



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

Maritime Policy and Blue Economy
The Director

Brussels,
MARE.A.2/JGB

Subject: AAC Recommendation on Industrial Contaminant Levels in Aquaculture and Climate Change

Dear Mr. Thomsen,

Thank you for the AAC recommendation sent on 30 October 2025, where the AAC stresses the vulnerability of the aquaculture sector to the pollution of water and the need to ensure reinforced action to ensure water quality for aquaculture activities.

Let me address each specific aspect of this recommendation below:

- 1. Ensure effective implementation of existing AAC recommendations mentioned above, in particular by requiring Member States to fulfil their obligations to maintain EU waters at the highest possible quality levels.*

We are aware that aquaculture is an activity that depends on high-quality water for its development. For some species, commercial farming is only viable when water quality is good, notably bivalve molluscs. As explained in the recommendation, water pollution has adverse effects on production, profitability, and the competitiveness of the aquaculture sector.

As you know, the EU has two key Directives that ensure the protection of coastal and marine waters: the Water Framework Directive (WFD) and the Marine Strategy Framework Directive (MSFD). These Directives establish rules to safeguard water resources and freshwater and marine ecosystems. In addition, other Directives such as the Urban Wastewater Treatment Directive, the Bathing Water Directive, the Nitrates Directive, and the Environmental Impact Assessment Directive, among others, also contribute to guaranteeing water quality and ecosystem integrity in the EU. Member States are responsible for the correct implementation of those Directives.

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We are also aware that, as a result of climate change and the increasing frequency of extreme weather events, there is an increasing risk of water contamination from external sources.

Adaptation to climate change is an important aspect of the Strategic Guidelines for a more sustainable and competitive EU aquaculture adopted by the Commission in 2021. This aspect is linked to the objective of strengthening the resilience and competitiveness of the sector. As part of the actions contemplated in the annex to the strategic guidelines, the Commission has published a Staff Working Document (SWD) on the adaptation of EU aquaculture to climate change, aimed at supporting Member States and the industry in developing Climate Adaptation Plans. The Commission has also published two SWD on access to space and water for marine aquaculture and for freshwater and land-based Aquaculture, respectively. These documents address water quality and availability, among other issues, and provide recommendations and examples of good practices. As you know, the preparation of these documents was based on broad consultations, including consultations with the Aquaculture Advisory Council (AAC). It will now be up to the competent administrations to take these documents into account.

In addition, DG MARE will publish, in the first quarter of 2026, another SWD on environmental performance of aquaculture, providing recommendations to competent authorities and the sector on how to further enhance the environmental performance of the activity. This document should also refer to the protection of water quality in areas where bivalve molluscs are farmed.

Furthermore, one of the objectives of the EU Water Resilience Strategy is to guarantee water quality through the effective implementation of existing EU legislation on water management. The strategy recognises that aquaculture is a sector that is particularly affected by water pollution.

Finally, regarding the recommendation on Norovirus, the Directorate-General for Health and Food Safety (DG SANTE) is actively discussing possible control measures with Member States. However, the absence of a harmonised detection method, currently under development by the European Union Reference Laboratory, for foodborne viruses makes it difficult to establish common criteria. The Commission considers Norovirus contamination, particularly in bivalve molluscs intended for raw consumption (such as oysters), to be a priority.

Under the current rules, notably Articles 56–59 of Commission Implementing Regulation (EU) 2019/627¹, before classifying a production or relaying area for bivalve molluscs, competent authorities must carry out a sanitary survey. This survey must include:

- an inventory of sources of pollution of human or animal origin likely to contaminate the production area.
- an assessment of the quantities of organic pollutants released during different periods of the year, taking into account seasonal variations in human and animal populations, rainfall, and wastewater treatment; and
- an analysis of pollutant circulation based on current patterns, bathymetry, and tidal cycles in the production area.

¹ Commission Implementing Regulation (EU) 2019/627 establishes uniform practical arrangements for official controls on products of animal origin intended for human consumption, ensuring compliance with food safety and animal health standards.

This is complemented by a monitoring programme to verify that classified areas maintain the same characteristics over time. Classification of marine zones considered to be at risk is not permitted. This approach should serve as a model for other aquaculture activities.

- 2. Officially recognize that aquaculture farmers, particularly those working in open water environments, are victims of external pollution sources (agricultural, industrial, and urban), which directly affect their production despite their lack of responsibility for the contamination.***

The EU legal framework for water protection explicitly sets the obligation of Member States to prevent deterioration and to achieve good ecological and chemical status of waters under the WFD as well as good environmental status of marine waters under the MSFD.

The Commission is aware that the lack of effective implementation or enforcement of this obligation can result in water contamination that directly affects aquaculture operations without any fault on the part of farmers.

The Aquaculture Advisory Council (AAC) has repeatedly highlighted that aquaculture producers are often unfairly exposed to the consequences of external pollution and associated management measures, such as harvesting bans, area closures, or downgrading of production areas. These impacts may lead to substantial economic losses and reputational damage, while responsibility for the pollution lies outside the sector.

In this context, the Commission supports the development of appropriate mitigation, compensation, and prevention mechanisms, strengthening cross-sectoral coordination, and contributing to a more coherent application of the “polluter pays” principle enshrined in EU environmental law.

- 3. Reinforce and update regulations governing industrial emissions and water quality management, with the objective of reducing pollution at its source and upstream of aquaculture production areas.***

The main EU legal instrument to regulate emissions to soil, air, and water from the biggest industrial installations in the EU is the Industrial Emissions Directive (Directive 2010/75/EU). This Directive was revised in 2024 and introduced among other elements, stronger rules for tackling emissions. It captures additional sources of industrial emissions, tightens the emission limit values for industrial operators and limits conditions on granting derogations. The revision brought in more dissuasive penalties and more powers for competent authorities to suspend the operation of non-compliant installations.

These changes are expected to significantly reduce the environmental impact of industrial activities.

- 4. Establish dedicated funding mechanisms to enable aquaculture professionals to develop and implement self-monitoring plans for chemical contaminants in aquaculture products.***

Under the European Maritime, Fisheries and Aquaculture Fund (EMFAF), support is generally not available for activities that are already required by law, with the exception of control measures, as explicitly set out in the EMFAF Regulation.

However, if aquaculture professionals seek assistance to develop techniques, plans, or other measures aimed at detecting and mitigating risks of non-compliance with legal obligations, this could potentially fall within the scope of their national EMFAF programme.

While this appears to be a productive investment in the aquaculture sector, the issue seems highly specific with limited broader applicability. As such, establishing dedicated funding mechanisms for this purpose may not align with the broader objective of simplification in future programming.

Given the nuances of this matter, the stakeholders should engage directly with their EMFAF Managing Authority (MA). The MA can either provide guidance on available support under the existing programme or approach the Commission for further clarification. This approach ensures that any potential support is properly evaluated in line with the applicable regulatory framework while maintaining administrative efficiency.

5. Strengthen data interconnection and management in a holistic marine observation framework, building on initiatives such as the Ocean Observation Initiative, the Ocean Pact, and the CleanSeaNet Service (EMSA), to enhance monitoring and knowledge of both coastal and offshore water.

On 2 March 2026, at the Ocean days, Commission President von der Leyen announced the launch of a [European Ocean Observation Initiative, Ocean Eye](#).

The Initiative aims to organise, coordinate, support and govern European marine knowledge, covering ocean observations, marine data, and digital applications to create a unified and efficient system. With this initiative, the Commission wants to move away from the current fragmentation and establish a permanent governance framework through structured coordination, to move towards a more strategic approach to ocean observing in Europe. The Ocean Act will include elements of this governance. For instance, it could help ensure coherent planning and delivery of in-situ ocean observation campaigns, filling gaps in monitoring and improving data availability. The operationalisation of the EU Digital Twin Ocean by 2030 will provide a single, coherent evidence base for decision-making. This will address the recommendation from the AAC on monitoring and knowledge of both coastal and offshore waters.

6. Promote the effective implementation of the ‘polluter pays’ principle, in conjunction with DG MARE, DG ENV, DG SANTE, enabling:

➤ ***Systemic identification of polluters.***

➤ ***Clear allocation of responsibilities.***

➤ ***Provision of management guidelines to Member States to prevent disproportionate economic losses (sales ban, destruction of products, etc.) for aquaculture farmers.***

➤ ***Financial compensation for losses suffered by affected producers from external and temporal contaminations based on the polluters pays principle.***

The European Commission recognises the importance of the effective application of the ‘polluter pays’ principle, particularly in relation to aquaculture activities that are adversely affected by pollution originating from external agricultural, industrial, or urban sources. The Commission recalls that EU legislation provides a framework to support the application of the “polluter pays” principle. Member States may establish mechanisms to ensure that producers affected by external and temporary contamination are adequately compensated for proven economic losses.

In this context, the Commission promotes a coordinated approach within the Commission involving different Directorates-General, within their respective competences, to strengthen prevention, accountability, and mitigation mechanisms, with a view to reducing the negative impacts of pollution on aquaculture production.

EU environmental legislation, notably the WFD, the MSFD, the Industrial Emissions Directive, the Nitrates Directive, and the Urban Wastewater Treatment Directive, establishes obligations for Member States to identify pollution pressures, assess sources of contamination, and implement appropriate programmes of measures. These instruments provide the legal basis for the systematic identification of polluters and the clear allocation of responsibilities, in line with the “polluter pays” principle. The Commission supports Member States in this process through guidance documents, common implementation strategies, and structured dialogue.

The Commission acknowledges that pollution incidents may trigger management measures such as harvesting bans, movement restrictions, or product destruction, which can lead to significant economic losses for aquaculture producers who bear no responsibility for the contamination. Within the framework of EU food safety and environmental legislation, and in cooperation with DG SANTE, DG MARE encourages Member States to apply risk-based, proportionate, and science-based measures, and to develop management guidelines aimed at minimising unnecessary disruptions to aquaculture activities while maintaining a high level of consumer and environmental protection.

Through continued coordination between DG MARE, DG ENV and DG SANTE, and in dialogue with stakeholders such as the Aquaculture Advisory Council, the Commission will continue to promote the consistent application of the “polluter pays” principle, strengthen prevention and accountability, and support Member States in protecting aquaculture producers from unfair and disproportionate impacts of pollution beyond their control.

7. Evaluate the need to complement the European legislative framework with a specific standard for aquaculture farming, potentially through the development of a daughter directive under the Water Framework Directive dedicated to the protection of water quality in open marine aquaculture systems.

Any consideration of developing additional standards, including the potential establishment of a daughter directive under the WFD, would require a thorough assessment of added value, coherence with existing legislation, proportionality, and impacts on Member States and the sector. Such an assessment would take into account scientific evidence, implementation experience, and stakeholder input, including the views expressed by the Aquaculture Advisory Council (AAC).

Furthermore, the Water Resilience Strategy, which is a priority of the European Commission, includes among other actions the establishment of a dialogue with Member

States to address shortcomings identified in the application of water quality protection regulations.

8. *Strengthen inter-institutional dialogue between DG MARE, DG ENV, and DG AGRI, ensuring integrated catchment area management and the prioritization.*

DG MARE, DG ENV, and DG AGRI already collaborate through existing governance frameworks to address cross-sectoral pressures affecting water quality.

Integrated catchment area management is a core principle of the WFD, aiming to achieve good ecological and chemical status of all water bodies. The Commission continues to encourage Member States to implement river basin management plans that consider the needs of aquaculture alongside other water uses, ensuring that the sector's interests are systematically integrated into water protection measures.

The Commission recognises aquaculture as a key sector for EU water policies due to its dependency on high-quality water and its role in sustainable food production. Ongoing inter-service cooperation facilitates the sharing of expertise, the alignment of sectoral and environmental policies, and the identification of synergies to prevent and mitigate pollution risks.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Julia Rubeck, our Advisory Councils coordinator, via the functional mailbox MARE-AC@ec.europa.eu.

Yours faithfully,

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