



Lorenzo Gennari

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DG MARE – Aquaculture Team
European Commission
Brussels, Belgium

Brussels, 21 September 2026

Subject: Biosecurity of shellfish hatcheries and nurseries

Dear Madam, Sir,

The Aquaculture Advisory Council (AAC) sent a Recommendation to the European Commission and Member States in October 2024 on the biosecurity of shellfish hatcheries and nurseries¹.

A response to this recommendation was received from the European Commission in November 2024². The AAC would like to thank the Commission for the clarifications provided and wishes to follow up on one specific issue concerning the application of the Animal Health Law framework to movements of shellfish produced in hatcheries and nurseries. The AAC considers that this issue should also be examined in the wider context of the Commission's objectives to strengthen the competitiveness and resilience of European aquaculture and to simplify the regulatory environment for European businesses, while maintaining a high level of animal health protection.

In its recommendation, the AAC highlighted developments in hatchery practices aimed at reducing disease risks, including the possibility of producing *Bonamia ostreae*-free and potentially tolerant/resistant *Ostrea edulis* larvae and spat from broodstock originating from an infected area, through non-destructive screening and selection of pathogen-free broodstock. The AAC therefore recommended revising the criteria for defining disease-free status for hatcheries and nurseries to take such developments into account.

In its reply, the Commission explained that disease-free status for shellfish hatcheries and nurseries can only be granted by the competent authorities for certain diseases regulated in and pursuant to Regulation (EU) 2016/429 on transmissible animal diseases (the Animal Health Law), and that the criteria for granting disease-free status are laid down in Commission Delegated Regulation (EU) 2020/689. The Commission further explained that these criteria are based on expert opinion and long-

¹ Aquaculture Advisory Council, *Recommendation on the biosecurity of shellfish hatcheries and nurseries*, AAC 2024-13, October 2024: <https://aac-europe.org/en/publication/recommendation-on-the-biosecurity-of-shellfish-hatcheries-and-nurseries/>

² European Commission, *Reply to the AAC Recommendation on the biosecurity of shellfish hatcheries and nurseries*, November 2024: <https://aac-europe.org/en/publication/european-commission-reply-to-the-aac-recommendation-on-the-biosecurity-of-shellfish-hatcheries-and-nurseries/>



standing experience with mollusc diseases, are aligned with World Organisation for Animal Health standards, and that the Commission is not planning to revise them at this stage.

As highlighted in the AAC's 2024 Recommendation, hatcheries and nurseries play an increasingly important role in the resilience and development of European shellfish farming. Recurrent mortality events and difficulties in collecting natural spat have increased the sector's reliance on hatchery-produced spat. Besides, shellfish reef restoration projects increasingly require dedicated production in hatcheries and nurseries. These increasingly contribute to addressing these challenges through improved and innovative biosecurity, pathogen screening and selective breeding. Their ability to operate, based on these innovations and thereby reliably supply healthy spat is therefore directly relevant to the resilience, competitiveness and future development of European shellfish farming as a whole.

Following the Commission's reply, the AAC has further consulted its members and experts on the practical implications of the current framework. These discussions have helped to clarify that the issue goes beyond the possibility of granting disease-free status to a hatchery or nursery. It also concerns whether movements of shellfish from hatcheries and nurseries can be assessed in a manner proportionate to their actual epidemiological risk, taking into account the characteristics of the production system, the life stage of the animals concerned, the innovative biosecurity measures and pathogen testing procedures.

Based on these consultations, the AAC has not been able to identify a clear and officially recognised pathway under the current framework through which enhanced biosecurity measures implemented by hatcheries and nurseries located in areas that are not recognised as disease-free could be taken into account as a basis for such movements. The consultations also indicate that pathogen testing is carried out in practice, but that there does not appear to be a systematic approach or a specific testing procedure recognised under the Animal Health Law framework for the purpose of authorising such movements.

This raises a broader question as to whether the current framework provides operators and competent authorities with sufficiently clear and proportionate pathways to take account of scientific and technical developments in biosecurity. Greater clarity in this respect could facilitate implementation for both operators and competent authorities, while maintaining the required level of animal health protection. It could also help avoid regulatory obstacles that are not proportionate to the actual epidemiological risk, particularly for small European businesses whose activities are increasingly important to the supply and resilience of the wider shellfish sector and reef restoration projects.

Against this background, and in the light of the Commission's current focus on simplification, implementation and competitiveness, the AAC would welcome the Commission's clarification on the following points:

- Does the existing Animal Health Law framework provide any possibility for competent authorities to apply a risk-based and proportionate assessment to movements of shellfish from hatcheries and nurseries located in areas that are not recognised as disease-free, taking into account the specific production system, innovative biosecurity measures, the life stage of the animals concerned and appropriate pathogen testing?



- If so, could the Commission clarify under which provisions and conditions such an approach may be applied, with a view to providing greater legal certainty to operators and competent authorities?
- If the existing framework does not provide for such an approach, how does the Commission consider that this issue could best be addressed? In particular, would the Commission consider providing guidance or exploring other appropriate means of establishing a clear and harmonised approach through which scientifically supported biosecurity and testing measures could be taken into account?

The AAC considers that greater clarity on this issue would contribute to a more proportionate and predictable implementation of the Animal Health Law framework, while supporting innovation and competitiveness in a sector that is increasingly dependent on hatchery and nursery production.

The AAC would be pleased to provide further information on the practical examples and to contribute to any further discussion with the relevant Commission services, the EU Reference Laboratory for mollusc diseases and the competent authorities of the Member States.

Your answers can be sent to our secretariat, who will be happy to communicate them to the AAC membership: secretariat@aac-europe.org

With my best regards,

A handwritten signature in black ink, appearing to read "L. Gennari".

Lorenzo Gennari
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