



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Brussels,
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I would like to thank you for your email of 20 April 2021¹, in which you ask for clarification concerning certain provisions on organic aquaculture under Commission Regulation (EC) 889/2008² to be respected in Third Countries for products to be imported into Europe, in particular the requirement under Article 25d of Regulation (EC) 889/2008 to use “locally grown species”. Moreover, you ask for a possible procedure and propose a certain approach for the certification of new organic aquaculture species in Third Countries. Please accept my apologies for the late reply.

I would like to start by confirming that Article 25d of Commission Regulation (EC) 889/2008 states that: “*Locally grown species shall be used and breeding shall aim to give strains which are more adapted to farming conditions, good health and good utilisation of feed resources.*” and Article 2(q) defines locally grown species as follows: “*locally grown species’ in the framework of aquaculture and seaweed production, means those which are neither alien nor locally absent species under Council Regulation (EC) No 708/2007. Those species listed in Annex IV of Regulation (EC) No 708/2007 may be considered as locally grown species;*”

Within this context, I would like to recall the definitions provided for in Council Regulation (EC) 708/2007³, according to which “alien species” means: “(a) a species or subspecies of an aquatic organism occurring outside its known natural range and the area of its natural dispersal potential; (b) polyploid organisms, and fertile artificially hybridised species irrespective of their natural range or dispersal potential;” and “locally absent species” means : “a species or subspecies of an aquatic organism which is locally absent from a zone within its natural range of distribution for biogeographical reasons;”

¹ ARES(2021)3731050

² Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1–84).

³ Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture (OJ L 168, 28.6.2007, p. 1).

In addition, I would like to suggest that you also consider that, under Article 24 of Council Regulation (EC) 708/2007, to add species in its Annex IV, the following requirements should be taken into account with respect to the Third Countries perspective: ***“In order for its species to be added to Annex IV, an aquatic organism must have been used in aquaculture in certain parts of the Union for a long time (with reference to its life cycle) with no adverse effect, and its introduction and translocation must be possible without the coincident movement of potentially harmful non-target species.”***

Indeed, species “alien” in Europe, may even be “locally grown species” in Third Countries. Therefore, a proper adaptation to the respect of the above provisions is needed and integrated into the valid criteria you proposed in your email, which for the sake of clarity I am recalling here: “ 1) *The species has been introduced in the past and is in commercial production in the respective territory, 2) There is a legal permit from the respective Government that demonstrates compliance with introduction procedures, and that allows the species to be produced in aquaculture 3) There is no evidence of significant negative impact on adjacent ecosystems by that species.*”

Therefore, I would like to recommend to consider the fact that the locally grown species must have been grown in the Third Country **for a long time with no adverse effect and without risk of translocation of harmful non-target species and** must not be an alien or locally absent species as defined above.

With respect to your second question, on the procedure to follow to add in your Organic Production Standards for Third Countries, new aquaculture species not yet in the scope of EU Regulation, you informed us of the fact that you have already added some new species in your updated Production Rules and that the addition of the above species was already assessed and approved by the accreditation body, given that for tropical fresh water fish and crabs *“the relevant proposed requirements are set at the most restrictive level of similar species already included in the Organic Standards and on the basis of EU 889/2008 art 1, it is possible to add these species (after permission of the scheme owner i.e. EC).”*

I confirm that there is no reason to oppose the introduction of new species, when in compliance with relevant horizontal rules for the import of aquaculture species into the EU and when organically produced in compliance with EU legislation. In fact, Article 1 of Commission Regulation (EC) 889/2008 states: *“However, Title II, Title III and Title IV shall apply mutatis mutandis to such products until detailed production rules for those products are laid down on the basis of Regulation (EC) No 834/2007.”*

I confirm that we do not have technical objections to the proposed adaptation reported in your equivalence table for new species of tropical freshwater fish and crabs, proposed on the basis of current standards set under Regulation (EC) 889/2008 “ tropical fresh water fish”, provided that relevant organic production rules laid down in EU organic regulation are complied with. However, I would like to bring to your attention the new Commission Implementing Regulation (EU) 2020/464⁴, which will apply from 1 January 2022 and which has amended the current stocking densities for crayfish as follows: *“For small-*

⁴ <https://eur-lex.europa.eu/legal-content/AUTO/?uri=CELEX:32020R0464&qid=1586275854758&rid=1>

sized crayfish (< 20 mm): 100 individuals per m2. For crayfish of intermediate size (20-50 mm): 30 individuals per m2. For adult crayfish (> 50 mm): 5 individuals per m2 provided that adequate hiding places are available”.

The present opinion is provided on the basis of the facts as set out in your email and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the European Court of Justice to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

