



EUROPEAN
COMMISSION

Brussels, XXX
[...] (2014) XXX draft

COMMISSION IMPLEMENTING REGULATION (EU) No .../..

of XXX

amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 as regards the origin of organic aquaculture animals, aquaculture husbandry practices, feed for organic aquaculture animals and products and substances allowed for use in organic aquaculture

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91¹ and in particular Article 13(3), Article 15(2) and Article 16 (1) thereof,

Whereas:

- (1) Regulation (EC) No 834/2007 establishes basic requirements for the organic production of seaweed and aquaculture animals. Detailed rules for the implementation of those requirements are laid down in Commission Regulation (EC) No 889/2008².
- (2) In the period between November 2012 and April 2013 some Member States requested the revision of rules relating to products, substances, feed sources and techniques authorised to be used in organic aquaculture production. Those requests have been evaluated by the expert group for technical advice on organic production (EGTOP) set up by Commission Decision (EC) No 2009/427³. Taking into account the EGTOP's opinion, the Commission has identified a need to update and integrate the existing rules for the implementation of the requirements for the organic production of seaweed and aquaculture animals.
- (3) Under Article 15 (1) (a) (ii) of Regulation (EC) No 834/2007 non-organically produced animals may be brought onto a holding under specific conditions, when young stock from organic broodstock or holdings are not available. Regulation (EC) No 889/2008 lays down the specific restrictions as regards the wild caught aquaculture animals, including the collection of wild aquaculture juveniles. Some traditional practices of extensive fish farming in wetlands, such as brackish water ponds, tidal areas and costal lagoons, closed by levees and banks, have been carried out for centuries and are valuable in terms of cultural heritage, biodiversity conservation and economic perspective for the local communities. Under certain conditions, these practices do not affect the stock status of the species concerned.
- (4) Therefore, the collection of wild fry for use in these traditional practices of aquaculture is considered to be in line with the objectives, criteria and principles of organic aquaculture production, provided that management measures approved by the

¹ OJ L 189, 20.7.2007, p. 1.

² Commission Regulation (EC) No 889/2008 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).

³ Commission Decision (EC) No 2009/427 of 3 June 2009 establishing the expert group for technical advice on organic production (OJ L 139, 5.6.2009, p. 22).

relevant authority are in place to ensure the sustainable exploitation of the species concerned, that restocking is in line with those measures, and that the fish are fed exclusively with feed naturally available in the environment.

- (5) The EGTOP expressed concern that the sources of feed and additives allowed in organic aquaculture production are not sufficient to respond to the dietary requirements of carnivorous fish species. In order to comply with the requirement of Article 15 (1) (d) (i) of Regulation (EC) No 834/2007 that animals shall be fed with feed that meets their nutritional requirements at the various stages of their development, the list of permitted feed sources for carnivorous animals should be modified.
- (6) The use of whole fish as a source of feed for carnivorous animals in organic aquaculture is necessary to ensure that the feed meets the animals' nutritional requirements. However, this should not result in additional pressure on endangered or overfished stocks. For this reason, only the products of fisheries that have been certified as sustainable by a third party should be used to produce feed for carnivorous animals in organic aquaculture. In this context, the credibility of the sustainability scheme used is important to reassure consumers of the overall sustainability of the organic aquaculture product. Therefore, Competent Authorities should identify the certification schemes which they consider adequate to demonstrate the sustainability of fisheries products for use as feed in organic aquaculture.
- (7) The maximum amount of fishmeal currently allowed in feed for shrimps is not sufficient to meet their dietary needs, and should therefore be increased. When needed to meet the quantitative dietary requirements, the supplementation of feed with cholesterol should also be allowed. To this aim, organic cholesterol should be used if available. Cholesterol derived from wool, shellfish or other sources may also be used when organic cholesterol is not available. The EGTOP report confirms that the use of cholesterol as a feed material for shrimp is in line with Articles 7 and 16 of Regulation (EC) No 834/2007.
- (8) In order to ensure compliance with Article 15 (1) (a) of Regulation (EC) No 834/2007 in relation to the rearing of young stock originating from organic broodstock and organic holdings, it is considered necessary to introduce specific rules for the use of plankton in the feeding of organic juveniles. Plankton is necessary for the rearing of juveniles and it is not produced under organic rules. The EGTOP opinion confirms that the use of conventional plankton as feed in the rearing of organic juveniles is in line with Article 16 of Regulation (EC) No 834/2007.
- (9) The EGTOP also indicated that there is a need to update the list of substances allowed for cleaning and disinfection in organic aquaculture, in particular in relation to the possibility of using some of the substances already listed also in the presence of animals.
- (10) The scope of Annex XIIIa should be more clearly defined, in particular in relation to husbandry practices. The maximum allowed stocking densities of some species should be modified to better reflect each species' welfare needs: the maximum stocking density for arctic charr should be increased, to better accommodate this species' needs, while the maximum stocking density for carp and other freshwater fish should be brought in line with the carrying capacity of extensive/semi-intensive production systems. Maximum stocking densities should also be defined for crayfish.

- (11) Regulation (EC) No 889/2008 prohibits the practice of eyestalk ablation in shrimp production. It should be clarified that similar practices such as ligation, incision and pinching, which do not result in the complete removal of the eyestalk, are also prohibited.
- (12) Regulation (EC) No 889/2008 should therefore be amended accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the regulatory Committee on organic production,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 889/2008 is amended as follows:

- (1) In Article 25e, paragraph 4, the following point is added:

"(c) restocking of wild fry of species other than European eel in extensive aquaculture farming inside wetlands, such as brackish water ponds, tidal areas and costal lagoons, provided that:

- (i) the restocking is in line with management measures approved by the relevant authorities to ensure the sustainable exploitation of the species concerned, and
- (ii) the fish is fed exclusively with feed naturally available in the environment."

- (2) In Article 25f, paragraph 2 is replaced by the following:

2. Stocking density and husbandry practices are set out in Annex XIIIa by species or group of species. In considering the effects of stocking density and husbandry practices on the welfare of the farmed fish, the condition of the fish (such as fin damage, other injuries, growth rate, behaviour expressed and overall health) and the water quality shall be monitored.

- (3) In Article 25k, paragraph 1 is replaced by the following:

"1. Feed for carnivorous aquaculture animals shall be sourced with the following priorities:

- (a) organic feed products of aquaculture origin;
- (b) feed products derived from whole fish caught in fisheries that have been certified as sustainable by a third party recognised by the relevant Competent Authority;
- (c) fish meal and fish oil from organic aquaculture trimmings;
- (d) fish meal and fish oil and ingredients of fish origin derived from trimmings of fish already caught for human consumption in sustainable fisheries.
- (e) organic feed material of plant or animal origin"

- (4) In Article 25k, paragraph 2 is deleted.

- (5) Article 25l, paragraph 3 is replaced by the following:

"3. Where natural feed is supplemented according to paragraph 2:

(a) the feed ration of siamese catfish (*Pangasius* spp.) as mentioned in section 9 may comprise a maximum of 10 % fishmeal or fish oil derived from sustainable fisheries;

(b) the feed ration of shrimps as mentioned in section 7 may comprise a maximum of 25% fishmeal or 10% fish oil derived from sustainable fisheries. In order to secure the quantitative dietary needs of shrimps, organic cholesterol may be used to supplement their diets; when organic cholesterol is not available, non-organic cholesterol derived from wool, shellfish or other sources may be used."

(6) The following article is inserted:

"Article 25la

Specific rules on feeds for organic juveniles

In the larval rearing of organic juveniles, conventional phytoplankton and zooplankton may be used as feed.

(7). Article 25s, paragraph 6 is replaced by the following:

"6. For biological control of ectoparasites, preference shall be given to the use of cleaner fish, and to the use of freshwater, marine water and sodium chloride solutions."

(8) Annex VII is amended in accordance with the Annex to this Regulation.

(8). Annex XIIIa is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply as from 1 January 2015.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
José Manuel BARROSO



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ANNEX 1

ANNEX

to the

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1. Point 2 of Annex VII of Regulation (EC) No 889/2008 is replaced by the following:

"2. Products for cleaning and disinfection for aquaculture animals and seaweed production referred to in Articles 6e(2), 25s(2) and 29a.

2.1. Substances for cleaning and disinfection of equipment and facilities, in the absence of aquaculture animals:

- ozone
- sodium hypochlorite
- calcium hypochlorite
- burnt lime (calcium hydroxide)
- caustic soda
- alcohol
- copper sulphate: only until 31 December 2015
- potassium permanganate
- tea seed cake made of natural camelia seed (use restricted to shrimp production)
- mixtures of potassium peroxomonosulphate and sodium chloride producing hypochlorous acid

2.2. Limited list of substances for use in the presence of aquaculture animals:

- limestone (calcium carbonate) for pH control
- dolomite for pH correction (use restricted to shrimp production)
- sodium chloride
- quicklime (calcium dioxide),
- hydrogen peroxide
- sodium percarbonate
- organic acids (acetic acid, lactic acid, citric acid)
- humic acid
- peroxyacetic acids
- peracetic and peroctanoic acids
- iodophores (only in the presence of eggs)"

2. Annex XIIIa is amended as follows:

- (a) In Section 1, "Arctic charr 20 kg/m³" is replaced by "Arctic charr 25 kg/m³"
- (b) In Section 6, "The total production of species is limited to 1 500 kg of fish per hectare per year" is replaced by "The total production of species is limited to [500] kg of fish per hectare per year"
- (c) In Section 7, the term "Eyestalk ablation" is replaced by "Eyestalk ablation, including all similar practices such as ligation, incision, pinching"
- (d) The following Section is inserted after Section 7:

"Section 7a

Organic production of crayfish

Species concerned: *Astacus astacus*, *Pacifastacus leniusculus*.

Maximum stocking density: For small-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."