



Belfast City Council

Report to:	Parks and Leisure Committee
Subject:	Consultation on the Alien and Locally Absent Species in Aquaculture Regulations (NI) 2012
Date:	9 February 2012
Reporting Officer:	Andrew Hassard, Director of Parks and Leisure
Contact Officer:	Orla Maguire, Biodiversity Officer

1.	Relevant Background Information
1.1	In December 2011 the Department of Agriculture and Rural Development (DARD) commenced a 12 week public consultation on the Alien and Locally Absent Species in Aquaculture Regulations (NI) 2012.
1.2	This is a consultation on the proposal for implementing council regulation (EC) No 708/2007, as amended, concerning use of alien and locally absent species in aquaculture. Most of the provisions of the council regulation are obligatory and member states must therefore adopt them. However there are some measures in respect of which individual governments can determine how they are to be implemented within the framework of the regulation and it is on these measures that DARD is consulting, as part of the process of determining its final policy.
1.3	The aim of the regulation is to ensure that there is an adequate protection of aquatic habitats from the risks associated with the use of alien and locally absent species in aquaculture whilst contributing to the sustainable development of the aquaculture industry. It does this by providing for a system of permits and environmental risk assessment where necessary.
1.4	The regulations do not apply to the keeping of ornamental aquatic animals or plants in pet-shops, garden centres, contained garden ponds or aquaria which comply with the provisions of the Commission Decision 2006/656/EC [laying down the animal health conditions and certification requirements for imports of fish for ornamental purposes].

2	Key Issues
2.1	The DARD consultation documents are provided at Appendix 1.
2.2	<p>In summary, the consultation asks for responses to 6 questions:</p> <ul style="list-style-type: none"> • Consultation response 1: You are invited to note the scope of the Regulation and to comment on the Department's proposed policy in relation to Articles 2.5, 2.6 and 2.7. • Consultation response 2: Comments are sought on the proposal to have DARD designated as the competent authority for ensuring compliance with the requirements of the Regulation and the possibility of also having the Loughs Agency designated as the competent authority for the Foyle and Carlingford Areas. • Consultation response 3: Comments are sought on (i) whether or not an advisory committee should be established and (ii) if so, who should be represented on such a committee? • Consultation response 4: Comments are sought on (i) the option of allowing the competent authority to decide whether an independent body should undertake environmental risk assessments and (ii) on who should bear the costs. • Consultation response 5: Comments are sought on whether or not applications and risk assessments for marine organisms should be referred to ICES prior to the issuing of an opinion by the advisory committee. • Consultation response 6: Comments are sought on the proposal that any costs associated with the development or implementation of a contingency plan should be borne by the person to whom the permit was granted.
2.3	Following consideration by relevant officers across the council, a response has been completed in draft form for approval by Members. This is provided at Appendix 2.
2.4	In summary the draft response welcomes the introduction of these regulations and the protection that implementation will give to our aquatic habitats and native species. It suggests that DARD should be designated as the competent authority and that advisory committee should be established but that it should have wider representation than that proposed.
2.5	Subject to approval by council, it is proposed that the final response is submitted to DARD by 13 March 2012.

3	Resource Implications
3.1	<u>Financial</u> None required at present
3.2	<u>Human Resources</u>

	None required at present
3.3	<u>Asset and Other Implications</u> None at this stage.

4.	Equality and Good Relations Implications
4.1	In the consultation documents, DARD states that it has undertaken an equality impact screening of the regulations, and has concluded that the proposed measures will not have any adverse impact for any of the nine categories listed under Section 75.

5	Recommendations
5.1	Members are asked to: (i) note the contents of this report; and (ii) approve submission of a final consultation response to DARD, subject to any comments or amendment provided by the committee, by the deadline of 13 March 2012.

6.	Decision Tracking
	N/A

7.	Key to Abbreviations
	DARD – Department of Agriculture and Rural Development

8.	Documents Attached
	Appendix 1: Consultation Documents Appendix 2: Draft Consultation Response