



Don Staniford
salmonfarmingkills@gmail.com

Our Reference: 202100259890

10 January 2022

Dear Don Staniford,

REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (EIRs)

Thank you for your request dated 2 December 2021 under the Environmental Information (Scotland) Regulations 2004 (EIRs).

Your request

You asked for information concerning ova testing, imports/exports and disease risk assessments associated with farmed salmon ova, smolts wrasse and lumpfish. The exact specifics of the request are contained below under the response section with answers provided appropriately.

As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under those Regulations. We are applying the exemption at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under FOISA.

This exemption 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 exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

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Response to your request

Answers to each part of your request are provided as follows below. Section 1 of your request is handled out with the FoI process and it is important to clarify this in terms of your right to review as specified below:

1. Is Marine Scotland Science being hired privately by salmon farming companies to test ova for ISA, PRV and other viruses, pathogens, bacteria and diseases?

Marine Scotland Science (MSS) does not undertake routine testing on ova to screen for the presence of aquatic animal pathogens.

2. How many of these imported ova [from AquaGen] were screened for ISA and PRV?

We do not hold any information on the number of imported ova, from Aquagen, screened for ISA and PRV. As confirmed above, MSS does not undertake routine testing on ova to screen for the presence of aquatic animal pathogens.

3. Scottish Salmon Watch formally requests information on import notifications, intra trade certificates and any assessment of disease risks of ova imports since 1 January 2020.

This question has been interpreted to relate to Atlantic salmon only – given the nature of the questions preceding it which refer to salmon farming. Summary information on imports is provided through the attached documentation.

Please note that recent changes to the import notification system, combined with the fact that there is no legal requirement to supply Scottish Government with health certificates associated with imports of live aquatic animals, means that the import information provided to you may not be a comprehensive and complete record. We have provided you with the information we hold in relation to your request.

We confirmed with you on 17 December 2021, that you would be content with summary information with respect to notifications and certificates as opposed to actual copies of all certificates and notifications, as has been the case historically. This was agreed under the provision that for this request one notification and certificate from Iceland and Mowi was included within the response. These have been included in the response with redactions applied under regulation 11(2) of the EIRs - personal information.

The Scottish Government does not routinely undertake risk assessments in relation to the trade in live aquatic animals. Trade activity is undertaken with a reliance on the established principles which exist between trading countries allowing movements only between countries, zones or compartments of equal disease status or from higher to lower disease status. This process has been explained in detail through responses to previous FoI requests e.g. FoI 202000018313 -

<https://www.gov.scot/publications/>

In addition to the above, the Scottish Government has held some internal discussions late last year concerning the recent situation in Iceland with respect to the detection of Infectious Salmon Anaemia virus (ISAv) and the implications on existing and continued trade. This information is being provided to

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you as an extract from those documents and records which we hold. As part of those discussions, we agreed to contact officials in Iceland to seek further information and assurances over any risk posed to Scotland from this trade. Information obtained, confirming the location of the outbreak, the actions taken in Iceland, the epidemiological separation of the positive site to those sites exporting aquatic animals, as well as confirmation of the disease free status of exporting sites, resulted in the conclusion that trade with appropriate certification could continue as it would not pose a significant risk to the introduction of ISAv into Scotland.

4. How many smolts have Mowi and other salmon farming companies imported from Ireland and other countries since 1 January 2020? Please provide data including names of companies, locations and other site specific information. Please also disclose information on quarantine measures and any disease risk assessments for smolts imported from Ireland and other countries since 1 January 2020.

Information concerning the import of smolts is provided to you in attached documentation to this response.

We hold no information with respect to quarantine measures or disease risk assessments in relation to the import of smolts. As we have confirmed previously, there are no quarantine measures or disease risk assessments carried out by Scottish Government in relation to the import of smolts. Smolts, like other live aquatic animals, arrive fully certified from a source of equal or higher health status in line with the current trade agreements and as detailed above as well as through responses to previous FoI requests.

5. Could you please provide information on disease risk assessments for the export of farmed wrasse and lumpsuckers including any certificates and export/import documentation with the Norwegian authorities (and any other countries) since 1 January 2020?

The trade in wrasse and lumpfish follows the same principles for the trade in Atlantic salmon ova and smolts. Risk assessments for wrasse or lumpsuckers are not routinely undertaken, but it is ensured that trade occurs between areas of equal health status or from an area of higher health status, of that of the destination country with respect to listed diseases.

Trade data in wrasse and lumpfish is released as part of this response together with some example certificates and notifications.

Some of the information you have requested is available from previous requests for information, the responses to which are provided on the Scottish Government website <https://www.gov.scot/publications/>. Under regulation 6(1)(b) of the EIRs, we do not have to give you information which is already publicly available and easily accessible to you in another form or format. If, however, you do not have internet access to obtain this information from the website(s) listed, then please contact me again and I will send you a paper copy.

Under the terms of the exception at regulation 10(4)(a) of the EIRs (information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have some of the information you have requested, specifically in relation to disease risk assessments and quarantine details as well as information on the number of imported ova [from AquaGen] screened for ISA and PRV. We have provided an explanations above as to why this

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information is not held.

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. While we recognise that there may be some public interest in information about disease risk assessments, quarantine measures and the testing of ova, all in relation to the trade in live aquatic animals, clearly we cannot provide information which we do not hold.

An exception under regulation 11(2) of the EIRs (personal information) also applies to some of the information requested because it is personal data of a third party and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exception is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exception.

Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to

The Director of Marine Scotland:
Area 1B South, Victoria Quay
The Shore
Edinburgh
EH6 6QQ

Or by emailing Directormarinescotland@gov.scot

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

Yours sincerely

Neil Purvis
MSS : Aquaculture and Fish Health

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
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