



DG Environment
Unit ENV D.1 – Water
European Commission
B-1049 Brussels
Belgium

Att.: Mr. Jorge RODRIGUEZ ROMERO
Water Framework Directive Team Coordinator

Liege, 14th December 2009.

Concerns: Comments to the draft of a new Technical Guidance Document for deriving environmental quality standards.

Dear Sirs,

In June 2008 the Federation of European Fish Producers (FEAP) posed several questions to the European Commission on the implementation of Directive 2006/11/EC and its consequent impact on aquaculture.

A reply was received on December 8th 2008 (ref.: PG/JRR/ip ENV.D2 (2008)66005). In this response, it was described that when setting environmental quality standards (EQS) blue-green algae data should only be used if no green algae data exist (point 2 in Annex).

At that time the position of the European Commission was based on a draft from December 2008 of the new "technical guidance document" (TGD). The draft stated in line 1210 and forward:

To be consistent with REACH guidance, blue-green algae should be counted among the primary producers due to their autotrophic nutrition. Thus, cyanobacteria (blue-green algae or Cyanophyta) belong to the trophic level of primary producers. This means that data from (both chronic and acute) tests with cyanobacteria can replace data for algae when undertaking deterministic extrapolation. Therefore, the results of these studies can be used to complete the base set where there are no algal data.

The Organisation Danish Aquaculture (TODA) has discussed this response with the the Danish Environmental Protection Agency (DEPA) and DEPA disagrees with the position of the European Commission.

DEPA claims that data from the blue-green algae shall always be taken into consideration. In Denmark, the setting of environmental quality standards for substances (medicines and biocides) used in the Danish aquaculture industry has been effective since 2005. In following the procedure adopted by the Danish authorities, there is a dramatic effect on the level of several environmental quality standards, which are typically lowered by a factor of 10-100 when blue-green algae tests are taken into account.

The key question, therefore, is whether the environmental quality standards should be based on green algae levels or blue-green algae levels when the test results are available for both?

Federation of European Aquaculture Producers

www.feap.info

General Secretariat :

Rue de Paris, 9
B-4020 Liège
Belgium

Tel. : +32 (0)4 3382995
Fax : +32 (0)4 3379846
E-mail : secretariat@feap.info

Siège social :

Place Saint-Exupery, 546
F-33127 Saint-Jean-d'Ilhac
France

Association étrangère déclarée en France
Autorisée par le Ministère de l'Intérieur
(insertion au J.O. du 25/05/1969)
N° association en France W332002241

On December 3rd 2009 the TODA had a meeting with the European Commission. At this meeting, Mr. Romero from DG Environment explained that the work of creating the new TGD is reaching its final stage and that the text is more or less in its final draft. Further Mr. Romero explained that the blue-green algae text in the latest draft has been changed, and that it now follows the position of the DEPA. Recently, TODA has received the current TGD draft and, after reading, notes that the above-mentioned paragraph is now changed to (line 1683 and forward):

Blue-green algae should be counted among the primary producers due to their autotrophic nutrition (ECHA, 2008). Thus, cyanobacteria (blue-green algae or Cyanophyta) belong to the trophic level of primary producers. This means that data from (both chronic and acute) tests with cyanobacteria are considered as additional algae data and are treated in the same way (i.e. if they represent the lowest endpoint, the AF will be based on cyanobacteria, even when data for green algae are present). They can also be used to complete the base set where there are no [green]algal data.

Due to the fact that blue-green algae are bacteria, this will have enormous consequences to the aquaculture industry and other industries that use agents (antibiotics and biocides) that are designed to kill bacteria.

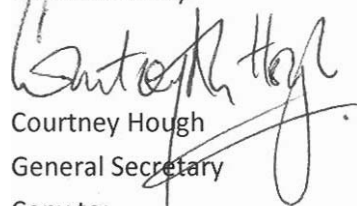
It is necessary to emphasise that a protection level that is based on blue-green algae will hinder the use of nearly all approved veterinary products for fish in farming conditions. Such a position will further discourage research and development for new treatment products. Thus, in the end, the use of blue-green algae tests could ultimately block the new Community initiative to support and develop the EU aquaculture industry.

FEAP therefore strongly requests that the European Commission takes the following actions before the draft TGD is finalised:

- To evaluate the consequences to the European aquaculture sector and other industries if the EQS are based on blue-green algae test
- To evaluate the consequences to the environment if the EQS are not based on the blue-green algae test but on fish, daphnia and true [green] algae only
- To consider if there could be an exemption for pharmaceuticals in the TGD.
- To consider if the AF could be set to 1, if the test with blue-green algae are included in EQS setting for pharmaceuticals, because bacteria by definition always will be the most sensitive organism in the environment.
- To establish contact between DG Enterprise (Unit F2), DG SANCO and DG MARE (Unit A/2) so as to discuss and evaluate this problem and to find a common and equitable solution

I apologise for the delay in response in respect of providing timely comments on this issue.

Yours sincerely



Courtney Hough
General Secretary

Copy to:

DG MARE, A/2 - Common fisheries policy and aquaculture,

DG Enterprise, Unit F2 - Pharmaceuticals; regulatory framework and market authorisations