

ANNEX 1

FURTHER CONTEXT RELATING TO TRADE AND SURVEILLANCE IN AQUATIC ANIMALS IN SCOTLAND

The approach taken by the Scottish Government is guided by current international and legislative standards, ensuring the safe trade in live aquatic animals, appropriate surveillance and the detection of aquatic animal pathogens.

The OIE World Organisation for Animal Health Aquatic Code and Aquatic Manual are international standards which provide solid principles to help protect aquatic animal health on a global basis. They include standards supporting safe trade, at the international level, of aquatic animals (fish, molluscs, crustaceans and amphibians) and their products.

Scotland, as part of the Great Britain health zone, has approved disease free status for many of the listed fish diseases specified within Council Directive 2006/88/EC and is also recognised as free from *Gyrodactylus salaris* under Council Decision 2010/221/EU.

Under the current regulations, trade between countries, zones or compartments can only occur between those of equal health status or take place from an area of higher to lower health status – measures to help prevent the spread of disease. Health status is based upon historical testing and appropriate surveillance to prescribed levels, recognised through international processes.

Within Scotland, The Aquatic Animal Health (Scotland) Regulations 2009 (the 2009 Regulations) implement Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals.

Under these regulations the importation or introduction of aquatic animals from third countries, EU or EFTA member states can only occur if the consignment is supported by a valid health certificate with appropriate health attestations applicable to the health status of the importing country, zone or compartment. No imports of aquatic animals (including ova) can be accepted without appropriate certification testified by the Competent Authority of the exporting country. These measures help to reduce the risks associated with the trade in live aquatic animals.

In addition, the Trade in Animals and Related Products (Scotland) Regulations 2012 require that the importer or consignee of ova from an EU Member State notifies the Scottish Ministers prior to arrival of the consignment. This notification is made to the Fish Health Inspectorate and allows them to confirm that the source is located in a country, zone or compartment recognised as free from the appropriate listed disease. They will advise the importer if the source does not meet the required health standards and the consignment cannot enter the country. Consignments originating from a third country must enter Great Britain via a Border Control Post where the accompanying health

documentation is presented to the official veterinarian. If the consignment fails to meet the health standards, permission to enter will be refused.

Under the 2009 Regulations, Aquaculture Production Businesses (APBs) can be granted authorisation to farm, where it is considered that the operation of the business will not lead to an unacceptable risk of spreading disease. Specific conditions of operation are stated, including the requirement for the business to follow good bio-security practice at each farm site in operation.

Such measures include the establishment, maintenance and compliance with a Biosecurity Measures Plan (BMP) aimed at identifying and mitigating the risk of contracting and spreading disease at the site level. One of the minimum requirements of a BMP is to detail the minimum health status of aquaculture animals to be stocked on the farm site, to ensure that stocks being placed on the farm site shall only be sourced from farms of an equal or higher health status and where required, certified as such. Specific measures for operators importing or introducing stocks may involve the disinfection of ova to reduce the risks from horizontal transmission of pathogens and disease, or the initial isolation of new stocks brought on site as a precautionary disease control measure.

The BMP is subject to inspection by Marine Scotland's Fish Health Inspectorate as part of the aquatic animal health risk-based surveillance programme.

Aquatic animal health surveillance, undertaken in accordance with Council Directive 2006/88/EC and the 2009 Regulations, is designed to support the early detection of disease and to help minimise the risks of disease introduction and transmission. One aspect of surveillance is an active risk-based surveillance programme aimed at assessing the risk any individual site poses to contracting and spreading diseases and their pathogens. The greater the risk posed, the greater the frequency of inspections conducted. The movement of aquaculture animals onto a site, including imports or introductions from other areas is one factor which can increase the risk an individual site poses and result in a higher inspection frequency.

ANNEX 2

REASONS FOR NOT PROVIDING INFORMATION

An exception applies

An exception under regulation 10(5)(e) of the EIRs (substantial prejudice to confidentiality of commercial information) applies to the information you have requested. This exception applies because disclosure of this particular information would, or would be likely to, prejudice substantially the confidentiality of commercial information relating to the companies who have provided the samples, and thus cause substantial harm to their commercial interests. The companies who use our commercial testing service are most usually commercial veterinary companies. We also carry out some contract work for overseas interests, again not salmon farming companies themselves. Disclosing the results of samples submitted to us for analysis, with

the expectation that results would be confidential, is likely to lead to the loss of clients for the commercial companies using our service. Their clients are likely to be a) extremely disappointed that this information was disclosed and b) concerned that any future use of their diagnostic services may be disclosed. Release of the information is therefore likely to cause substantial harm to their interests. Further, substantial harm is likely to be caused by the release of this information to the salmon farming companies themselves. Some of the commercial work that we carry out relates to experimental trials, and does not have any relevance to the status of farmed fish. We are unable to separate out any such results from data originating from farmed fish samples. In addition, the testing is done to confirm the presence of pathogens, and results do not necessarily indicate the presence of disease. Disease diagnosis is not made from sample analysis, and pathogens are often present in clinically healthy fish. Any data from our commercial sampling activities cannot, therefore, provide a picture of the fish health status of the Scottish aquaculture industry, but has the potential to provide a misleading picture of the industry in Scotland because we are unable to provide any context to explain the results. This is likely to cause substantial harm to the aquaculture companies involved in Scotland. This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is a public interest in disclosing information as part of open and transparent government, and that there is a strong public interest in providing information about salmon farming and fish health. However, there is a greater public interest in protecting the commercial interests of companies that help to ensure that Scottish farmed fish are as healthy as possible. There is also a public interest in allowing such analysis to be carried out by Marine Scotland scientists. This builds capacity and ensures best use of publicly funded diagnostic facilities, meaning that Marine Scotland are able to respond to emerging diseases in aquaculture and deal effectively with any disease outbreaks. The loss of this work to Marine Scotland, which is what would happen either through commercial veterinary companies losing clients or those same companies choosing to get future samples analysed elsewhere (probably out with Scotland), is not in the public interest. Further, the limitations of the information for building a picture of the health status of the aquaculture industry in Scotland, are such that there is a limited public interest in that information on its own merits.