

Regulations relating to Establishment, Operation and Disease-Prevention Measures at Fish Farms (Operation and Diseases Regulations)

Issued by the Ministries of Fisheries and Agriculture on 18 December 1998 pursuant to Sections 1, 3, 4, 5, 9, 10, 11, 13, 14, 17 and 20 in Act No. 68 of 14 June 1985 relating to the breeding of fish, shellfish etc. and pursuant to Sections 1, 5, 14, 16, 18, 22, 23, 24, 29 and 30 of Act No. 54 of 13 June 1997 relating to measures to counteract diseases in fish and other aquatic animals (the Fish Diseases Act). Last changes issued by the Ministries of Fisheries 20 December 2001 and enter into force 1 January 2002.

CHAPTER I. INTRODUCTORY PROVISIONS

§ 1 Scope

These regulations apply to the establishment and operation of all types of fish farms with the exception of the types of farms that are governed by special regulations.

§ 2 Definitions

"Medicinal products" are understood to mean products as defined in Section 2 of Act No. 132 of 4 December 1992 relating to medicinal products etc. and to amendments to certain other acts following from the EAA Agreement.

"Disinfectants" are understood to mean any chemical which is intended for use in the work of counteracting or preventing infectious diseases in aquatic organisms, with the exception of substances which are regarded as medicinal products.

"Aquaculture animals" are understood to mean aquatic animals originating from or on their way to an aquaculture establishment.

"Freshwater fish" is understood to mean all fish which live or can live for the whole or parts of their lives in freshwater.

"Anadromous" salmonids are understood to mean salmonids which migrate between the sea and freshwater and which are dependent on freshwater to reproduce, as well as the eggs and young of such fish.

"Net depth" (actual depth per unit) is understood to mean the distance from the waterline rope down to the bottom rope, ref. net manufacturer's specifications.

"Production unit" is understood to mean a sea cage.

§ 3 General requirements regarding establishment and operation

Fish farms shall be established and operated in accordance with the requirements set forth in the licences and relevant rules and in other respects in such a manner that they are technically, biologically and environmentally acceptable.

CHAPTER II. ESTABLISHMENT

§ 4 Location, marking etc.

Fish farms shall be established in conformity with the descriptions, drawings and enclosed maps referred to in the licence. Floating installations shall be anchored to prevent them from becoming a danger to ordinary traffic.

Floating installations shall be equipped with lights. The lights must not have a blinding effect on ordinary traffic. The installation's extremities shall be equipped with flashing, yellow lights. Orange or yellow buoys or poles shall be used for daytime marking.

Floating installations shall be marked with the licence number on an approved sign which is visible from the sea and other natural approaches to the farm. The sign shall be white with black letters/digits. The height of the letters/digits shall be 25 cm. The line thickness shall be at least 4 cm. The letters/digits shall be spaced at least 8 cm apart.

When more than one farm is located in the same place, the site shall be marked with all the licence numbers. In these cases, each production unit must also be marked with the licence number, but the design and size of digits and letters is left to the individual fish farmer.

§ 5 *Requirements regarding type approval etc.*

The Ministry may issue regulations regarding the need for type approval etc.

§ 6¹ *Facilities for acceptable storage of dead aquatic animals*

Installations for the breeding of fish or other aquatic animals must have a container or other facility for acceptable storage of dead aquatic animals or parts of these. The capacity shall be in reasonable proportion to the installation's production and cleaning routines.

§ 7 *Duty to give notification of actual establishment etc.*

The regional office of the Directorate of Fisheries shall be informed when new sites are put to use and when production ceases. This duty to give notification also applies to the extension of existing sites.

CHAPTER III. OPERATION

§ 8 *Management plan*

The licence holder must ensure that a management plan is drawn up for the fish farming operations.

The plan shall give an account of operations for the next two calendar years and must be submitted to the Directorate of Fisheries' regional office before 15 December of the present year.

The management plan shall be approved by the Directorate of Fisheries' regional office in consultation with the Norwegian Animal Health Authority - the chief county veterinary officer.

At a minimum, the plan must state:

- which sites are going to be stocked with aquaculture animals and when stocking will take place
- which sites are going to be left fallow and how long they will remain fallow.

If any significant changes are made in the current management plan, it shall be reapproved by the Directorate of Fisheries' regional office. Significant changes would, for example, be changes in the circumstances mentioned in the fourth paragraph.

§ 9 *Keeping records*

The licence holder shall keep records in order to be able at all times to document having a systematic overview of fish farming operations. These records shall be kept at the farm for at least five years and must be produced on request during inspection by the bodies so authorised by these regulations.

1. (Records at licence, site and unit/sea cage level):

¹ See also separate conditions in discharge permit pursuant to the Pollution Control Act and the Ministry of Environment's Regulations dated 5 September 1995 relating to waste management and the Ministry of Agriculture's Regulations dated 13 July 1994 concerning the transport of animal waste and establishments which handle animal waste.

For each calendar month, the following information shall be recorded for each licence, site and unit/sea cage:

- 1.1 Stocking and stocks of aquatic animals - number of individuals, species, origin, stocking time and average weight (live weight)
- 1.2 Fish density - number of kg of fish per cubic metre (live weight)
- 1.3 Actual depth of the unit (net depth)
- 1.4 Consumption of fish feed - number of kg consumed, type of feed (dry feed and wet feed/soft feed), type of fish meal, feed manufacturer and brand of feed.
- 1.5 Escapes - reason for escape, time of escape, number of escaped fish, their average weight and state of health. Notification to the Directorate of Fisheries' regional office and date when this was done.
- 1.6 Slaughter quantity (slaughtering weight) and quantity of dead/dying fish taken up. Information about quantity must specify the number of individual fish and total weight in kg.

2. (Keeping records at licence and site level):

For each calendar month, the following information shall be recorded for each licence and site:

- 2.1 State of health of aquatic animals - in the event of disease, records shall be kept of diagnoses, who made them (fish health service/veterinarian), diagnostic tests carried out (public/private laboratory), treatment/methods of treatment carried out etc.
- 2.2 Number of lice on salmonids during the months when lice counting is required. Counting is carried out using the method recommended by the Norwegian Animal Health Authority.
- 2.3 Consumption of medicinal products - type of medicinal product, name of product, quantity and treatment period.
- 2.4 Consumption of chemicals - type of chemical, name of product, quantity and consumption period.
- 2.5 Catches made during fishing for monitoring purposes - number of fish, distribution of size, total weight and distribution of species.
- 2.6 Catches made during recovery fishing - number of fish, distribution of size, total weight and distribution of species.

3. (Keeping records at licence level):

For each calendar month, information about the following shall be recorded for each licence:

- 3.1 Handling and delivery of dead fish - method of handling, quantity delivered, delivery date and recipient
- 3.2 Purchases of ready-made feed and fish meal - numbers of kg purchased. The information shall specify type of feed (dry feed and wet feed/soft feed), type of fish meal, feed and fish meal manufacturer, feed and fish meal specified by type of feed (dry feed and wet feed/soft feed), feed manufacturer and brand of feed.
- 3.3 Consumption of net impregnating agents - type of chemical, name of product, quantity and consumption period. Consumption of net impregnating agents need only be recorded if the licence holder or his employees are themselves responsible for the impregnation.

§ 10 *Health control and certificate of health and origin*

Regular health control shall be carried out at fish farms. This control shall be carried out by a professionally qualified person. The details of the control and the qualifications the specialist is required to have can be found in the guidelines in force at any given time issued by the Norwegian Animal Health Authority - Central Administration.

It is prohibited to hand over, receive, release or move live aquatic animals without a valid certificate of health and origin on a form prepared by the Norwegian Animal Health Authority - Central Administration. The supplier, carrier and recipient must keep a copy of the certificate of health and origin that accompanies aquatic animals for the same time as, and along with, the farm records.

The moving of anadromous fish which have been exposed to sea water is not permitted

The second and third paragraphs do not apply when aquatic animals are going directly to slaughtering and/or processing.

§ 11 *Extraction and delivery of sexual products for use in aquaculture*

If sexual products are to be extracted from aquaculture animals for use in aquaculture, the operations at the fish farm in question must have been approved by the Norwegian Animal Health Authority - the chief county veterinary officer.

The delivery of sexual products from an approved farm can only take place if a valid certificate of health and origin on a form prepared by the Norwegian Animal Health Authority - Central Administration is available for the products.

§ 12 *Supervision etc.*

As far as possible, an aquaculture establishment shall be inspected daily, and routine checks and maintenance shall be carried out. The establishment shall be inspected immediately after bad weather.

§ 13 *Requirements regarding hygiene etc.*

At fish farms, the licence holder shall ensure cleanliness and conditions that are satisfactory from a hygienic point of view.

The owner and others who work regularly at fish farms must use special working clothes and footwear that is not used off the farm.

Equipment that is used elsewhere shall be disinfected before it is brought into the fish farm.

Disinfectant foot baths and overalls shall be available at the fish farm or at the point of departure ashore for transport to the fish farm. The licence holder or other person responsible for the fish farm must require visitors to disinfect their footwear and put on overalls before they are admitted to the fish farm.

§ 14² *Washing and disinfection of cage nets and equipment etc.*

Net pens and other equipment that are used in fish farming shall be washed and disinfected before being moved to a new site.

The transport of used nets to net washing facilities shall be done in such a way that direct contact with the sea or rivers or any runoff to these is avoided.

§ 15³ *Slaughtering and bleeding etc.*

It is not permitted to slaughter and bleed fish at fish farms.

Fish that have been taken away for slaughtering must not be returned to the fish farm.

§ 16 *Sales and moving of sick and infected aquatic animals*

It is prohibited to offer for sale, sell, give away, purchase, accept, move or release live aquatic animals when they are or may be suffering from an infectious disease or show visible signs of illness. It is also forbidden to bring aquatic animals into any fish farm where infectious disease has been found or is suspected.

§ 17⁴ *Handling of aquatic animals that are taken out of the production unit*

² See also Regulations dated 20 February 1997 issued by the Ministry of Agriculture concerning the cleaning and disinfection of aquaculture establishments etc.

³ See also Section 4 of Regulations dated 14 June 1991 issued by the Ministry of Agriculture concerning disease-prevention measures at fish slaughterhouses, processing plants etc.

⁴ See also the Ministry of Agriculture's Regulations dated 13 July 1994 concerning the transport of animal waste and facilities which handle animal waste.

It is prohibited to dump dead aquatic animals or parts of such animals. It is also prohibited to free aquaculture animals. This prohibition is no impediment to the granting of permits pursuant to the rules regarding cultivation, sea ranging or research.

Dead or sick aquatic animals, waste originating from fish farming and used packaging shall be regarded as infectious and handled in such a way that there can be no danger of spreading disease, and also in a way approved by the Norwegian Animal Health Authority - chief county veterinary officer.

This means, among other things, that dead or dying aquatic animals shall be removed from the production unit daily, insofar as this is possible. Dead fish shall be ground and preserved in acid and dealt with immediately in accordance with the approved handling methods. The pH value of the finished silage must not exceed 4.

§ 18 *Covering the production unit*

Production units shall be covered by a net or similar cover to keep birds out.

§ 19 *Fish density in fish farms*

Fish density per production unit shall not exceed 25 kg/m³. The volume is fixed on the basis of the production unit's volume when the area limited by the buoyancy collar's inner edge is multiplied by the actual depth of the production unit, see § 2, sixth paragraph, as it is recorded in accordance with § 9, 1.3. The Norwegian Animal Health Authority - chief county veterinary officer may stipulate a lower density if special circumstances so indicate.

The volume of fish per licence shall not exceed 65 tonnes/1,000 m³. The calculation is based on the volume stated in the permit pursuant to Section 3 and Section 4, first paragraph, of the Act relating to the breeding of fish, shellfish etc. Fish density per location shall not exceed 65 tonnes/1,000 m³. The calculation is based upon the volume pursuant to clearance of the individual fish farming site, measured pursuant to regulation No. 808 of 17 August 1989 relating to the measurement of volume at fish farms.

The Director General of Fisheries may grant dispensation from the density requirement and the requirement regarding the volume of fish when breeding concerns species other than salmon and trout and in the case of enclosed farms and in other special cases.

§ 20 *Fallowing to prevent disease*

All fish farming sites must regularly be emptied and left fallow in line with the relevant guidelines in force at all times issued by the Norwegian Animal Health Authority - Central Administration.

Against the background of information given in submitted management plans pursuant to Section 8, the Norwegian Animal Health Authority - chief county veterinary officer may order coordinated fallowing of several sites.

§ 21 *Handling of certain types of feed*

Farmed fish or parts of such fish must not be used as feed for farm fish.

§ 22 *Feed waste*

When feeding, care shall be taken to avoid unnecessary spills of feed.

§ 23 *Use of medicines, duty to post a notice, etc.*

Special care shall be exercised when using medicinal products and disinfectants at fish farms not to release these substances into the surrounding environment.

If aquaculture animals are being given medicinal products which entail a duty to withdraw them (withdrawal time), notice of this shall be posted on a sign which must be placed beside the licence number sign. The sign shall be painted in "warning yellow" no. 101 (Norwegian Standard 4054) with black lettering and the following wording: *MEDISINERING PÅGÅR* (medication in progress). In other

respects, the sizes specified in Section 4, third paragraph, third to last sentence, apply. The duty to post a notice applies from the commencement of medication until the expiry of the withdrawal time for the medicine that is being used.

§ 24 *Controlling the fish farm's environmental impact on the site*

It is the responsibility of the licence holder to see that all sites in use are being operated in an environmentally acceptable way.

§ 25 *Prevention and limitation of measures in the event of escape etc.*

1. (Contingency plan)

The holder of a licence to breed salmon and trout in the sea must have an up-to-date contingency plan for all sites in use with a view to how future escapes can be limited and how recovery can be carried out most effectively.

The contingency plan must also include safety precautions for the towing of sea cages and for the handling of fish during loading and unloading.

2. (Duty to fish for monitoring purposes)

It is the responsibility of a holder of a licence to breed salmon and trout in the sea to see that fishing is carried out for monitoring purposes during the period from 1 October until 30 April both inclusive within a distance of 20 metres from the farm, with a view to detecting any escape of fish from the farm. However, if operations clearly entailing an increased risk of escape are carried out outside this period, escape monitoring shall be carried on until the operation is completed.

The duty to fish for monitoring purposes means throwing out two nets for each site, each net being between 25 and 40 metres long and between 4 and 6 metres deep. The mesh width, cord thickness and design must be suitable for catching the size of fish in the farm at any given time. The nets must not be submerged. Insofar as this is possible, the nets must be tended daily. The equipment must be marked with the farm's licence number.

When farmed fish are found to be or suspected of suffering from an infectious disease, the Norwegian Animal Health Authority - the chief county veterinary officer, in consultation with the Directorate of Fisheries' regional office and the county governor, may order escape monitoring or other measures.

Out of consideration for wild fish or fishery interests, the Directorate of Fisheries' regional office may for periods reduce the duty to monitor escapes for certain areas or for certain sites. A decision to reduce this duty for the sake of wild anadromous salmonids can only be made in consultation with the county governor.

If a holder of a licence to farm salmon and trout in the sea can prove that other, equally effective methods for detecting escapes are being used, the Directorate of Fisheries' regional office may grant complete exemption from the duty to fish for monitoring purposes.

3. (Duty to report escapes)

Licence holders have a duty to report immediately to the Directorate of Fisheries' regional office for the district in question if fish escape or if a break out is suspected. The report shall be given immediately by fax or by telephone. A report must also be submitted on the form issued for this purpose.

4. (Duty to recover escaped fish)

It is the responsibility of holders of licences to farm salmon and trout in the sea to recover fish that have escaped from the farm. The duty to recover fish is limited to the immediate vicinity of the farm, which is defined as the sea area up to 500 metres from the farm and no longer applies when it is obvious that the escaped fish are no longer in the immediate vicinity.

If the possibilities of recapturing escaped fish so indicate, the Directorate of Fisheries' regional office in consultation with the county governor may extend or limit the scope of the duty to recover fish in time and geographic range.

When escaped fish are found to be or suspected of suffering from an infectious disease, the Norwegian Animal Health Authority - chief county veterinary officer, in consultation with the Directorate of Fisheries' regional office and the county governor, may extend the duty to recover escaped fish.

Both the start and finish of recovery fishing shall be reported to the Directorate of Fisheries' regional office, the fishery protection authority and the county governor.

§26 *Production lights*

Production lights shall be positioned so that they do not have a blinding effect on ordinary traffic.

CHAPTER IV. GENERAL PROVISIONS

§ 27 *Change in ownership*

Any change in ownership shall be reported to the licensing authorities.

§ 28 *Competence requirements*

The licence holder and person responsible for the daily operation of fish farms must always have the required professional qualifications to meet the standards of competence that are stipulated for the type of licence in question.

§ 29 *Coercive fines and penalties*

Contravention of the provisions in these regulations is punishable by law, cf. Section 25 in the Act relating to the breeding of fish, shellfish, etc. and Section 30 in the Act relating to measures to combat disease in fish and other aquatic animals.

Coercive fees may be imposed for contravention of the provisions in these regulations, cf. Section 22 in the Act relating to the breeding of fish, shellfish, etc. and Regulations concerning coercive means pursuant to Chapter IV in the Act relating to the breeding of fish, shellfish, etc. and Section 29 in Act relating to measures to combat disease in fish and other aquatic animals.

§ 30 *Withdrawal*

A licence may be withdrawn if the licence holder has not established production corresponding to a third of the permitted volume within three years after allocation.

A licence may be withdrawn if the production volume falls below a third of the permitted licence volume and does not rise above this level again within two years.

Permission to operate on a particular site may be withdrawn if the degree of utilisation is less than a third of the permitted volume for three years or more.

Permission to operate on a particular site may also be withdrawn in the event of a material breach of the rules regarding type approval and/or if re-use after fallowing as stated in Section 23 is deemed to be out of the question as a result of the environmental conditions at the site.

§ 31 *Duty to tidy up*

In the event of the permanent relocation or closure of a farm, the licence holder has a duty to remove waste and farm equipment, including moorings and all other equipment on the sea bed. The tidying up work shall be completed within six months after relocation or closure.

§ 32 *The executive authority for the different provisions*

It is the responsibility of the Norwegian Animal Health Authority - Central Administration, or whosoever it empowers, to enforce the provisions in Sections 6, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19 first paragraph third sentence, 20, 21, 25 subclause 2, third sentence, 25 subclause 4, third sentence and 29.

It is the responsibility of the Directorate of Fisheries, or whosoever it empowers, to enforce the provisions in Sections 1, 3, 4, 5, 7, 8, 9, 12, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31.

§ 33 *Dispensation*

In special cases, the Norwegian Animal Health Authority - Central Administration, or whosoever it empowers, may grant exemption from the provisions in Section 32, first paragraph, of these regulations.

In special cases, the Fisheries Directorate, or whosoever it empowers, may grant exemption from the provisions in Section 32, second paragraph, of these regulations.

§ 34 *Repeal of and amendments to regulations/provisions*

The following regulations are repealed:

Regulations concerning the establishment and operation of fish farms, issued by the Ministry of Fisheries on 9 August 1991.

Regulations concerning signs showing the fish farm's licence number and warning of use of medicinal products in fish farms, issued by the Fisheries Directorate on 16 June 1993.

Interim regulations concerning the duty to keep records in connection with the operation of fish farms, issued by the Directorate of Fisheries on 1 June 1994.

Sections 5, 6, 7, 8, 11, 13 and 14, third paragraph, in the regulations concerning the prevention, control and eradication of diseases in aquatic organisms, issued by the Ministry of Agriculture on 4 July 1991, only apply insofar as the issue is not regulated by these regulations.

§ 35 *Entry into force*

These regulations enter into force on 1 January 1999.