

REGULATIONS RELATING TO ALLOCATION, ESTABLISHMENT, OPERATION AND DISEASE-PREVENTION MEASURES AT FISH HATCHERIES FOR SALMONIDS AND OTHER FRESHWATER FISH (FISH HATCHERY REGULATIONS)

Issued by the Ministries of Fisheries and Agriculture on 20 December 2000 pursuant to Sections 1, 3, 4, 5, 6, 8, 10, 11, 13, 14a, 17 and 20 of Act No. 68 of 14 June 1985 relating to the Breeding of Fish, Shellfish etc. and pursuant to Sections 1, 5, 15, 16, 18, 22, 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) and Sections 30 cf. 2 and 4 and 31 of Act No. 73 of 20 December 1974 relating to the Protection of Animals.

CHAPTER 1. INTRODUCTORY PROVISIONS

Section 1 *Scope*

These regulations apply to the allocation of permits for, the establishment and operation of, and disease-prevention measures at freshwater fish hatcheries.

In cases of doubt, the Director General of Fisheries shall decide what is to be regarded as a fish hatchery.

Section 2 *Definitions*

For the purpose of these regulations, the following definitions apply:

- a) *Fish hatchery*: fish farm where fry, juveniles and/or smolts are produced for commercial growing-out facilities or for transfer to another type of fish farm.
- b) *Green egg stage*: newly fertilized eggs prior to swelling.
- c) *Disinfectants*: chemicals that are 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.
- d) *Medicinal products*: substances mentioned in Section 2 of the Act relating to medicinal products etc. and relating to amendments in certain other legislation following from the EAA Agreement of 4 December 1992, No. 132.
- e) *Freshwater fish*: fish that live or can live their entire lives or parts of their lives in freshwater, i.e. water with a salt content of up to 0.5 per thousand. Catadromous fish are not included.
- f) *Transfer*: any physical movement of live freshwater fish or the sexual products of such fish, with the exception of operational dispositions within the same hygienic unit or location.

CHAPTER II. ALLOCATION

Section 3 *Permission to operate*

No-one may build, equip, expand, acquire, operate or own a facility for breeding freshwater fish without permission from the Directorate of Fisheries or any person so authorised by it. No-one may breed fish by any means other than by operating a fish farm unless they have permission to do so.

Section 4¹ *Conditions for permission*

Permission shall not be granted pursuant to these regulations if

- a) the facility involves the risk of the spread of disease among fish or shellfish
- b) the facility involves the risk of pollution
- c) the location of the facility is clearly unfavourable to the surrounding environment or lawful traffic or other utilisation of the area

In this context, weight shall also be attached to whether the facility represents a danger to important stocks of salmonids and freshwater fish or is assumed to cause a significant degree of damage or inconvenience to nature or leisure interests.

- d) authority under private law to establish the facility applied for clearly does not exist.

The conditions in the first paragraph are absolute.

Permission shall not be granted pursuant to these regulations if the facility is to be operated in a seawater location or in a freshwater location based on sea-cages.

Section 5 *Requirements regarding the applicant*

Permission may be granted to an applicant who submits an investment and financing plan and demonstrates the probability that the plan can be realised and who employs a manager with a documented trade certificate in aquaculture or at least two years' experience as general manager at a fish farm.

Section 6 *Production capacity*

Permission may be granted for a production capacity of up to 2.5 million sea-going smolts per year.

A reduction may be made in the production capacity applied for on the grounds of

- a) Section 4, litra a-c
- b) available water supply

An assessment of the available water supply must take into account the fact that the average minimum requirement of freshwater is 0.3 litre of water per kg fish per minute in a system based purely on flow-through. The requirement regarding the supply of freshwater can be reduced by technical installations which recirculate the operating water, and use of oxygen and other methods to optimise the physical and chemical quality of the water.

CHAPTER III. ESTABLISHMENT AND OPERATION

Section 7 *General requirements regarding establishment and operation*

The facility shall be established and operated in accordance with the requirements stipulated in the permit and current rules and also in a manner which ensures that the activities are technically, biologically and environmentally acceptable.

Section 8 *Duty to report actual establishment etc.*

¹ A special discharge permit is required under Act No. 6 of 13 March 1981 relating to Pollution.

The regional office of the Directorate of Fisheries must be informed when production starts up and when production ceases.

Section 9² Requirements regarding intake of water

All intake of water shall be secured against intake of wild fish.

The fish hatchery shall have a water source which is not the ascent route for anadromous fish. Furthermore, the water source shall be free of cultivation activity or aquaculture-related activity or discharge from such facilities. The Norwegian Animal Health Authority – county veterinarian officer may grant dispensation from the requirements in the first and second sentences. Permission is required from the Norwegian Animal Health Authority – county veterinarian officer in the county of reception for the transfer of fry and smolts from hatcheries that have been granted dispensation pursuant to the second paragraph, third sentence.

Section 10 Use of seawater as intake water

If seawater is taken in to the hatchery, the water must be treated and monitored in accordance with the requirements in force at any time as issued pursuant to the Fish Diseases Act.³

In the case of hatcheries which are permitted to take in seawater, permission is required from the Norwegian Animal Health Authority – county veterinarian officer for the transfer of fry. Smolts that are ready to go to sea may be transferred to a growing-out facility in the same county without special permission from the Norwegian Animal Health Authority – county veterinarian officer, if the requirements in the first paragraph have been fulfilled and a valid certificate of health exists. Permission is required from the Norwegian Animal Health Authority – county veterinarian officer in the county of reception for the transfer of fry and smolts to another county.

The weight of smolts in a fish hatchery which are produced in disinfected seawater shall not exceed 250 grams. However, such fish may not be kept in virtually undiluted seawater for more than two months.

Section 11⁴ Requirements regarding water at tank level

The available water supply and the water's chemical, physical and hygienic properties must ensure good living conditions for the fish so that they are not in danger of being subjected to unnecessary suffering and/or injury.

The Ministry of Agriculture may issue more detailed requirements regarding the water at tank level.

Section 12⁵ Requirements regarding discharge water

Fish hatcheries shall have suitable installations to prevent fish escaping via the discharge outlet.

Fish hatcheries shall have discharge direct to the sea. The Norwegian Animal Health Authority – county veterinarian officer may permit discharge to freshwater and stipulate the necessary conditions for such permission.

² Processing pursuant to the new Act relating to Water Resources may be required.

³ See Sections 4, 8, 9, 10 and 11 in the Regulations of 20 February 1997 regarding the disinfection of intake water to and discharge water from aquaculture-related operations.

⁴ See Sections 2 and 4 of Act No. 73 of 20 December 1974 relating to the Protection of Animals.

⁵ See also Act No. 6 of 13 March 1981 relating to Pollution and Regulations of 20 February 1997 regarding the disinfection of intake water to and discharge water from aquaculture-related operations

The Norwegian Animal Health Authority – county veterinarian officer may permit discharge to freshwater and stipulate the necessary conditions for such permission.

Section 13⁶ *Installation for acceptable storage of dead fish etc.*

Fish hatcheries shall have suitable containers or other arrangements for proper storage of dead fish and other biological material that can transmit infection.

Section 14 *Intake of biological material*

It is forbidden to bring broodstock into or keep broodstock in the fish hatchery. Nor shall other material that can transmit infection be brought into the farm. The prohibition in the first sentence does not prevent broodstock from being kept in hygienically separate units, when the unit contains no juveniles/smolts. However, the unit must be cleaned and disinfected before broodstock can be put in and before it can be used again for juveniles/smolts.

This provision does not prevent the intake of disinfected eggs, fry or fish meal.

Section 15 *Routine disinfection of eggs*

All eggs shall be disinfected at the green egg stage.

Disinfection shall also be carried out when eggs are transferred to another farm. After transfer it is the responsibility of the receiving facility to make sure that the eggs are disinfected before they are taken in.

Section 16 *Sales and transfer of sick and possibly infected fish*

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

Visible signs of disease are understood to be, for example, an increase in the mortality rate. An increase in the mortality rate in this context is a mortality rate that is higher than the normal background rate or a mortality rate of 0.5 per thousand or more per tank/unit per day. If List A or List B diseases are found or suspected, the ban on sales applies to the entire fish hatchery regardless of the mortality rate.

Section 17 *Health control*

Health inspections shall be carried out regularly at fish hatcheries. At least twelve inspections shall be carried out each year. Health inspections must be intensified if disease is suspected.

The inspections shall be carried out by qualified personnel. The details of the inspection, frequency and required qualifications are to be found in the rules in force at any time as issued by the National Animal Health Authority – Central Administration.

Section 18 *Certificate of health and origin*

⁶ See special conditions in the discharge permit pursuant to the Pollution Act and the Ministry of Environment's Regulations of 5 September 1995 regarding the handling of waste. See also Regulations of 5 November 1999 regarding the transport and treatment of animal waste, and treatment plants for animal waste.

It is prohibited to hand over, receive, release or transfer live fish and eggs and milt from these fish without a valid certificate of health and origin on forms issued by the National Animal Health Authority – Central Administration.

Health certificates can only be issued if the consignment for which the certificate applies has been included in health inspections for at least nine months. Examinations of parent fish can be expected during the nine-month period in connection with stripping.

The supplier and recipient shall keep copies of the certificates of health and origin which accompany the fish for as long as and together with the farm records.

Health certificates are valid for 21 days from the last inspection.

Section 19 *Supervision etc.*

The fish hatchery and the fish in the hatchery shall be kept under daily supervision. Routine inspections and maintenance shall be carried out.

The hatchery shall have an alarm system which registers and reports any failure in technical functions to the person responsible

Section 20⁷ *Obligation to notify the authorities*

The National Animal Health Authority shall be notified immediately if there is reason to believe that the fish have been or are in danger of being attacked by an infectious disease.

Section 21 *Requirements regarding hygiene etc.*

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

The owner and other persons who work regularly at the fish hatchery shall use special working clothes and footwear that are not used outside the hatchery area.

Equipment that has been used elsewhere must be disinfected before being brought into the hatchery.

The licence holder or other person responsible for the fish hatchery must ensure that visitors disinfect their footwear or are provided with footwear from the hatchery. Visitors must also wear overalls that belong to the hatchery or disposable coats they have brought with them.

Section 22 *Handling of fish etc. that are removed from the production unit*

It is prohibited to free fish. This prohibition will not prevent permission being granted to outplant fish pursuant to the rules governing cultivation, aquaculture and research.

Dead or sick fish, products of fish, waste originating from fish farming and used packaging shall be treated as infectious waste and handled in such a way that there can be no danger of the infection spreading. Dead or sick fish shall be removed from the production unit daily. Further treatment of the waste shall be carried out in accordance with the rules in force.⁸

Section 23 *Covering the production unit*

Outdoor production tanks shall be covered with nets or similar to keep birds out. If the hatchery is exposed to sea spray, it must be equipped with the means to protect the tanks from sea spray.

⁷ See Section 5 of Act No. 54 of 13 June 1997 relating to Measures to Counteract Diseases in Fish and Other Aquatic Animals (the Fish Diseases Act).

⁸ See Regulations of 5 November 1999 governing transport and treatment of animal waste and plants that treat animal waste.

Section 24 *Washing and disinfecting the production unit etc. to prevent disease*

Production units shall be washed and disinfected before they are used for the first time and after emptying before they are used again and/or removed from the hatchery. Such washing and disinfecting shall be carried out in accordance with procedures laid down in regulations issued pursuant to the Fish Diseases Act.⁹

Section 25 *Handling of certain types of feed*

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

Section 26 *Feed waste*

Care must be taken to avoid unnecessary spillage of feed during feeding.

Section 27 *Care in using medicines etc.*

Special care must be exercised when using medicinal products and disinfectants at fish hatcheries to ensure that these substances are not released into the surrounding environment.

Section 28 *Duty to report escapes*

Licence holders have a duty to notify the regional office of the Directorate of Fisheries immediately if fish escape or when a break out is suspected. Notification must be given immediately by fax on the form issued for this purpose or electronically in accordance with guidelines issued by the Directorate of Fisheries.

Section 29 *Action in the event of escapes*

The Directorate of Fisheries can order the fish farmer to take steps to prevent and to reduce the detrimental effects of a break out.

Section 30 *Duty to report changes in operations*

The National Animal Health Authority – county veterinarian officer and the district veterinarian officer shall be informed of any significant changes in operations or type of production that can have significance for hygiene and infection at the farm.

Section 31 *Keeping records*

The licence holder shall keep records in order to be able to document at all times that he has systematic control of farming operations. The records shall be stored at the farm for at least five years and must be produced on request during inspections.

The following information shall be recorded for each calendar month:

- a) Stock of fish, including the quantity of eggs introduced, number of purchased/delivered fry and juveniles/smolt, along with the name of the suppliers and recipients.
- b) Escapes: reason for escape, time of escape, number, size (fry/juveniles/smolt) and state of health.
- c) Consumption of feed in kg.

⁹ See Chap. III of Regulations dated 20 February 1997 concerning the cleaning and disinfection of fish farms etc.

- d) Consumption of medicinal products: type of product, name of product, quantity and treatment period.
- e) Consumption of chemicals: type of chemical, name of product, quantity and consumption period.
- f) Important parameters for water quality.
- g) State of health of the fish: in event of disease, the diagnosis shall be recorded.
- h) Handling and delivery of dead fish: method of handling, quantity, time of delivery and recipient.

The number of dead fish per tank shall be recorded for each calendar day.

CHAPTER IV. GENERAL PROVISIONS

§ 32 *Change in ownership*

Any change in ownership must be reported to the licensing authority.

§ 33 *Required competence*

The person responsible for day-to-day operations at a fish hatchery shall at all times have the necessary professional qualifications to meet the standards of competence that are required for the operation of fish hatcheries, cf. Section 5.

Section 34 *Withdrawal of licence*

A licence may be withdrawn if the licence holder has not established production at the facility within three years of allocation.

A licence may be withdrawn if production ceases and new production is not started up again within two years.

Section 35 *Duty to tidy up*

In the event of the permanent relocation or closure of a hatchery, the licence holder has a duty to remove the remaining hatchery installations and other waste that can result in smell, disease or other pollution from the hatchery. The work of tidying up must be completed within six months of relocation or closure.

Section 36 *The executive authority for the various provisions*

It is the responsibility of the National Animal Health Authority – Central Administration, or any person so authorised by it, to enforce the provisions in Sections 9, 10 first and second paragraph, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 30, 31, 37 and 38.

It is the responsibility of the Directorate of Fisheries, or any person so authorised by it, to enforce the provisions in Sections 1, 3, 4, 5, 6, 7, 8, 10 third paragraph, 19, 26, 27, 28, 29, 31, 33, 34, 35, 37 and 38.

Section 37 *Dispensation*

In special cases, the National Animal Health Authority – Central Administration, or any person so authorised by it, may grant exemption from the provisions listed in the first paragraph of Section 36.

In special cases, the Directorate of Fisheries, or any person so authorised by it, may with the exception of Section 4, second paragraph, grant exemption from the provisions listed in the second paragraph of Section 36.

Section 38 *Penalties*

Contravention of the provisions in these Regulations is punishable by law, cf. Section 20 of Act relating to the Breeding of Fish, Shellfish etc., Section 30 of Act relating to Measures to Counteract Disease in Fish and Other Aquatic Animals and Section 31 of the Act relating to the Protection of Animals.

A coercive fine payable to the State may be imposed for contravention of the provisions in these Regulations, cf. Section 17 of the Act relating to the Breeding of Fish, Shellfish etc. and Regulations concerning coercive means pursuant to Chap. IV of the Act relating to the Breeding of Fish, Shellfish etc. and Section 29 of the Act relating to Measures to Counteract Disease in Fish and Other Aquatic Animals.

Section 39 *Repeal of and amendments to regulations/provisions*

The Regulations of 11 July 1990 concerning the hatching of eggs and production of juveniles/smolts are repealed.

Sections 5, 7, 8, 10, 11, 13 and 14, third paragraph, in the Regulations concerning prevention, control and eradication of diseases in aquatic organisms, issued by the Ministry of Agriculture on 4 July 1991 apply only insofar as the matter is not governed by these Regulations.

Section 40 *Entry into force*

These Regulations enter into force on 1 January 2001.