



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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I would like to thank you for your email of 16 July 2021¹, in which you follow up on a previous exchange² concerning provisions of Article 25d on organic aquaculture under Commission Regulation (EC) 889/2008³. You ask in particular for clarification of the following statement in my previous reply: “*Therefore, I would 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***” in view of the fact that the listed species in your question to be certified organic are indeed originally “alien” in the concerned Third Countries.

Indeed, in your letter you proposed certain conditions to allow certification of new species in Third Countries as organic as follows: “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.*”

My previous reply aimed, among others, to highlight the definition of “locally grown species” provided under Article 2 (q) of Commission Regulation (EC) 889/2008 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) 708/2007***”. Those species listed in Annex IV of Regulation (EC) No 708/2007 may be considered as locally grown species;”, taking into account the perspective of Third Country operators who are not directly affected by mentioned horizontal rules concerning use of alien and locally absent species.

¹ ARES(2021)4614620

² ARES(2021)3909244

³ 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).

⁴ 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).

Such definition of locally grown species has been further clarified under Article 3, point (41), of new Regulation (EU) 2018/848 (which will be applicable from 1 January 2022) as follows : “*locally grown species*’ means aquaculture species which are neither alien nor locally absent species within the meaning of points (6) and (7), respectively, of Article 3 of Council Regulation (EC) No 708/2007, as well as the species listed in Annex IV to that Regulation;.

Hence, I suggested in my reply to 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 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.*”

In addition, the abovementioned criteria have been further clarified by Article 2 of Commission Regulation (EC) No 535/2008⁵ as follows: “(a) ‘long time (with reference to its life cycle)’ shall mean a minimum period of 10 years following the completion of two production cycles;

(b) ‘adverse effect’ shall mean a case where scientific evidence shows that an aquatic species, after its introduction in a certain Member State, cause inter alia, significant: (i) habitat degradation; (ii) competition with native species for spawning habitat; (iii) hybridisation with native species threatening species integrity; (iv) predation on native species’ population resulting in their decline; (v) depletion of native food resources; (vi) spread of disease and novel pathogens in wild aquatic organisms and ecosystems.”

In conclusion, I propose you to consider the abovementioned criteria, which are applicable in the EU for the addition of new species to Annex IV of Regulation (EC) 707/2008 to assess the concerned new species.

The present opinion is provided on the basis of the facts as set out in your email of 16 July 2021 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,



⁵ Commission Regulation (EC) No 535/2008 of 13 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture (OJ L 156, 14.6.2008, p.6)