



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability
The Director

Brussels

I would like to thank you for your email of 30 September 2022¹, in which you request clarifications concerning the origin of broodstock and related feeding regimes.

Please find below the replies to your specific questions:

Q1) Can you please clarify if gravid wild-caught females may still be used for immediate receiving of larvae, without the three months waiting period? It would be very important for organic hatcheries to keep this option (at least for the first three years).

For the sake of clarity, I would like to recall the provisions of point 3.1.2.1 (d) of Part III of Annex II to Regulation (EU) 2018/848 on organic production², which read as follows:

*(d) for breeding purposes, wild-caught or non-organic aquaculture animals may be brought into a holding only in duly justified cases where no organic breed is available or where new genetic stock for breeding purposes is brought into the production unit **after an authorisation has been granted by the competent authority with a view to improving the suitability of genetic stock.** Such animals shall be kept under organic management for at least three months before they may be used for breeding. For animals that are on the IUCN Red List of endangered species, the authorisation to use wild-caught specimens may only be granted in the context of conservation programmes recognised by the relevant public authority in charge of the conservation effort.”*

Moreover, I would like to bring to your attention Article 25e of previous Regulation (EC) 889/2008 ⁽³⁾ concerning “Origin and management of non-organic aquaculture animals”,

¹ Ares(2022)6810871

² [CL2018R0848EN0020010.0001.3bi_cp 1..1 \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2018/848/oj/annex_ii_part_iii_chapter_1_section_1_point_2_subpoint_1_d)

⁽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*)

which provided for the same three months to be respected as follows: “1. For breeding purposes or for improving genetic stock and when organic aquaculture animals are not available, wild caught or non-organic aquaculture animals may be brought into a holding. Such animals shall be kept under organic management for at least three months before they may be used for breeding.”

Finally, I would like to inform you that the previous provisions concerning the broodstock origin for shrimps laid down in Section 7 of Annex XIIIa to Regulation (EC) 889/2008 have been repealed and that similar provisions are not included in Regulation (EU) 2018/848. On this matter, I would like to bring to your attention the report on Aquaculture II⁴ of the European expert group for technical advice on organic production (EGTOP), which indicates that collecting breeders in the wild in the absence of a well-documented management plan is not a desirable practice.

Q2) It is common practice in organic shrimp hatcheries, that high protein live feed is used for broodstock (e.g. worms, clams etc.). This feed is of course not certified organic, but originates from wild catch from local fishermen. According to Regulation 2018/848, 3.1.3.1. (d): “non-organic feed materials of .. animal.. origin, .. shall only be used if they have been authorised under this Regulation for use in organic production”. Can you please clarify if this live feed is authorised as broodstock feed in hatcheries?

I would like to recall that point 3.1.3.1 of Annex II Part III reads as follows: “With regard to feed for fish, crustaceans and echinoderms, the following rules shall apply: (a) animals shall be fed with feed that meets the animals’ nutritional requirements at the various stages of its development; (b) feeding regimes shall be designed with the following priorities: (i) animal health and welfare; (ii) high product quality, including the nutritional composition of the product, which shall ensure high quality of the final edible product; (iii) low environmental impact; (c) the plant fraction of feed shall be organic and the feed fraction derived from aquatic animals shall originate from organic aquaculture or from fisheries that have been certified as sustainable under a scheme recognised by the competent authority in line with the principles laid down in Regulation (EU) No 1380/2013 (d) non-organic feed materials of plant, animal, algal or yeast origin, feed materials of mineral or microbial origin, feed additives, and processing aids shall only be used if they have been authorised under this Regulation for use in organic production”; (e) growth promoters and synthetic amino-acids shall not be used.”

Moreover, I would like to bring to your attention Annex III of Commission Implementing Regulation (EU) 2021/1165⁵ for the list of authorised products and substances for use as feed or in feed production.

Live feed from aquatic animals, such as those you mention in your e-mail, is not authorised and consequently cannot be used in organic aquaculture.

⁽⁴⁾ [EGTOP reports \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52019SC0001)

⁽⁵⁾ COMMISSION IMPLEMENTING REGULATION (EU) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists (OJ L 253, 16.7.2021, p.13)

In accordance with Article 24 of Regulation (EU) 2018/848, the Commission may authorise certain products and substances for use in organic production, including non-organic feed material of plant, algal, animal or yeast origin or as feed material of microbial or mineral origin. Article 24(7) lays down that where a Member State considers that a product or substance should be added to or withdrawn from the lists of authorised products and substances referred to in paragraphs 1 and 2, or that the specifications of use referred to in the production rules should be amended, it shall ensure that a dossier giving the reasons for the inclusion, withdrawal or other amendments is officially sent to the Commission and to the other Member States and is made publicly available, subject to Union and national legislation on data protection.

I would therefore recommend that you contact the organic competent authorities in Member States.. For your convenience, please find at the following address the list of competent authorities in Europe: [European Commission - Agriculture - OFIS - OFIS Welcome Page \(europa.eu\)](#)

This opinion is provided on the basis of the facts set out in your e-mail of 30 September 2022 and expresses the opinion 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 Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

