Feed quota regulations/Regulations concerning measures to regulate the production of farmed salmon and trout (29 February 1996 No. 223)

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Regulations concerning measures to regulate the production of farmed salmon and trout.

§ 1. Scope

These regulations apply to the rearing of both salmon and trout and their broodstock in sea-water and brackish water rearing units

§ 2. Purpose

The purpose of the regulations is to regulate production in order to contribute to the balanced and sustainable development of the aquaculture industry and to its development as a profitable and viable regional industry, cf. section 1 of the Aquaculture Act.

§ 3. Authority

In these regulations, the term fisheries authorities means the Director General of Fisheries or whosoever is authorized by the Director General.

§ 4. Definitions

The following definitions apply in these regulations:

1. Feed: Dry feed and/or soft/wet feed intended for fish
2. **Dry feed**: Feed containing a minimum of 90% dry matter

3. **Soft/wet feed**: Feed containing less than 90% dry matter

4. **Fishmeal**: High-energy meal mixtures used in wet feed and soft feed.

§ 5. **Feed quotas in the production of salmon**

For the production of salmon for consumption and as broodstock, feed quotas are set. The quotas are calculated according to the rules set out in the second to fourth paragraph. The calculation of quotas is based on the volume stated in the licence issued pursuant to section 3 and section 4, first paragraph, of the Aquaculture Act. It is assumed that the licence volume is used in its entirety for salmon production unless the licensee provides documentation to show that all or part of the licence volume is used for trout production.

If salmon and trout are produced in the same unit/cage, all the fish in the unit/cage will be regarded as salmon when feed quotas are determined.

In the period from 1 January 2001 to 31 December 2001, the following amounts are permitted:

a) 69.17 tonnes of dry feed per 1 000 m³ licence volume or,
b) 48.42 tonnes fishmeal per 1 000 m³ licence volume when using wet feed/soft feed, or
c) a quota determined according to the last subparagraph for feed without added fishmeal.
d) If the feedstuffs in a and b are combined, a conversion factor shall be used where 0.7 tonne of fishmeal corresponds to 1 tonne of dry feed. If the feedstuffs in a and/or b and c are combined, the quota shall be determined according to the last subparagraph.

In the period from 1 January 2002 to 31 December 2002, the following amounts are permitted:

a) 70 tonnes of dry feed per 1 000 m³ licence volume or,
b) 49 tonnes fishmeal per 1 000 m³ licence volume when using wet feed/soft feed, or
c) a quota determined according to the last subparagraph for feed without added fishmeal.
d) If the feedstuffs in a and b are combined, a conversion factor shall be used where 0.7 tonne of fishmeal corresponds to 1 tonne of dry feed. If the feedstuffs in a and/or b and c are combined, the quota shall be determined according to the last subparagraph.

In the period from 1 January 2003 to 31 December 2003, the following amounts are permitted:

a) up to 71 tonnes of dry feed per 1 000 m³ licence volume or,
b) up to 49.7 tonnes fishmeal per 1 000 m³ licence volume when using wet feed/soft feed, or
c) a quota determined according to the last subparagraph for feed without added fishmeal.
d) If the feedstuffs in a and b are combined, a conversion factor shall be used where 0.7 tonne of fishmeal corresponds to 1 tonne of dry feed. If the feedstuffs in a and/or b and c are combined, the quota shall be determined according to the last subparagraph.

Provided that feed quotas have been determined for the next calendar year, the use of up to 3 tonnes of dry feed or 2.1 tonnes of fishmeal per 1 000 m³ licence volume is permitted in the current year in addition to the standard feed quota calculated according to criteria in the provisions laid down in this section. Feed consumption according to this paragraph shall be deducted from the feed quota for the next calendar year.

Of unutilized feed quotas for the previous year, up to 6.25 tonnes of dry feed or 4.4 tonnes of fishmeal per 1000 m³ licence volume may be carried over to the current year and be added to the standard feed quota calculated according to criteria laid down in this section. The right to carry over unutilized feed quotas will be increased to 10 tonnes of dry feed or 7 tonnes of fishmeal per 1 000 m³ licence volume in the event of the destruction of stocks or orders from the veterinary authorities in connection with an outbreak of infectious salmon anaemia. The licensee must apply for permission to increase the amount of unutilized feed quotas to be carried over due to ISA.
When operations are started later than 1 January in a calendar year, the feed quota for the calendar year shall be determined separately by the fisheries authorities.

In special cases, the fisheries authorities may determine other quotas for the use of feed.

§ 6. Joint calculation of feed quota (joint feed quota)

The fisheries authorities may on the basis of a joint application for several licences allocate a joint quota for the use of feed. A joint feed quota for several licences may only be permitted if:

1. a) the licences are held by the same physical or legal person, or
   b) one physical or legal person among the licensees directly holds more than half of the ownership interests.

2. the licences are allocated to a county and apply to units operated in that county.

If the conditions in the first paragraph have been met, calculation of joint feed quotas will be based on the total volume of the licences applied for. The joint quota shall not in any case total more than the total tonnes of feed the licensees could have used individually under section 5 of these regulations.

Permission according to this provision means that the joint quota that has been allocated may be used as one quota. The licensees are jointly and severally responsible if the joint quota is exceeded.

Licensees are entitled to withdraw from a joint quota arrangement in the course of the quota period. Participation in a new joint quota arrangement in the course of the same quota period is not permitted.

Exemptions from the conditions in subparagraphs 1. and 2. in the first paragraph may not be made.

§ 6a. Transfer of feed quota between licences

Up to a total of 20 per cent of the feed quota allocated in one licence/joint quota according to the provisions in sections 5 and 6 of the regulations may be transferred to one or more other licences/joint quotas in the course of a quota period provided that:

1) the licences/joint quotas that feed quota shares are transferred from and to respectively have been allocated to the same county for units operated in that county,
2) each of the licensees holds a licence for salmon and trout aquaculture in the county or fulfils the conditions for the establishment of a joint quota for two licences under section 6 of the regulations, and
3) none of the licensees participates in, or has participated in, or fulfils the conditions for participation in a joint quota arrangement for more than 2 licences under section 6 of the regulations in the period.

No one licence/joint quota arrangement may in the course of a quota period have transferred to it more than a total of 20 percent of the feed quota assigned to that licence/joint quota under the provisions in sections 5 and 6 of the regulations.

Feed quota transfer as mentioned in the first paragraph is not permitted in the course of one quota period if the licence/feed quota being transferred from has previously had transferred to it a share of a feed quota from another licence/joint quota or the licence/joint quota being transferred to has previously had transferred from it a share of its feed quota to another licence/joint quota.

Notification of each individual transfer shall be sent to the fisheries authorities and the transfer is not valid until approval and a response in the form of adjusted feed quotas in accordance with sections 5 and 6 have been received from the fisheries authorities. A transfer that has been approved cannot be changed.

Exceptions may not be made from the conditions laid down in these provisions.

§ 7. Duty to provide information and supervision

The licensee is required to present feed accounts approved by an accountant by 30 April each year.
The licensee also has a duty to provide any information deemed necessary by the fisheries authorities to perform their tasks pursuant to these regulations. This may include requiring the person responsible both to give access to and to submit the accounts.

The information may be required in written or verbal form within a time limit determined by the fisheries authorities.

The fisheries authorities shall have access to the locations or facilities to which the Act applies, and shall be able to conduct any investigation deemed necessary by the fisheries authorities to perform their tasks pursuant to the regulations.

In their inspections, the fisheries authorities are entitled to issue orders for the destruction of individual fish without compensation.

In special cases, the fisheries authorities may grant exemption from the provisions in the first paragraph.

§ 8. Coercive fines

In the event of contravention of the provisions in sections 5 and 6, a coercive fine will be imposed by the fisheries authorities on the person responsible, cf. Regulations of 12 July 1989 No. 551 concerning coercive instruments pursuant to Chap IV in the Act relating to aquaculture.

In the event of contravention of section 5, the coercive fine is payable each time contravention takes place. The coercive fine is set at NOK 75 000 for every 10 tonnes or part thereof of utilized dry feed or every 7 tonnes or part thereof of utilized fishmeal in excess of the feed quota. In the event of unlawful use of feed without added fishmeal, the coercive fine is set at NOK 30 000 for every 10 tonnes or part thereof of utilized feed, unless otherwise provided.

In the event of contravention of section 6, the coercive fine is payable for each contravention* of the feed quota calculated according to section 6. The coercive fine is set at NOK 75 000 for every 10 tonnes or part thereof of utilized dry feed or every 7 tonnes or part thereof of utilized fishmeal in excess of the feed quota. In the event of unlawful use of feed without added fishmeal, the coercive fine is set at NOK 30 000 for every 10 tonnes or part thereof of utilized feed, unless otherwise provided. The licensees are jointly and severally responsible if the joint quota is exceeded.

§ 9. Withdrawal of licence

Contravention of the provisions in these regulations may result in the withdrawal of a licence issued pursuant to section 3 of the Aquaculture Act, cf. section 24 of the Aquaculture Act.

§ 10. Penal measures

Contravention of the provisions in the regulations may be subject to a penalty in the form of a fine, cf. section 25 of the Aquaculture Act.

§ 11. Fees

A fee shall not be payable for applications according to these regulations, cf. Regulations of 5 August 1988 No. 625 concerning fees for the processing of applications in connection with aquaculture activities.

§ 12. Exemptions

In special cases, the Director General of Fisheries may grant exemptions from the rules.
§ 13. Supplementary rules

The Director General of Fisheries may issue more detailed rules to supplement the regulations.

§ 14. Entry into force

These regulations enter into force on 1 March 1996.