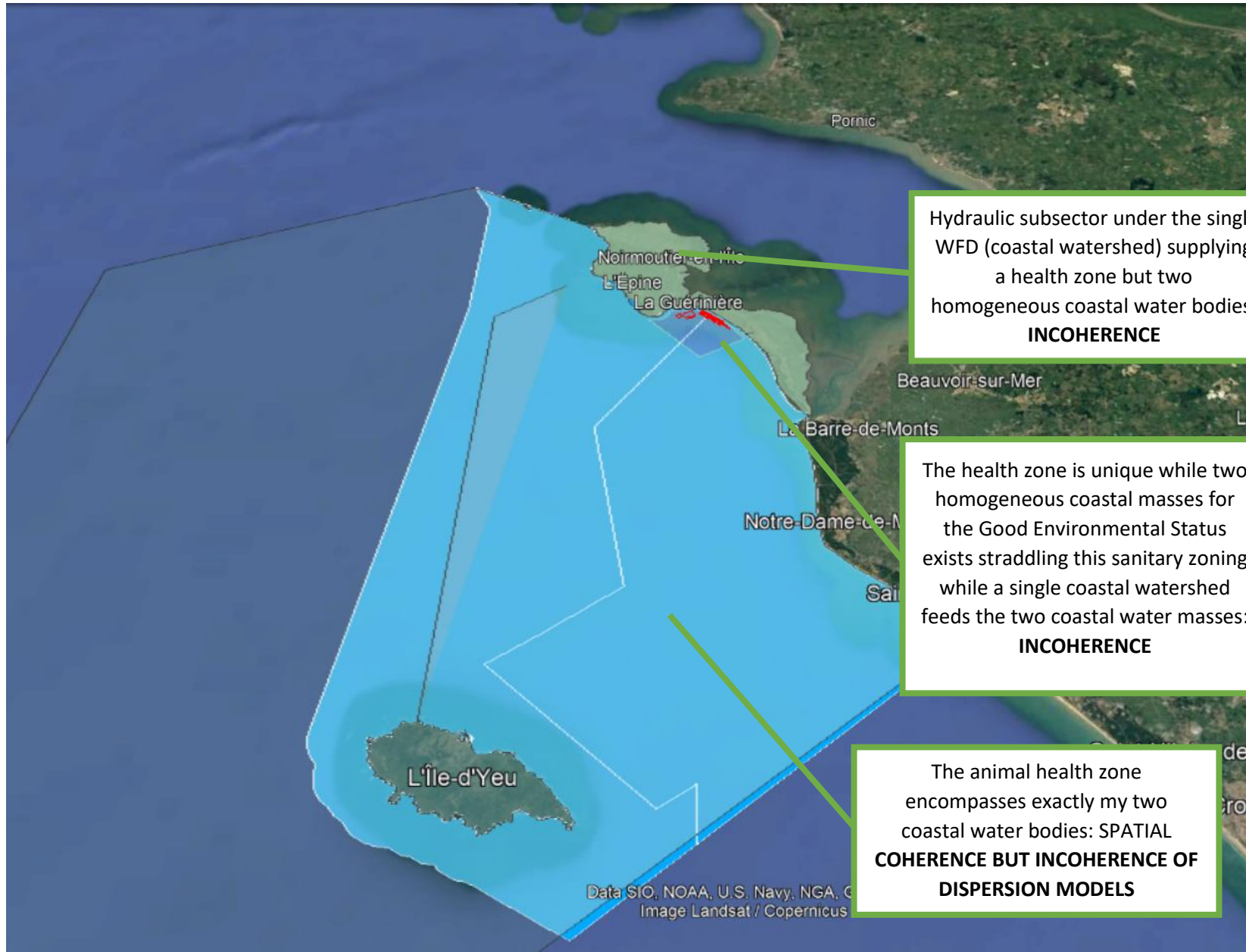
At this stage, it must be noted that notwithstanding the uniqueness of the coastal watershed regarding these bodies of water, two bodies are considered to coexist in this zone: one located on the west coast of the island of Noirmoutier and the second bordering it offshore and encompassing the island of Yeu further south. The first inconsistency lies in the line of intersection between these two homogeneous coastal masses, which “cuts” the classified sanitary zone, deemed homogeneous from the bacteriological point of view, and separates a single shellfish production area in two, without this being reflected in two zonings or two different names or different zootechnical practices in the two sub-zones. The second inconsistency lies in the fact that the two homogeneous bodies of coastal waters are considered a single mass from the point of view of the animal health homogeneity of dispersal of a pathogen, whereas they form two distinct and homogeneous entities according to all the other criteria of the EU Commission Decision 2017/248.

**The AAC notes a strong inconsistency and an illogical interweaving of the various zonings mentioned in Chapter 2 in the Noirmoutier area in France. It also notes the absence of protected zoning, a plan of measures and a corrective action programme, as well as the absence of governance for these areas, which should be the subject of a specific register provided for in Article 6.2 of the Directive of 23/10/2000, which should exist since October 2004 (Article 6.1 of the Directive of 23/10/2000). This inconsistency can be generalised to other French shellfish regions.**

A zoning that lacks coherence in the region of La Guérinière on the island of Noirmoutier in France.







## **4 Recommendations**

The Aquaculture Advisory Council therefore recommends the following:

### **4.1 To the Commission**

1. EMODNET specialists should find the layers mentioned in Section 2.1 and 2.2 that Member States declare existing and available and add them to the "Human Activities/Aquaculture Option" section. This will allow the public to download these layers in kml format, and the opportunity for this download should be mentioned in the "aquaculture" portal that the Commission plans to create online to help the development of aquaculture.
2. During the next revision of the Spatial Planning Directive, a framework should be prepared for the harmonisation of the different zonings related to shellfish farming indicated in Section 2, allowing the legislative provisions to:
  - a) Amend, as necessary, certain provisions of the regulatory texts on which the zoning referred to in Section 2.1 are based to create the coherence and interweaving referred to in Section 2.3.
  - b) Add a methodological annex that contains the principles of harmonisation and methodology similar to those of the EU Commission Decision 2017/848.
  - c) Define a timetable for updating the transposition of the new/modified provisions in National law by Member States.

### **4.2 To Member States**

1. Define, by the end of the EMFAF programming period, shellfish protected areas consistent with the cadastre and classify sanitary zones as closely as possible to the zoning of coastal water bodies where such protected areas do not explicitly exist.
2. Create any new production area at sea coastal or offshore in accordance with the criteria of coherence and geometric nesting proposed in Section 2.3.
3. Revise as soon as possible the Water Management Schemes of coastal watersheds to integrate programmes of measures to achieve the criteria, in particular microbiological in *Escherichia Coli* but also in Norovirus, in accordance with the Hygiene Package in terms of human health.
4. Revise as soon as possible the Water Management Schemes of coastal watersheds to create corrective action plans when the measures proposed in the previous paragraph reveal the need.
5. Establish, in parallel with the implementation of points 1 to 4 above, governance involving the relevant stakeholders, first and forth the professional organisations of shellfish farming in the area in question.
6. Create a surveillance and biovigilance plan in the animal health zone concerning notifiable pathogens but also herpes viruses and pathogens recognised or suspected of a role in shellfish mortalities.
7. Establish and finance specific governance and an adequate monitoring network to fulfil the mission described in the preceding paragraph.
8. Anticipate the recommendation made to the Commission in the previous chapter by implementing measures to harmonise and bring coherence to existing zoning when inconsistencies are found in close collaboration with professional organisations and other stakeholders representing shellfish farming.

## 5 Annex

### 5.1 Order of the Prefect of Vendée establishing sanitary zoning



Direction départementale  
des territoires et de la mer

Délégation à la mer et au littoral  
Service gestion durable de la mer et du littoral  
Unité Cultures Marines

Arrêté n° 2021/325 – DDTM/DML/SGDML/UCM

portant classement de salubrité des zones de production professionnelles de coquillages  
vivants sur le littoral de la Vendée

Le Préfet de la Vendée  
Chevalier de la Légion d'Honneur  
Chevalier de l'Ordre national du Mérite

**VU** le règlement (CE) n° 178/2002 du Parlement européen et du Conseil du 28 janvier 2002 établissant les principes généraux et les prescriptions générales de la législation alimentaire, instituant l'Autorité européenne de sécurité des aliments et fixant des procédures relatives à la sécurité des denrées alimentaires ;

**VU** le règlement (CE) n° 853/2004 du Parlement européen et du Conseil du 29 avril 2004 fixant des règles spécifiques d'hygiène applicables aux denrées alimentaires d'origine animale ;

**VU** le règlement (CE) n° 2073/2005 de la Commission du 15 novembre 2005 concernant les critères microbiologiques applicables aux denrées alimentaires ;

**VU** le règlement (CE) n° 1881/2006 modifié de la Commission du 19 décembre 2006 portant fixation des teneurs maximales pour certains contaminants dans les denrées alimentaires ;

**VU** le règlement (CE) n° 1069/2009 du Parlement européen et du Conseil du 21 octobre 2009 établissant les règles sanitaires applicables aux sous-produits animaux et produits dérivés non destinés à la consommation humaine et abrogeant le règlement (CE) n° 1774/2002 ;

**VU** le règlement (CE) n° 2017/625 du Parlement européen et du Conseil du 15 mars 2017 concernant les contrôles officiels et les autres activités officielles servant à assurer le respect de la législation alimentaire et de la législation relative aux aliments pour animaux ainsi que des règles relatives à la santé et au bien-être des animaux, à la santé des végétaux et aux produits phytopharmaceutiques ;

**VU** le Code Rural et de la Pêche Maritime, notamment les articles R.231-35 à R.231-43 relatifs aux conditions sanitaires de production et de mise en marché des coquillages vivants ;

**VU** le décret n° 84-428 du 5 juin 1984 relatif à la création, à l'organisation et au fonctionnement de l'Institut Français de Recherche pour l'Exploitation de la Mer (IFREMER) ;

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