

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

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

Introduction	<i>Page 2</i>
Welsh Region	<i>Page 3</i>
Andalucía Region	<i>Page 13</i>
Irish Region	<i>Page 25</i>
Portuguese Region	<i>Page 30</i>
Brittany Region	<i>Page 36</i>

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 each 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

WELSH REGION

Partner: Swansea University
Country: United Kingdom

1) Policy Context for Aquaculture Regulation

The following are the key policies governing aquaculture regulation in Wales

- The Welsh National Marine Plan (Draft) is the first marine plan for Wales. Its purpose is to guide the sustainable development of the Welsh marine area by setting out how proposals for use will be considered by decision makers including, in particular, consenting authorities.
- Well-being of Future Generations (Wales) Act 2015. The Future Generations Commissioner for Wales' role is to act as a guardian for the interests of future generations in Wales, and to support the public bodies listed in the Act to work towards achieving the well-being goals.
- Habitats Regulations Assessment Report enables the Welsh Government to meet its obligations under the Habitats Regulations. It documents the assessment of the WNMP against the requirements of the Habitats Regulations, summarising the HRA process and its application to the WNMP, and detailing the results of the assessment.

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

The contribution of aquaculture to the economies of England, Wales and Northern Ireland is modest; but it is diverse, spread widely across all three countries, closely associated with quality seafood and aquatic products important to the image of some regions, and locally important in rural areas. Aquaculture produces healthy seafood, with opportunities for growth that do not exist in capture fisheries. Indirectly aquaculture makes a substantial contribution to healthy recreation and leisure for millions of people through countryside visits, angling and ornamentals.

The UK fish and seafood market is currently dominated by imports (43 per cent) and capture fisheries (40 per cent) with aquaculture making up only 17 per cent of domestic supply (Jennings et al. 2016).

The main export markets for UK salmon are the USA (34 per cent), France (23 per cent) and China (12 per cent). Aquaculture in Wales is worth £11.8m (2017, where shellfish play a key role generating £8.6m gross value added,

A report published in 2017 by the Government Office for Science entitled “*The future of the sea: trends in aquaculture*”, states that Aquaculture has considerable social benefits: for example, Scottish aquaculture production generates at least £1 billion in turnover across the UK and supports 8,800 jobs. This report highlights that there are relatively few studies on public attitudes to aquaculture development but those that have been undertaken do not point to a widespread antipathy to aquaculture (Whitmarsh and Palmieri 2009; 2011), especially when appropriate information is provided (Altintzoglou et al. 2010; Chu et al. 2010). In Wales the general sentiment towards aquaculture seems to be more positive than in the UK, based on a study assessing newspapers headlines sentiment (Froehlich *et al.*,2017)

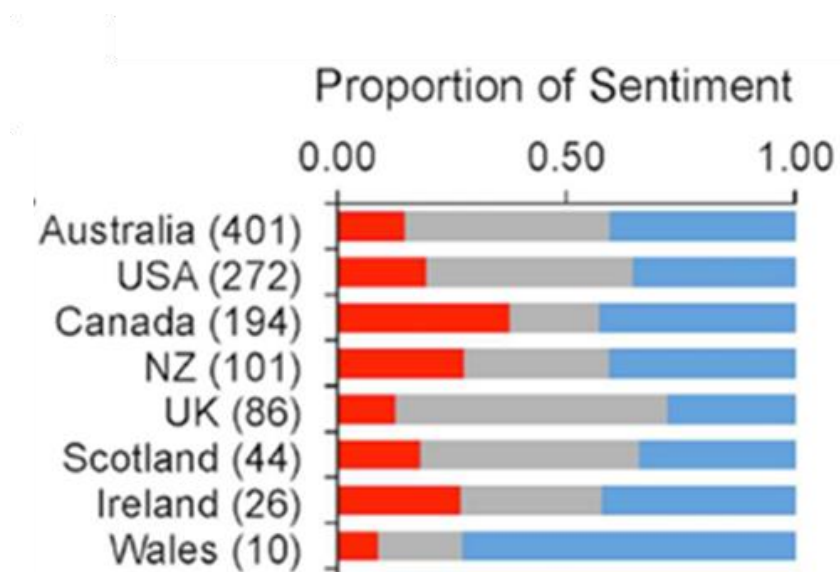


Figure 2.1: Newspapers aquaculture media sentiment, based on headlines negative (red), positive (blue), and neutral (grey) adapted from Froehlich et al.(2017).

This may be explained by the fact that the Welsh seafood industry is dominated by two key characteristics which makes it different from the rest of the UK. Firstly, the industry is based on shellfish, not finfish. Secondly, most exports are live, unprocessed and almost exclusively to the EU

market; with almost no preservation or processing capability. The Welsh seafood sector is characterised by micro and small businesses which are important to coastal communities. This also means the possible impacts of Brexit on fisheries and aquaculture trade, are different to and arguably more significant, than elsewhere in the UK. Welsh Government is working with the UK Government to try to mitigate the impact of Brexit on the Welsh shellfish and aquaculture industries.

3) Legislation and Regulations in Wales

The following lists the main legislation and regulations governing aquaculture in Wales

- The Marine and Coastal Access Act 2009 is an Act of the Parliament of the United Kingdom that creates a new marine planning system including marine conservation zones and improved management of inshore fisheries
- The Planning Act 2008 is an Act of the Parliament of the United Kingdom to establish the Infrastructure Planning Commission and make provision about its functions; to make provision about, and about matters ancillary to, the authorisation of projects for the development of nationally significant infrastructure; to make provision about town and country planning; to make provision about the imposition of a Community Infrastructure Levy; and for connected purposes.
- The Habitats Regulations 2010, which are made under section 2(2) of the European Communities Act 1972, are the principal means by which the Habitats Directive is transposed for England and Wales and territorial seas.
- The Water Framework Directive, the purpose of which is to establish a framework for the protection of inland surface waters, estuaries, coastal waters and groundwater. The framework for delivering the Directive is through River Basin Management Planning. The UK has been split into several River Basin Districts (RBDs).
- The Environment (Wales) Act 2016 puts in place a legislative framework to promote the Sustainable Management of Natural Resources (SMNR).

4) Regulatory Agencies and their roles in Wales

The organisations listed below are those that either regulate aquaculture development, routinely advise regulators, or grant seabed and foreshore title rights. (From: *Aquaculture Regulators in Wales*)

Local Authorities

- Granting of development consents for land based fish farms. Potential consultee for marine based aquaculture development
- Environmental Health Roles: Disposal of finfish and shellfish mortalities for onshore farming unless a notifiable disease, then Fish Health Inspectorate have overall responsibility
- Competent authority under nature conservation directives

Natural Resources Wales (NRW)

- Licensing of marine activities under the Marine and Coastal Access Act (2009) e.g. finfish and shellfish farms.
- Licence waste and veterinary discharges from fin fish farms & Abstraction and Discharges under Environmental Permitting Regulations (England & Wales) 2010 (as amended).
- NRW are responsible to improve or protect the Shellfish Water Protected Areas to support shellfish life and growth, and to contribute to the high quality of shellfish products suitable for human consumption
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- Competent authority under nature conservation directives

Welsh Government (WG)

- Fisheries management, conservation and enforcement under the Marine and Coastal Access Act 2009, national and European fisheries legislation including the issuing of Several and Regulating Orders under the Sea Fisheries (Shellfish) Act 1967.
- Marine Spatial Planning including identification of aquaculture areas in Welsh seas and links to Welsh Aquaculture Strategy
- Designation of Shellfish Waters under the Water Framework Directive. WG are the appropriate authority for WFD
- Competent authority under nature conservation directives

Fish Health Inspectorate (FHI)

- Authorisation of aquaculture production businesses (APBs) under the Aquatic Animal Health (England & Wales) Regulations 2009
- Authorise the import of live fish and shellfish under the Aquatic Animal Health Directive 2006/88, and CITES where applicable
- Permitting under the Alien and Locally Absent Species in Aquaculture (England & Wales) Regulations 2011. Lobster licensing.
- Disposal of shellfish mortality in farmed fish and shellfish where notifiable disease involved
- Assist VMD and APHA with inspections regarding medicated feed and transport of live fish
- Competent/regulatory authority under nature conservation directives where APBs fall within a European protected area (Special Protected Area, Special Area of Conservation or Ramsar Site) *

Centre for Environment Fisheries & Aquaculture science (Cefas).

- Advisors to regulating authorities on certain environmental impacts of development proposals.
- Where Cefas/FHI act as a regulatory authority they have a responsibility to carry out such HRA's, unless another regulatory body involved at an earlier stage of any given development has already carried out such an HRA*

Food Standards Agency (FSA)

- Classification and administration of shellfish harvesting areas (shellfish classified waters) and bio-toxin monitoring under Shellfish Hygiene Directive (EC Regulation 854/2004).
- Approval of shellfish purification plants under EC Regulation 853/2004, laying down specific hygiene rules for food of animal origin.
- Competent authority under nature conservation directives

Landowners including The Crown Estate (CE) and Swangrove Estate (SE) and Port Authorities

- Grant seabed/foreshore rights for aquaculture developments
- Competent authority under nature conservation directives

Maritime & Coastguard Agency (MCA)

- Works towards the prevention of the loss of life on the coast and at sea. Production of legislation and guidance on maritime matters, and provide certification to seafarers.
- MCA need to confirm no hazard to navigation for activities exempt from a marine licence.

Trinity House

- Trinity House are required to be contacted after receiving a marine license to determine if navigational markers are required for any aquaculture infrastructure.

Veterinary Medicines Directorate (VMD)

- Protects animal health, human health and the environment. Sampling and monitoring of aquaculture premises.
- Use of Medicated Feed and other medicines in fish farming.

Animal and Plant Health Agency (APHA)

- Notifiable disease regulation and reporting alongside FHI; fish mortalities reporting (via local authorities)
- Animal welfare in transport, on farm and during slaughter. APHA issue licences to all transporters of live animals under the Animal Welfare in Transport Regulations. Those fish farmers (or traders in ornamental animals) who transport their own animals, or specialist companies transporting fish must be licensed.
- Competent authority under nature conservation directives

Gangmasters Licensing Authority (GLA)

Protection of workers from exploitation set up under the Gangmasters (Licensing) Act 2004. The GLA regulates those who provide or employ workers to gather shellfish by hand. It would also cover those who supply workers to carry out processing and packaging of any fish or shellfish and any associated products.

Before setting up a fish, shellfish or crustacean farm (called an aquaculture production business) you must apply to the Fish Health Inspectorate (FHI) for authorisation. This is to prevent the introduction and spread of infectious diseases. From: <https://www.gov.uk/guidance/fish-shellfish-or-crustacean-farm-authorisation>

5) Licensing Application Process in Wales

When you apply for authorisation the steps are:

- 1) You apply to the FHI for [Authorisation to set up a new aquaculture production business](#)

- 2) You get a confirmation letter with guidance on developing a [biosecurity measures plan \(BMP\)](#). This will also explain if your application must undergo a statutory consultation with other government bodies
- 3) The inspector arranges a site visit
- 4) The inspector reviews your draft BMP and gives advice on record keeping
- 5) The inspector makes a recommendation to an authorisation officer

One of the following then happens:

- You get a licence (if your site is complete and you have a BMP)
- You get a licence in principle (if your BMP hasn't been submitted or your site is still at the planning stage)
- you don't get a licence (if your plans or species don't comply with the law or if it's more appropriate to register your site as a fishery or aquatic animal holding)

Authorisation can take up to 90 days.

If your application is unsuccessful

If your application is turned down FHI will tell you the reasons why and will work with you to resolve problems. They'll also tell you how you can appeal against their decision.

Authorisation conditions

The fish health inspector will outline the conditions of your authorisation. As a condition of your licence you must:

- keep records of all movements in the right format ([see the regulations on records, part 2, sections 6 & 7](#))
- follow good hygiene practice (see your BMP for further details)
- comply with surveillance requirements requested by FHI
- comply with procedures in your approved BMP

If you don't comply with authorisation conditions

If you don't comply with the conditions of your authorisation your authorisation may be suspended or cancelled. You may also be fined.

Records you must keep

You must keep the following records to show there's a low risk of spreading disease:

- details of movements of any fish, shellfish or crustacean or product into or out of your premises
- number of aquaculture animals that have died in each of your units
- results of your surveillance
- results of surveillance FHI notifies you about

If your details change

If there are changes you must apply to FHI to change your authorisation.

You must tell FHI in writing in advance if:

- the owner or operator of the farm changes
- the farm is no longer operational
- the species farmed changes
- the number of tanks, ponds or other holding facilities changes

Authorisation for a purification plant

To set up a shellfish purification plant you need to:

1. apply to FHI for [Authorisation to set up a new aquaculture production business](#).
2. contact environmental health at your [local council](#) to organise an inspection.

Rules for purification centres are set by the [Food Standards Agency](#).

Other Relevant Agencies include:

- Local Authority Planning:
- Natural Resource Wales:
 - Marine licensing:
 - Water abstraction and discharge:
 - HRA & EIA
- Centre for Environment Fisheries & Aquaculture Science (CEFAS)
- Food Standards Agency
- The Crown Estate (CE)
- Maritime & Coastguard Agency (MCA)

6) Best practice in regulation and licensing in Wales

The Welsh Government is committed to delivering ‘clean, healthy, safe, productive and biologically diverse oceans and seas’. The Marine and Coastal Access Act 2009 (MCAA) provides the legal

mechanism to deliver this vision through a system of management and protection measures for both the marine and coastal environment.

At the present moment regulation concerns include Brexit and the Welsh Government has compiled a consultation report entitled “*Brexit and our Seas*”. The Welsh Government (WG) has committed to retaining, and enhancing where needed, to ensure stability and continuity in key areas as follows:

- WG is committed to the principles and ways of working of Well-being and Future Generations (Wales) Act 2015 (WFG) and this is enshrined in the first Welsh National Marine Plan.
- WG will continue to implement the Environment (Wales) Act 2016, the Marine and Coastal Access Act 2009 and the Nature Directives to improve biodiversity and work toward ecosystem resilience.
- Welsh Government will continue to ensure environmental standards are upheld and enforced, where appropriate, in Welsh waters and the broad framework, as currently set out in the Common Fisheries Policy (CFP), continues for the time being.
- WG is investing in new systems, new staff and new vessels to enforce standards and seek to prosecute those who do not comply.

Shellfish

The Welsh Government recognizes that the process of applying for a Several or Regulating Order to have exclusive access to the seabed for a period of time for aquaculture is currently lengthy. The mechanism for creating Several and Regulating Shellfishery Orders under the Sea Fisheries (Shellfish) Act 1967 could be considered to no longer be the most appropriate management tool. The Welsh Government intends to incorporate an adaptive management system, where both fisheries and aquaculture for shellfish can be flexibly managed so policy changes can be responsive and quick.

7) References:

The Marine and Coastal Access Act 2009

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjFjsr16eHjAhVQa8AKHdD-BvoQFjAAegQIAhAC&url=http%3A%2F%2Fwww.legislation.gov.uk%2Fukpga%2F2009%2F23%2Fpdfs%2Fukpga_20090023_en.pdf&usg=AOvVaw372rJGMhoxDt5aCMYoD77

The Planning Act 2008

www.legislation.gov.uk/ukpga/2008/29/pdfs/ukpga_20080029_en.pdf

The Habitats Regulations 2010

<http://www.legislation.gov.uk/uksi/2010/490/contents/made>

Water Framework Directive

<http://www.legislation.gov.uk/uksi/2017/407/contents/made>

The Environment (Wales) Act 2016

<http://www.legislation.gov.uk/anaw/2016/3/contents/enacted>

Welsh National Marine Plan (Draft)

<https://gov.wales/sites/default/files/consultations/2018-02/draft-plan-en.pdf>

Well-being of Future Generations (Wales) Act 2015

<https://futuregenerations.wales/wp-content/.../02/150623-guide-to-the-fg-act-en.pdf>

Habitats Regulations Assessment Report

<https://gov.wales/draft-welsh-national-marine-plan>

Aquaculture Regulators in Wales

<https://businesswales.gov.wales/marineandfisheries/sites/marineandfisheries/files/documents/Aquaculture%20Regulators%20in%20Wales.pdf>

Application Process in Wales <https://www.gov.uk/guidance/fish-shellfish-or-crustacean-farm-authorisation>

Brexit and our Seas <https://gov.wales/sites/default/files/consultations/2019-05/marine-and-fisheries-policies-for-wales-after-brexit-consultation-document.pdf>

Froehlich HE, Gentry RR, Rust MB, Grimm D, Halpern BS (2017) Public Perceptions of Aquaculture: Evaluating Spatiotemporal Patterns of Sentiment around the World. PLoS ONE 12(1): e0169281. doi:10.1371/journal.pone.0169281

Andalucía Region

Partners: CEEI (LP) / CTAQUA (P4)

Country: SPAIN

1) Policy Context for Aquaculture Regulation in Andalucía

In relation to regulatory policies within the framework of the region of Andalucía for the Development of Marine Aquaculture activities, these are regulated by:

- Decree 58/2017 of April 18th
- Law 1/2002 of April 4th

The Decree specifies the corresponding processes to obtain authorizations or permits for the development of aquaculture activities related to:

- Marine Aquaculture Authorization.
- Environmental Authorization.
- Waste Discharge Permit.
- Concession for the Use of Space of Maritime-Terrestrial Public Domain.
- Concession for the Use of Space of Public Port Domain.
- Beaconing.

Likewise, spatial planning, control and development of marine fisheries and marine and seafood aquaculture, is regulated by Law 1/2002 of April 4.

The regulation and promotion of marine aquaculture, as an activity integrated in the fishing sector, will have the aim of maximising the use of natural resources and the rational and sustainable development of the activity respecting the environment and increasing its competitiveness.

The main regulatory agencies for these actions are the following:

- Directorate General for Fishery and Aquaculture.
- Directorate General for Prevention and Environmental Quality.
- Directorate General for Coastal and Maritime Sustainability.
- Public Ports Agency of Andalucía.
- National State Ports (Spanish Ministry of Development and the Public Ports Agency of Andalucía).

In relation to the authorization request procedure, it includes the following permits that must be assessed by its competent bodies:

- The Environmental authorization and the waste discharge permit have the General Directorate of Environmental Prevention and Quality as the competent body.
- The concessions for the use of the maritime-terrestrial public domain space have the General Directorate of Coastal and Maritime Sustainability as the competent body.
- The concessions for the use of the domain space of the Public Port have the Public Ports Agency of Andalucía as the competent body.
- The State Ports and the Public Ports Agency of Andalucía are the competent bodies for Beaconing authorizations.

Finally, in the regional framework, Andalucía has a Smart Specialization Strategy, the RIS3. The RIS3 Strategy is a challenge that the European Commission has launched to all regions with the final objective of promoting a new economic model, focused on companies, and based on a firm and determined commitment to innovation, science, technology, internationalization and training.

On the other hand, Andalucía has the Strategy for the Development of Marine Aquaculture 2014-2020. Within the framework of this strategy, lines are established within a sustainable and competitive development of aquaculture, acting on the promotion of innovation and technological development for the progress of aquaculture activities.

With respect to the national regulatory framework, these activities are focused on compliance with the National Multi-Annual Strategic Plan for Aquaculture.

The Spanish Aquaculture Strategic Plan is part of the new Common Fisheries Policy (CFP) and the European Maritime and Fisheries Fund (EMFF) and seeks to respond in strategic guidelines for the

sustainable development of aquaculture proposed by the European Commission (Com (2013) 229 final) concerning common priorities and needs for the development of the sector.

2) Analysis of Socio-Economic Impact on Coastal Communities

Research carried out by the Access2Sea Partners in Andalucía showed that a majority of respondents think that aquaculture activities in Andalucía have the potential to provide employment, as the sector is growing and will therefore create direct and indirect staff needs. When considering the different sectors, it was felt that currently the aquaculture sector is not considered by the public administration as a sector that creates stable employment and/or economic wealth. However, by establishing a network and cooperation between research and industry it could become more sustainable in sustaining employment and livelihoods. The academic view in this regard was that there are many influencing factors, like any sector, resulting more from the politics in the respective country than from the sector itself. It can create jobs, but it's not a wide-ranging sector that offers many employment opportunities. The response from public administration seemed to be more focused on the fact that the sector can offer stable employment, but this is dependent on availability of the required expertise.

Among the 36 respondents there was a clear consensus that products from aquaculture can enhance the supply of seafood. In fact, 21 respondents (55,3%), of which 8 were from the general public, 7 from the industry, 3 from public administration and 3 from academia, stated that the extent to which aquaculture activities contribute to enhancing seafood products from the sea is very significant, followed by 13 respondents (34,2%), of which 5 were from the general public, 5 from public administration, 2 from the industry and 1 from academia, consider it significant. Although the explanations ranged, there were clear overlaps between the advantages of consuming products from aquaculture compared to other sources. For example, the most common denominator among the responses are price/quality ratio, continuous availability, environmental benefits, e.g. avoiding overexploitation of wild populations, and standardized quality control from the start, e.g. avoiding risks of contamination and controlled animal welfare.

Among the 37 respondents, 17 (45,9%) state that the contribution to national tax revenue (national GDP) is minimal, followed by 10 (27%) giving the contribution slightly more importance. However, there was a clear consensus that a growing sector would, of course, create employment and, consequently, contribute not only to national GDP in Spain but also to regional economic growth in Andalucía.

3) Legislation and Regulations in Andalucía

The legislation concerning authorization for the development of marine aquaculture activities in Andalucía is included in the Decree 58 / 2017, of April 18 that regulates marine aquaculture in Andalucía.

This decree was published in the Official Gazette of the Andalusian Regional Executive and its aim is to establish the administrative process for marine aquaculture authorizations, as well as to regulate the registration of marine aquaculture facilities in the Official Register created for this purpose by Law 1 / 2002 of April 4, for the space planning, control and development of Maritime Fisheries and Shellfish and Marine Aquaculture.

The decree specifies the corresponding processes to obtain the following permits as well as competent bodies that regulate them:

- Marine Aquaculture Authorization
- Environmental Authorization
- Waste Discharge Permit
- Concession for the Use of Space of Maritime-Terrestrial Public Domain (if needed)
- Concession for the Use of Space of Public Port Domain. (if needed)
- Beaconing (if needed)

4) Regulatory Agencies and their roles in Andalucía

1. **Directorate General for Fishery and Aquaculture.** It belongs to the Andalusian Department of Agriculture, Livestock, Fishery and Sustainable Development. Main competent body for the regulation of the Marine Aquaculture Activities Authorization and for the incorporation of the new activity in the Register of Livestock Holdings (REGA).
2. **Directorate General for Prevention and Environmental Quality.** It belongs to the Andalusian Department of Agriculture, Livestock, Fishery and Sustainable Development. Competent body for the regulation of the Environmental Authorization and the Waste Discharge Permit.
3. **Directorate General for Coastal and Maritime Sustainability.** It belongs to the Spanish Ministry for Ecological Transition. Competent body for the regulation of the Concession for the Use of Space of Maritime-Terrestrial Public Domain. (if needed).

4. **Public Ports Agency of Andalucía.** It belongs to the Andalusian Department of Development, Infrastructures and Spatial Planning. Competent body for the regulation of the Concession for the Use of Space of Public Port Domain. (if needed).
5. **National State Ports** which belongs to the Spanish Ministry of Development, and the **Public Ports Agency of Andalucía** which belongs to the Andalusian Department of Development, Infrastructures and Spatial Planning, are both the two competent bodies for the regulation of the Beaconing (if needed).

5) Application Process in Andalucía

GENERAL PROCEDURE FOR MARINE AQUACULTURE ACTIVITIES AUTHORIZATION

1. COMPETENT BODY: **Directorate General for Fishery and Aquaculture - ANDALUCÍAN DEPARTMENT OF AGRICULTURE, LIVESTOCK, FISHERY AND SUSTAINABLE DEVELOPMENT.**
2. CONTENT OF THE APPLICATION: The application form for the **Marine Aquaculture Activities Authorization** varies depending on the location and type of facility.
 - 2.1. Authorisation for **MARITIME-TERRESTRIAL PUBLIC DOMAIN** use of space
 - 2.2. Authorisation for **PRIVATE DOMAIN** use of space
 - 2.3. Authorisation for **PUBLIC PORT DOMAIN** use of space
 - 2.4. Authorisation for **EXPERIMENTAL PURPOSES** activities.
3. STEP 1: **Public information:** After legislative verification, the project is published in the Official Andalusian Gazette (BOJA). This step is not needed for PRIVATE DOMAIN.
4. STEP 2: **Official information and consultation:** Simultaneously with Public information, reports from different institutions and bodies are compiled.

After STEP 1 and STEP 2, the pertinent **Territorial Delegation** draws up the Technical Report

5. **STEP 3: Culture Authorization:** The **Directorate General for Fishery and Aquaculture** submits a motion for a resolution including the conditions of the culture authorization.

The Procedure for Marine Aquaculture Activities Authorization includes the following authorizations / permits:

1. Environmental Authorization
2. Waste discharge permit
3. Concession for the use of space of Maritime-Terrestrial Public Domain (if needed)
4. Concession for the use of space of Public Port Domain (if needed)
5. Beaconing (if needed)

1. ENVIRONMENTAL AUTHORIZATION

- I. COMPETENT BODY: **Directorate General for Prevention and Environmental Quality - ANDALUCÍA DEPARTMENT OF AGRICULTURE, LIVESTOCK, FISHERY AND SUSTAINABLE DEVELOPMENT.**
- II. CONTENT OF THE APPLICATION:
 - Descriptive memory
 - Project location
 - Diagnostic of the territorial and environmental condition
 - Other relevant documents if requested
- III. **STEP 1: Public information:** After verification of environmental legislation compliance, the corresponding **Territorial Delegation** publishes the project dossier in the Official Andalusian Gazette (BOJA).
- IV. **STEP 2: Official information and consultation:** Simultaneously with Public information, the corresponding **Territorial Delegation** submits the project and the environmental study to the local councils affected.
- V.
- VI. **STEP 3: Authorization:** Issue of the environmental authorization report

2. WASTE DISCHARGE PERMIT

- I. COMPETENT BODY: **Directorate General for Prevention and Environmental Quality - ANDALUCÍA DEPARTMENT OF AGRICULTURE, LIVESTOCK, FISHERY AND SUSTAINABLE DEVELOPMENT.**
- II. CONTENT OF THE APPLICATION: Application form for discharge permit in MARITIME-TERRESTRIAL PUBLIC DOMAIN and PUBLIC WATER DOMAIN.
- III. STEP 1: **Application:**
 - Waste discharge statement.
 - If construction permit is needed, a preliminary report should be requested to the Territorial Delegation of Agriculture, Livestock, Fishery and Sustainable Development.
 - Report request to the component unit of hydrological planning
- IV. STEP 2: **Public information:** After verification of environmental legislation compliance, the corresponding **Territorial Delegation** publishes the project dossier in the Official Andalusian Gazette (BOJA).
- V. STEP 3: **Official information and consultation:** Simultaneously with Public information, reports from different institutions and bodies are compiled.
- VI. STEP 4: **Authorization:** After STEP 2 and STEP 3, the **Andalusian department of Agriculture, Livestock, Fishery and Sustainable Development** draws up a report including the waste discharge conditions.

3. CONCESSION FOR THE USE OF SPACE OF MARITIME-TERRESTRIAL PUBLIC DOMAIN

- I. COMPETENT BODY: **Directorate General for Coastal and Maritime Sustainability – SPANISH MINISTRY FOR ECOLOGICAL TRANSITION.**
- II. CONTENT OF THE APPLICATION: Included in the **Marine Aquaculture Activities Authorization.**

- III. STEP 1: **Application:** The promoter delivers the application form for the authorization of Marine Aquaculture Activities to the **Directorate General for Coastal and Maritime Sustainability**, who in turn issues the project to the **Peripheral Coast Service (SPC)**.
- IV. STEP 2: **Preliminary report / SPC:** The SPC evaluates the documentation and draws up a preliminary report which is submitted to the **Directorate General for Coastal and Maritime Sustainability**.
- V. STEP 3: **Mandatory report / Directorate General for Coastal and Maritime Sustainability:** The **Directorate General for Coastal and Maritime Sustainability** draws up the mandatory and binding report about the viability of the concession and conditions of use of space.
- VI. STEP 4: **Concession:** The **Directorate General for Coasts** informs the promoter about the conditions of the use of space concession. Subsequently, if the promoter accepts the conditions, the **Directorate General for Fishery and Aquaculture** submits the concession of the use of space.

4. CONCESSION FOR THE USE OF SPACE OF PUBLIC PORT DOMAIN

- I. COMPETENT BODY: **Public Ports Agency of Andalucía** - ANDALUCÍAN DEPARTMENT OF DEVELOPMENT, INFRASTRUCTURES AND SPATIAL PLANNING.
- II. CONTENT OF THE APPLICATION: The application will include:
 - Holder / Entity identification
 - Accreditation of economic and technical solvency
 - Basic project adapted to spatial planning of the port service area
 - Economic and financial memory of the project
 - Compliance with the specific conditions
 - Provisional guarantee
 - Another relevant documents if requested
- III. STEP 1: **Public information:** Publication in the Official Andalucían Gazette (BOJA).

- IV. STEP 2: **Official information and consultation:** Simultaneously with Public information:
- If the spatial planning of the port service area is not yet approved, a report from the planning authorities will be requested.
 - If the application aims to use the Public Domain pertaining to the Lighthouses Service, it needs the approval from **State Ports** – SPANISH MINISTRY OF DEVELOPMENT.
- V. STEP 3: **Concession:** The corresponding **Territorial Delegation** receives the final resolution and informs the promoter.

5. BEACONING

- I. COMPETENT BODY: **State Ports** – SPANISH MINISTRY OF DEVELOPMENT. **Public Ports Agency of Andalucía** - ANDALUCÍAN DEPARTMENT OF DEVELOPMENT, INFRASTRUCTURES AND SPATIAL PLANNING.
- II. CONTENT OF THE APPLICATION: The promoter delivers along with the aquaculture project, the following documentation:
- Current situation and existing signs.
 - Brief justification.
 - Location map including potential shipping obstructions, bathymetry, northern march and graph scale.
- III. STEP 1: **Application for provisional beaconing:** The **Territorial Delegation** makes the beaconing request to **State Ports** for the distribution of beacons and type of signs requested.
- IV. STEP 2: **Provisional beaconing:** The provisional beaconing authorization is reported to the **Territorial Delegation**, who in turn informs the promoter.
- V. STEP 3: **Definitive beaconing:** **State Ports** evaluates the definitive beaconing prosecution history in the **Lighthouses Commission**.

OTHER PERMITS AND REGISTRATIONS

1. REGISTER OF LIVESTOCK HOLDINGS (REGA)

- I. COMPETENT BODY: **Directorate General for Agriculture and Livestock Production – ANDALUCÍA DEPARTMENT OF AGRICULTURE, LIVESTOCK, FISHERY AND SUSTAINABLE DEVELOPMENT.**
- II. CONTENT OF THE APPLICATION: REGA registration form

2. DATA BASE FOR IDENTIFICATION AND REGISTRATION

- I. COMPETENT BODY: **Directorate General for Fishery and Aquaculture – ANDALUCÍA DEPARTMENT OF AGRICULTURE, LIVESTOCK, FISHERY AND SUSTAINABLE DEVELOPMENT.**
- II. CONTENT OF THE APPLICATION: To be made ex officio

Licence Periods, Terms and Conditions in Andalucía

Marine Aquaculture Authorisation. First evaluation of the project, consultation and public information

- Administrative resolution: It depends on the type of space requested in the application:
 - a. Private estates: 3 months
 - b. Maritime-Terrestrial Public Domain or Public Port Domain: 6 months
- Competent body: Directorate General for Fishery and Aquaculture

Environmental authorization, waste discharge and water collection (this license is processed in parallel with the Marine Aquaculture Authorisation)

- Administrative resolution to obtain the Unified Environmental Authorization (AAU): 4 months (extendable to 6 months)
- Competent body: Directorate General for Prevention and Environmental Quality

Concession for the use of space of Maritime-Terrestrial Public Domain / Public Port Domain (either of two must be submitted after the resolution of the AAU).

- Administrative resolution:
 - a. Maritime-Terrestrial Public Domain: 6 – 8 months (it might be extended in some projects)
 - b. Public Port Domain: Up to 8 months
- Competent body:
 - a. Maritime-Terrestrial Public Domain: Directorate General for Coastal and Maritime Sustainability
 - b. Public Port Domain: Public Ports Agency of Andalucía

Beaconing authorization (it must be submitted after the resolution of the AAU)

- Administrative resolution:
 - a. Provisional authorization: 1-2 months
 - b. Definitive authorization: 3-4 months
- Competent body: National State Ports and Public Ports Agency of Andalucía

Register of Livestock Holdings (REGA) (it is included in the Marine Aquaculture Authorisation)

- Administrative resolution: N/A

Competent body: Directorate General for Fishery and Aquaculture

6) Best practice in regulation and licensing in Andalucía

The Aquaculture Committee of Andalucía, which reports to the Andalusian Department of Agriculture, Livestock, Fishery and Sustainable Development, created in 2017 different working groups for the analysis and follow up of relevant aspects related to the development of aquaculture activities in Andalucía.

These **Working Groups** include different agents involved in aquaculture activities such as representatives of the regional administration, stakeholders or those selected as permanent members of the committee.

The main objective of these Working Groups is to serve as a tool for channelling the needs and tackling relevant constraints and difficulties in relation to the development of aquaculture activities. Working groups are divided in five different topics being **Group 4** specific for the **Use of concessions and authorizations**.

These Working Group have a **face-to-face annual session** where the issues of interest related to the use of concessions and authorizations for aquaculture activities are discussed and solutions and corrective measures are proposed for their future implementation. Also, the follow up of previous measures is carried out and amended if necessary.

7) References:

Official Gazette of the Andalucía Regional Executive (BOJA)

<https://www.juntadeandalucia.es/boja/2017/76/6>

National Advisory Board for Marine Aquaculture (JACUMAR)

https://www.mapa.gob.es/es/pesca/temas/acuicultura/and_mar_abr_19_tcm30-510436.pdf

The Aquaculture Committee of Andalucía

<https://www.juntadeandalucia.es/organismos/agriculturaganaderiapescaydesarrollosostenible/areas/pesca-acuicultura/acuicultura/paginas/comite-acuicultura-andalucia.html>

Irish Region

Partners: WestBIC & Údarás na Gaeltachta
Country: Ireland

1) Policy Context for Aquaculture Regulation in Ireland

The policy context for the Aquaculture Sector in Ireland is outlined in the following publications:

- “Harnessing our Ocean Wealth – An Integrated Marine Plan for Ireland” (July 2012). This report set out a roadmap for the Government’s vision, high-level goals and integrated actions across policy, governance and business. Implementation of this Plan included an integrated system of policy and programme planning for Irish marine affairs. www.ouroceanwealth.ie
- “Review of the Aquaculture Licensing Process” Independent Aquaculture Licensing Review Group (2017)
<http://www.fishingnet.ie/media/fishingnet/content/ReviewoftheAquacultureLicensingProcess310517.pdf>
- “Food Wise 2025” (July 2015). This report set out a ten year plan for the agri-food sector and illustrated the potential for this sector to grow even further. The report noted trends such as:
 - Projections that world consumption of fish will grow by an average annual consumption of 17 kg per person per annum resulting in a requirement for an extra 40 million tonnes of seafood by 2030
 - The projected shift in global economic gravity towards the east where there is a strong cultural preference for seafood
 - The growing health and wellness trends with seafood being a versatile, convenient and protein source with specific and recognised health properties which resonate with the modern consumer.

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

Aquaculture activities are very important to sustain the employment and livelihoods of the people in Ireland. A reliance on the aquaculture industry in remote coastal areas of the northwest and southwest of Ireland, where economy faces greater challenges in a national context due to its geographic isolation. The economic significance of the aquaculture industry in these peripheral areas is indisputable. All jobs created in these regions will have a knock-on effect on improved livelihoods for the people as they have a regular income.

There has been a steady reduction in the number of businesses operating in some sectors of Irish aquaculture from 2009 to 2018. This consolidation process has been fueled by foreign direct investment by a large multinational in the case of salmon farming and in the case of bottom grown mussels and oyster farming via investments from Dutch and French shellfish farmers. There is a move away from seasonal employment in the shellfish sector, with an increase in automation due to associated rising costs.

Employment over the 2009 to 2018 period, has fluctuated between 1,700 and 1,900. In 2018, 1,948 persons, equating to 1,077 Full Time Equivalents (FTEs) were directly employed.

In 2018 employment increased slightly by 1%, when compared to 2017, despite it being a challenging year. Overall employment in 2018 was highest in the North (25%), followed by the Southeast (18%) and the West (15%). Employment is set to remain stable for 2019 and beyond given present production trends and steady market demand.

Employment in 2009 was over 1,900 persons and after some fluctuations has returned to this level in 2018, having dropped to lows between 1,700 and 1,800 persons in 2012. Full-time equivalent employment (FTE) meanwhile varied from just over 900 to 1,050 in the same period. Native oyster employment may have been over-estimated due to lack of data obtained.

Female employment level, over this time, has remained relatively static, ranging from 120 to 150 or from 6.4% to 8.2 % of total employed.

The shellfish sector was the biggest employer over the period and included the greatest proportion of part-time or seasonal work. The Finfish sector by contrast, provided mainly full-time employment and the best average wage, in excess of €40,000 annually.

3) Legislation and Regulations in Ireland

The Fisheries Amendment Act (1997) sets out the legislation for regulation and licensing of aquaculture in Ireland. This Act has been amended on a number of occasions. The main regulation is the Aquaculture (Licence Application) Regulations 1998 which has also been amended on a number of occasions. Aquaculture is also guided by a number of EU Directives and Statutory Instruments including: the EU Directives on Environmental Impact Assessment (EIA) and the Protection of Birds and Natural Habitats.

Licences in the marine environment generally involve part of the State owned foreshore (defined as the seabed and shore from the high water mark out to the limit of the territorial seas). Any activity on the foreshore requires consent and these applications are processed in parallel with aquaculture licence applications.

4) Regulatory Agencies and their roles in Ireland

Licensing Authority:

The Licensing Authority in Ireland is the Minister for Agriculture, Food and the Marine. The Aquaculture of Foreshore Management Division of the Department for Agriculture, Food and the Marine manages the processing of aquaculture licences on behalf of the Minister.

Support Agencies involved:

- The Marine Engineering Division of the Department of Agriculture, Food and the Marine undertakes site mapping duties.
- The Marine Institute, An Bord Iascaigh Mhara, and The Sea Fisheries Protection Authorities (State Agencies) provide scientific advice on environmental and aquaculture matters.
- Where necessary Local Authorities and / or Harbour Authorities may also be consulted.

5) Licensing Application Process in Ireland

Licenses in Ireland fall into three main categories as follows:

- Marine Finfish

- Shellfish
- Land-based

Licences are typically issued for 10 years but the 1997 Act provides for licence duration of up to 20 years.

6) Best practice in regulation and licensing in Ireland

There is an opinion amongst Stakeholders that there is currently no best practice in place in regulation and licensing in Ireland. A review of regulation and licensing is underway by the Irish Government and includes:

- Report of the Independent Aquaculture Licensing Review Group – 2017
- Marine Planning Policy Statement – 2019
- Review of Co-ordinated Local Aquaculture Management Systems (C.L.A.M.S.) *

The backlog of license applications in shellfish, while addressed in terms of applications is still unsatisfactory to the industry as it does not allow any degree of best practice. This is even more so the case with the finfish industry. It is hoped that with the CLAMS review and with the inclusion of a stated goal in the Programme for Government 2020, that the Review of Aquaculture 2017 would be implemented along with the Housing Dept's nascent marine plan, and that these developments will begin to show best practice results soon.

** The Co-ordinated Local Aquaculture Management Systems (C.L.A.M.S.) process is a nationwide initiative to manage the development of aquaculture in bays and inshore waters throughout Ireland at a local level. In each case, the plan fully integrates aquaculture interests with relevant national policies. While it is not a licensing or regulatory process, C.L.A.M.S provides a policy backdrop which helps in the formation of a detailed evaluation of individual licence conditions. C.L.A.M.S. can inform those tasked with compliance monitoring regarding general issues such as bay carrying capacity.*

7) References:

- “Harnessing our Ocean Wealth – An Integrated Marine Plan for Ireland” (July 2012).
www.ouroceanwealth.ie
- “Review of the Aquaculture Licensing Process” Independent Aquaculture Licensing Review Group (2017)
<http://www.fishingnet.ie/media/fishingnet/content/ReviewoftheAquacultureLicensingProcess310517.pdf>
- “Food Wise 2025” (July 2015).
<https://www.agriculture.gov.ie/foodwise2025/>
- Report of the Independent Aquaculture Licensing Review Group – 2017
<http://www.fishingnet.ie/media/fishingnet/content/ReviewoftheAquacultureLicensingProcess310517.pdf>
- Marine Planning Policy Statement – 2019
https://www.housing.gov.ie/sites/default/files/publications/files/marine_planning_policy_statement.pdf
- The Co-ordinated Local Aquaculture Management Systems (C.L.A.M.S.)
http://www.bim.ie/media/bim/content/BIM_CLAMS_Explanatory_Handbook.pdf

Portuguese Region

Partner: University of Algarve – UAlg

Country: Portugal

1) Policy Context for Aquaculture Regulation in Portugal

The European Commission formally approved the MAR 2020 Operational Program by Implementing Decision of 30.11.2015 approving the Operational Program "European Maritime and Fisheries Fund - Operational Program of Portugal" to support the European Maritime and Fisheries Fund in Portugal. MAR 2020 aims to implement in Portugal the support measures under the European Maritime and Fisheries Fund (EMFF) and its Strategic Priorities:

- Promote competitiveness based on innovation and knowledge.
- Ensure the social and environmental economic sustainability of the fisheries and aquaculture sector, contribute to the good environmental status of the marine environment and promote the Integrated Maritime Policy.
- Contribute to the development of coastal zones, increase employment and territorial cohesion as well as increase the capacity and skills of professionals in the sector.

The new Operational Program includes new priority areas of intervention, which were previously managed directly by the European Commission, such as the Data Collection Program, Fisheries Control and Surveillance, the Common Organization of Fishery Markets and Aquaculture, the Compensation Plan for the Outermost Regions and, under shared management, the Integrated Maritime Policy.

The mission structure for MAR 2020, in addition to its capabilities under the European Maritime and Fisheries Fund, will ensure proper monitoring of the Program, ensuring control and monitoring of operations, preventing and detecting irregularities, promoting reduction intervention deadlines, response and giving greater reliability to the results obtained.

MAR 2020 PRIORITY 2 - PROMOTING ENVIRONMENTALLY SUSTAINABLE, RESOURCE-EFFICIENT, INNOVATIVE, COMPETITIVE AND KNOWLEDGE-BASED AQUACULTURE

- Measure 1 - Sustainable development of aquaculture
- Measure 2 - Development of aquaculture sites
- Measure 3 - Organic aquaculture and environmental services
- Measure 4 - Public Health Measures
- Measure 5 - Promotion of animal health and welfare

- Measure 6 - Insurance for aquaculture stocks
- Measure 7 - Promotion of human capital and networking

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

Portugal has a long-standing tradition and history in fisheries. Despite its limited contribution to the gross domestic product (GDP), the Portuguese fisheries' sector represents a primary sector of significant socio-economic importance, particularly in coastal areas. Aquaculture in Portugal does not represent more than 6 % of the catches; however, it is growing rapidly and could become an important activity for the fisheries sector. At the same time, it offers other socio-economic benefits like employment opportunities and contributes to local coastal economies.

In 2013, the aquaculture sector produced 10 300 tonnes, corresponding to EUR 53.7 million. In the same year, Portuguese aquaculture comprised 1 443 farms employing 2 572 workers, or 2 083 FTEs (full time equivalents).

Portugal is by far the main fish consumer inside the EU 27 with 56.9 kg per capita/year, while the EU average is 21.4 kg/ head/year. However, Portuguese consumers are skeptical about aquaculture. This might be related with unconstructive messages, commonly spread among consumers, which result in the preconceived idea that seafood from aquaculture is generally of a worse quality compared to wild fisheries. Vast improvements in the public image of the aquaculture sector need to be undertaken. Stakeholders have the huge challenge of clarifying consumers about the positive aspects of aquaculture products and in the demystification of several erroneous ideas.

Employment in the aquaculture industry in Portugal for 2011, represented 2.316 direct jobs where 18% were women, and with only 5 companies employing more than 10 people. Most of the workers have low qualifications and working within a family business, but there are also a significant number of people with higher education (university level). The national production of aquaculture for 2012 only contributed 5.4 % (10.317t) to the total seafood landings, and therefore cannot yet be considered an alternative to the traditional fisheries sector

The Portuguese aquaculture industry produces marine finfish species and shellfish. The former far exceeds the latter in size — marine fish production accounted for more than 57 % of the total sales value in 2013. The main cultured marine species are sea bream, sea bass and turbot. In 2013, Portuguese aquaculture production totalled 10 300 tonnes and EUR 58.8 million in value.

It is estimated that the blue economy represents 3 % of the Portuguese GDP.

The total production of aquaculture in the Algarve region in 2013 represented a total of 4.403t with an estimated value of 27M euros, which represented an increase compared with 2012, with a production of 3.509t and a value of 24,1M euros. The bivalve aquaculture is still the most important aquaculture type in the Algarve; fish produced in ponds represent only 9, 2%. Most of the bivalve aquaculture sites are located within the Ria Formosa lagoon, where the extensive aquaculture contributes to 88% of the total production. The good clam (*Ruditapes decussatus*) is the main species being produced, but mussel production doubled from 2012 to 2013 with a total 1 547t, mostly due to the recent offshore installations.

3) Legislation and Regulations in Portugal

- Ordinance No. 280/2017, of 19 September, establishes the form of calculation, the amount, the exemptions, the form of division and delivery of the Aquatic Fee (TAQ) collection product.
- Ordinance No. 279/2017, of 19 September, sets out the instructional elements that must be presented by the interested party in the procedures provided for in Article 8 (2), Article 9 (2), Article 12 (1) and Article 13 (2) of Decree-Law 40/2017 of 4 April, which defines the legal framework for the establishment and operation of crop establishments in marine waters, including transitional waters, and in inland waters.
- Ordinance No. 276/2017, of 18 September, establishes the regime and the amount of the guarantee to ensure, at the time of termination of the Aquaculture Activity Title (TAA), the good environmental status of the marine environment and water bodies. and removal of works and movable structures within the area or volume
- Decree-Law No. 40/2017, of 4 April, approves the legal regime for the establishment and operation of marine culture establishments, including transitional waters, and inland waters, under the use of the legislative authorization granted by Law No. 37/2016 of December 15. This Decree-Law applies to marine and inland waters cultivation establishments and related establishments located on private property, State private domain, State public domain and local authorities, including the public domain. water. The provisions of this Decree-Law shall not apply to State aquaculture posts, aquaculture units or holding captive aquaculture species for self-consumption, ornamental, didactic, technical or scientific purposes only.
- Decree-Law No. 152/2009 of 2 June - Transposes Council Directive 2006/88 / EC of 24 October on zoosanitary requirements for aquaculture animals and derived products.
- Regulatory Decree No. 9/2008 of 18 March - Defines the fundamental rules for the establishment of offshore aquaculture production areas (APA).

4) Regulatory Agencies and their roles in Portugal

The establishment of an aquaculture farm implies obtaining two licenses, one for the use of water resources (bank, bed and water) and another for the exercise of the activity.

The entities responsible for licensing the use of water resources are the Portuguese Environment Agency I.P. (APA), the Port Administrations and Docapesca, S.A., in the areas under their jurisdiction. The licensing of the activity is the responsibility of the Directorate-General for Natural Resources, Safety and Maritime Services (DGRM) for marine and brackish waters and the Institute for Nature Conservation and Forests (ICNF) for inland waters, without prejudice to any necessary previous studies or opinions.

In the Autonomous Regions (Madeira and Azores), licensing entities are services of the Regional Environment and Fisheries Administration under the respective Regional Government.

5) Licensing Application Process in Portugal

The installation process of an aquaculture establishment begins with the application for the allocation of the water use right which must, among other things, indicate:

- The area of water domain (public or private) to occupy;
- Estimated volumes of water to be used;
- The conditions and characteristics of rejections;
- Details of the specific location of the biogenetic crop establishment to be installed.

The application is publicized and, if other interested parties arise, a tender procedure will be initiated for the use of public water domain areas.

After the development of the tender procedure or in its absence, the licensing of the use of water resources is made by the Portuguese Environment Agency I.P. (APA I.P.), the Port Administrations and Docapesca, I.P., administrators of the marine public domain.

For open sea aquaculture production areas (APA) set up by Regulatory Decree No 9/2008, a single title shall be issued for the use of and the establishment of establishments, which is already an advance in the simplification of licensing.

This scheme defines the conditions for the establishment of open sea farm establishments in predefined areas, delimiting the use of common resources, security constraints and monitoring of environmental parameters. The allocation of the lots constituting these aquaculture production areas is made by public tender.

The authorizations for the use of water resources issued up to 2007 had an average validity period of 10 years. From 2007, it was possible to grant a private use title for the establishment of aquaculture establishments in marine waters through the conclusion of a concession contract of maximum 75 years. This deadline is set taking into account the nature and scale of the associated investments, as well as their economic and environmental relevance.

The installation authorization process may last from 4 to 6 months and is granted after an inspection involving all the competent authorities:

- DGRM;
- ICNF for coastal water domain areas that are classified as protected areas;
- BB I.P. or another of the administrators of the maritime public domain;
- Portuguese Institute of Sea and Atmosphere (IPMA);
- Town hall;
- Captain of Porto (if the establishment is located in an area under its jurisdiction);
- General Directorate of Health (DGS);
- General Directorate of Food and Veterinary (DGAV).

The exploration license, which has the same duration as the license for private use of public domain areas or renewable for 15 years, in the case of establishments located on private land, is granted by DGRM after a survey of the establishment, in which It is accompanied by IPMA and DGAV and ICNF in the areas under its jurisdiction.

6) Best practice in regulation and licensing in Portugal

Given the administrative complexity and the number of entities involved, it is intended to reduce and simplify the administrative procedures for obtaining the necessary licenses for the establishment of aquaculture establishments and, therefore, to ensure a timely decision for the investor, reducing the degree of investment uncertainty.

The simplification of the administrative processes, combined with the planning and zoning of places destined for the activity, are indispensable conditions to speed up the whole process, eliminating some of the constraints to the development of this productive sector.

To achieve this goal, it is essential to create the necessary conditions for licensing processes to become more agile. These conditions entail well-informed procedures by developers and the reduction and simplification of the various existing procedures, so that the whole process of setting up an aquaculture establishment is efficient, giving entrepreneurs a quick response to market stimuli.

7) References:

Plano Estratégico para a Aquicultura Portuguesa 2014 -2020. Direção Geral de Recursos Naturais, Segurança e Serviços Marítimos (DGRM). Ministério da Agricultura e do Mar.

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

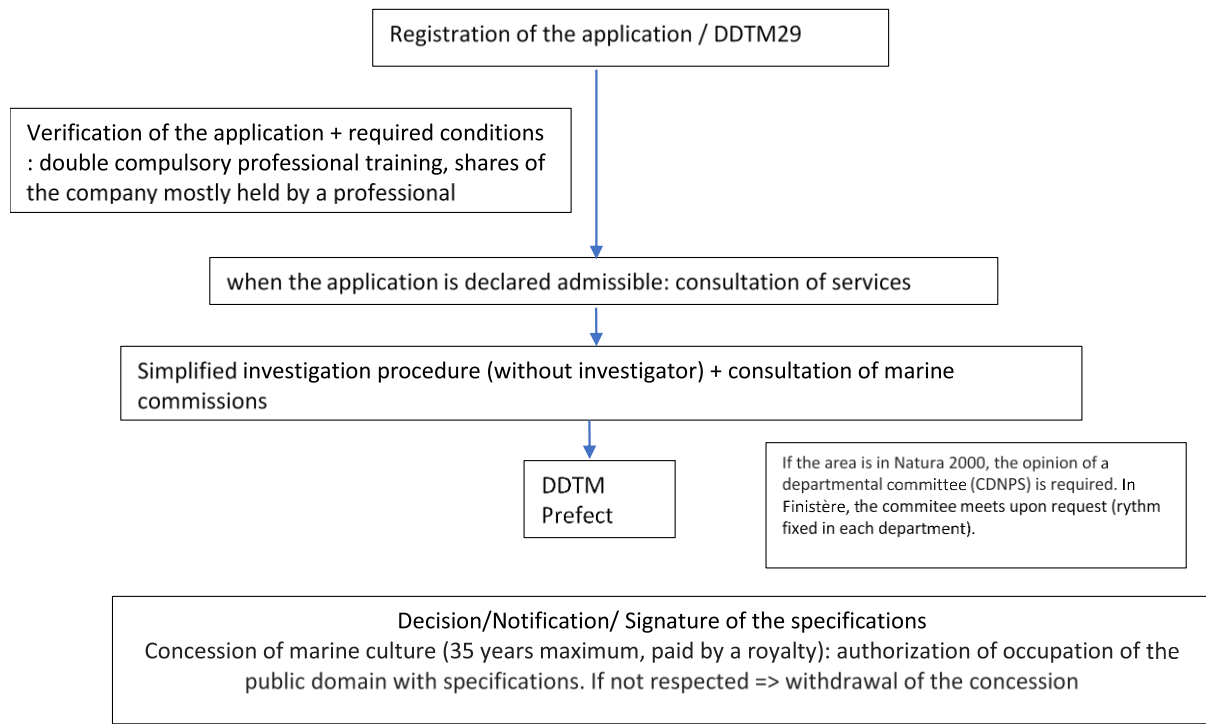
4) Regulatory Agencies and their roles in Brittany

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:

- FAO (2019), Vue générale de la législation nationale sur l'aquaculture, France, from : http://www.fao.org/fishery/legalframework/nalo_france/fr
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