

**REGULATORY & LEGISLATIVE
FRAMEWORKS FOR LICENSING NEW
AQUACULTURE FARMS (ONSHORE &
OFFSHORE) IN THE ATLANTIC AREA
REGION (BRITTANY REGION)**

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REGULATORY AND LEGISLATIVE FRAMEWORKS FOR LICENSING NEW AQUACULTURE FARMS (ONSHORE AND OFFSHORE) IN THE ATLANTIC AREA REGION (BRITTANY REGION)

INTRODUCTION

As part of the programme of work included in Work Package Six of the Access2Sea project, Action Two involved Project Partners undertaking to characterise the project territory's regulatory and legislative frameworks for licensing new aquaculture farms in the Atlantic Area (onshore and offshore). The objective of this Action is to facilitate data comparison across the participating regions and to highlight best case models in regulatory and legislative frameworks.

Project Partners from the Brittany region in the Access2Sea project collected the following information relating to the regulatory and legislative environment in their own region:

1. Policy Context for Aquaculture Regulation
2. Analysis of Socio-Economic Impact on Coastal Communities
3. Legislation and Regulations
4. Regulatory Agencies and their roles
5. Licensing Application Process
6. Identification of Best Practices in regulation and licensing
7. Related Scientific Publications

Brittany Region

Partners : Technopole Quimper Cornouaille / Investir en Finistère

Country: France

1) Policy Context for Aquaculture Regulation in Brittany

French aquaculture is not regulated in a single text, aquaculture is divided in 2 different categories which are inland and marine aquaculture. Moreover, shellfish culture distinguished itself from other cultures due to its importance in the sector (it represents about 80% of the French aquaculture production). Inland aquaculture is regulated by the *code de l'environnement*, while marine aquaculture is regulated by the rural and marine fisheries code (*Code Rural et de la Pêche Maritime*) and the Decree n°83-228 of the 22nd of march 1983 establishing the licensing regime for marine farming.

The ministry of Agriculture, Fisheries and Rurality is responsible for this sector at the state level. Other relevant organisations with which this ministry can collaborate in the governance of aquaculture is the Department of Maritime Affairs and People of the Sea of the Ministry of Infrastructure, Transport, Land Use, Tourism and the Sea.

Concerning marine aquaculture concessions, the decree stipulates the nationality requirements and professional qualifications required of applicants. It also details whether they are natural persons, legal persons or public bodies. Applications for authorization must be addressed to the Departmental or Interdepartmental Director of Maritime Affairs (DDTM in Finistère). Depending on the cost, scope or location of the project, the procedure may include a public inquiry, as stipulated in the appendix to Decree No. 85-453 implementing Law No. 83-630 on the democratization of public inquiries and the protection of the environment. The opinion of several authorities is required such as the taxing authority, the local health service, the *French Research Institute for the Exploitation of the Sea* (IFREMER), the municipal authorities concerned and the competent professional organizations and the Commission of the marine culture. The final decision belongs to the local committee of marine cultures which has administrative and regulatory powers. The concession is then granted by the prefect, the commissioner of the republic of the competent department, and notified to the applicant.

2) Analysis of Socio-Economic Impact on Coastal Communities in Brittany

There is a strong support from regional and local authorities to increase the number of jobs in aquaculture in Brittany. The European funds from the European Maritime and Fisheries Fund is a key tool in this respect. The creation of jobs in aquaculture is viewed as a mean to boost the regional economy and to create other activities such as maintenance or navigation.

However, the sector is not structural for the local economy yet as it is not able to employ employees during the whole year according to representatives of the CRC Bretagne Nord. The aquaculture sector in Brittany is dominated by shellfish culture and the latter employs workers during the high season, which is in winter. During the other months, the aquaculture sector is not employing enough persons to be considered as being structural for the region. Thus, this argument can be contested by local population and is hardly useable to raise the acceptability level.

Academic researchers explained that overall, compared to other regions in France, aquaculture is having an important role in the economy of Brittany.

According to administrative managers of the Brittany region, the importance of the aquaculture sector is not recognised as being significant by local citizens, despite aquaculture's strong contribution to the maritime economy in Brittany. Most of citizens do not have enough knowledge on maritime issues to consider aquaculture as being an important sector for employment in Brittany. One of the solutions to increase the contribution of aquaculture on regional employment would be to increase the exploited surfaces.

In order to increase the number of employments in the aquaculture sector, new farms must be created on possible sites.

Finally, the SUCCESS's survey on consumer preferences demonstrates that over 69% of French interviewees agree to say that the development of fish farms is creating jobs. This latter survey shows that aquaculture can be seen as having a significant role for creating jobs and boosting the national economy.

3) Legislation and Regulations in Brittany

At the departmental level, the document called « Schéma des Structures des Exploitations de Cultures Marines » (SSECM) is the local global document for the planification of marine cultures in Finistère. This document must respect all the legal and regulation frameworks mentioned in the section above. This document is subject to an environmental evaluation that includes the evaluation for Natura 2000 areas. SSECM does not cover new species, technical aspects and construction. However, diversifications and experimentations are possible under certain conditions. Moreover, the project must respect other regulations defined by the environmental code and the General Code of ownership of public persons (CG3P, regarding the occupation of the public domain).

Finally, different other regulations must be respected such as:

- Health regulation "paquet hygiène", classification of areas and contaminants
- Animal health regulations
- Land regulations
- Any other regulation must be taken into account such as labour law and business laws
- Regarding buildings or ponds... specific regulations (depending on the project) and the managing authority if public domain

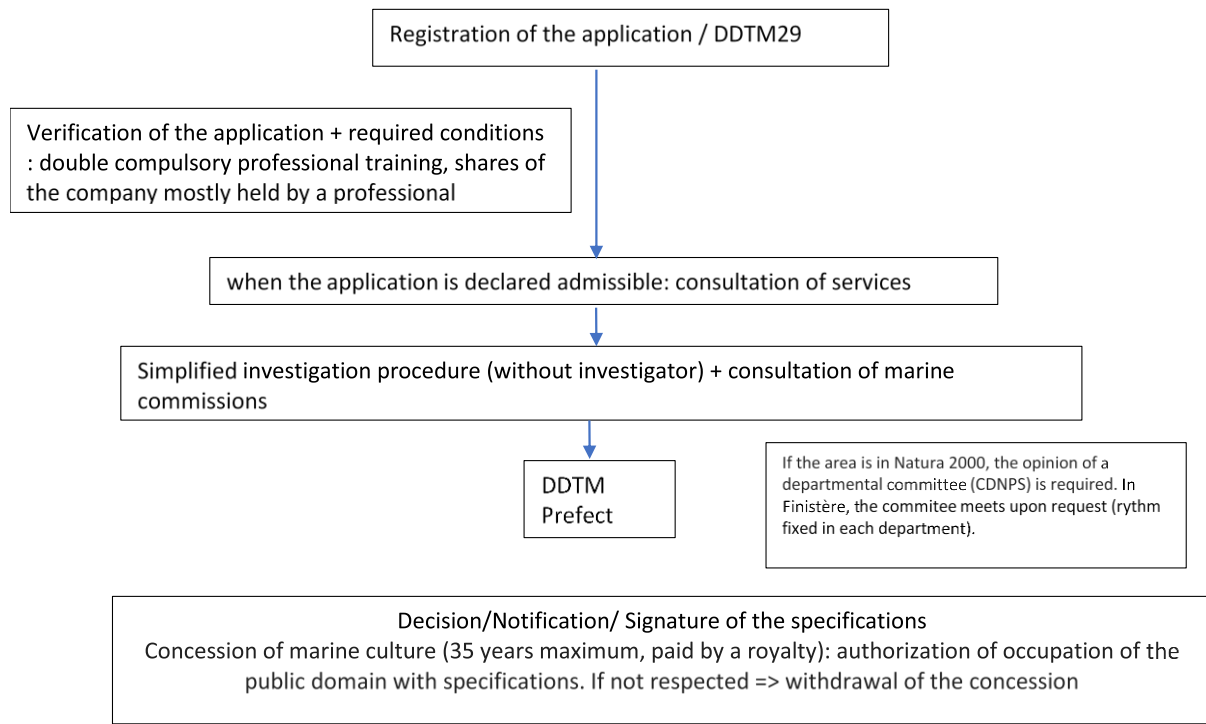
4) Regulatory Agencies and their roles in Brittany

At the departmental level, The **Direction Départementale des Territoires et de la Mer (DDTM)** is the regulatory agency for installing new aquaculture plants. Its role is to promote sustainable development in the Finistère Department and to implement orientations regarding agriculture, urban, housing and construction plans. It is also implementing policies concerning maritime investments. Furthermore, it is in charge of protecting the environment such as specific animal species. When a stakeholder wishes to invest in a new aquaculture site, it must submit its request at this authority.

In addition, local councils must be consulted for questions related to urbanism.

5) Licensing Application Process in Brittany

Figure 5.1 below outlines the steps required to apply for an aquaculture licence in Brittany.



The licence can last up to 35 years. It is necessary to comply with the different legislations and regulations mentioned above to obtain a licence for an aquaculture plant.

Individuals who get a concession have maintenance obligations described in the article 6 of the Schéma des structures. In case the maintenance is not done properly, the concession can be suspended or even withdrawn. If a concession is not exploited during more than 3 years, the concession will be considered as being unexploited. If a concession is considered as being unexploited several times, this one will be suspended or withdrawn. However, if some concessions are unexploited due to epizootic reasons, the concessions will not be suspended.

The level of fish density must respect conditions written in the annexe 3 of the Schéma des Structures.

Finally, individuals having a concession must respect the initial terms and conditions of the specifications.

6) Best practice in regulation and licensing in Brittany

In 2010, the French government took the decision to facilitate the regulatory access to aquaculture investments through the creation of the *schémas régionaux de développement de l'aquaculture marine* (SRDAM). This document aims at giving key information to aquaculture project leaders on the regional space availabilities for new farms, facilitating the licensing process. However, The SRDAM does not exist in Brittany yet.

In Finistère a prefectural decree named “Shéma des structures des exploitations de cultures marines du département du Finistère” aims at facilitating the establishment of new aquaculture farmers. For instance, it promotes the establishment of young farmers, secure the maintenance of economically viable enterprises by avoiding their breaking up and promoting their recovery, it allows the creation or the resumption of operations with a functional unit, enables the expansion of holdings that do not reach the minimum reference dimension, promotes the redevelopment of marine farming areas and the establishment of young farmers, particularly by setting some areas granted to regional shellfish farming committees. The scheme has been subject to an environmental assessment and a joint impact assessment. Measures to avoid, reduce or offset the impacts of marine crops have been reduced.

A second good practice is the SAFER* convention on shellfish farming. Each year, 7 to 15 transmissions-installations of aquaculture farms end up in Brittany, but for each operator who ceases his activity, the risk of losing this land for the profession is very present. Indeed, to operate, a shellfish farming concession must have a space on land with direct access to the sea. It thus occupies, at the same time, a part of the private terrestrial domain and the maritime public domain. This land is highly coveted: the maritime part, by professionals who want to extend their activities (fishermen other aquaculture farms...), and the private land part, by private individuals and the residential pressure existing on the coast. In addition to this, financing plans are sometimes long to complete.

**SAFER : Société d'Aménagement Foncier et d'Etablissement Rural (Land settlement organization): The organization that manage the land sales in the rural areas.*

This is why in April 2018, the Region Brittany signed a partnership with the SAFER (the organisation that manage land sales in rural areas) and the two regional shellfish farming committees through which it undertook to mobilize up to €200,000 by the end of 2019 to, support the costs of land monitoring and financial storage costs (loan rate), pay compensatory indemnities in the case of a retrocession price lower than the cost price?

While the convention will be updated next year, it has already allowed to intervene on two projects in south Brittany.

7) References:

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- Schéma des Structures : <http://www.finistere.gouv.fr/content/download/20883/166373/file/1%20-%20arr%C3%AAt%202015334-002.pdf>
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