



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 26 October 2022⁽¹⁾, in which you request clarification with respect to specific provisions of point 3.1.3.1. (c) of Part III of Annex II of Regulation (EU) 2018/848 ⁽²⁾ regarding feed for fish, crustaceans and echinoderms.

Please find below replies to your specific questions:

Q1) aquaculture from fisheries in the EU – under the condition that the fisheries are in compliance with general legislation and politics for fisheries in the EU - can be used in organic production?

To reply to your question, I would like to recall the provisions of above-mentioned point 3.1.3.1. (c) of Part III of Annex II to Regulation (EU) 2018/848 which reads as follows: **“(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*.”**

Therefore, it is not sufficient that fisheries are in compliance with requirements of Regulation (EU) 1380/2013⁽³⁾. The feed produced from such fisheries has to be certified as sustainable under a scheme recognised by the competent authority.

On this issue, I would like to recall that in June 2019, during a meeting of the Committee on Organic Production, DG MARE provided clarifications with respect to the provisions related to certified sustainable fisheries laid down in point 3.1.3.1. of Part III of Annex II of Regulation 2018/848. A presentation was uploaded in CIRCABC and it is here attached for your convenience.

⁽¹⁾ ARES(2022)7435156

⁽²⁾ [Regulation \(EU\) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation \(EC\) No 834/2007 \(OJ L 150, 14.6.2018 p.1 \)](#)

⁽³⁾ [Regulation \(EU\) 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the common fishery policy amending Council Regulations \(EC\) No 1954/2003 and \(EC\) No 1224/2009 and repealing Council Regulations \(EC\) No 2371/2002 and \(EC\) No 639/2004 and Council Decision 2004/585/EC \(OJ L 354, 28.12.2013 p.22 \)](#)

Q2) “Is it likewise acceptable to assume that aquaculture from fisheries from all over the world which are labeled MSC, ASC, BAP and similar labels - can be used in organic production? Perhaps all the labels which are listed on All ecolabels on fish / fisheries / Ecolabel Index?”

Labels such as the Marine Stewardship Council (MSC) label are based on private certification systems operating internationally. The list you are referring to is available here: https://www.ecolabelindex.com/ecolabels/?st=category,fish_fisheries#F.

This is a private list that, from the information available on the web, appears to have been elaborated by Big Room Inc., a non-governmental organization from Canada assembling a coalition of environmental organizations, among them WWF, Greenpeace, and Ocean Conservancy.

My services cannot conclude on such certification systems and on that particular available list as there has not been any assessment on such certification schemes with respect to the FAO Guidelines, which are indeed of a voluntary nature.

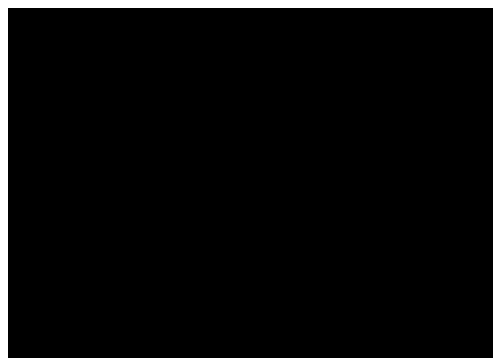
Q3) In order to better harmonize this question, would it be possible to create a list of which labels or countries that follows these guidelines and therefore can be used in organic production?

There is no official recognised list at EU level of sustainable fishery certification. The current horizontal legislation does not provide for a certification system but for a control system to be put in place by Member States to ensure fisheries are respecting the objectives of sustainability laid down under Regulation (EU) 1380/2013.

However, as laid down in the above-mentioned provisions of Regulation (EU) 2018/848, the certification scheme must be recognised by the competent authority to be in line with the principles laid down in Regulation (EU) No 1380/2013.

The present opinion is provided on the basis of the facts as set out in your e-mail of 26 October 2022 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,



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