



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach  
The Director



I would like to thank you for your email of 1 March 2021 (Int. Ref. ARES(2021)1723924), in which you request information on the possible certification of organic salmon if grown in Recirculating Aquaculture Systems (RAS).

I would first of all like to draw your attention to the definition of closed recirculation aquaculture facilities, which is provided in Article 2 of Regulation (EC) No 889/2008<sup>1</sup> and reads as follows: “(j) ‘*closed recirculation aquaculture facility*’ means a facility where aquaculture takes place within an enclosed environment on land or on a vessel involving the recirculation of water, **and depending on permanent external energy input to stabilize the environment for the aquaculture animals**”.

The prohibition to use such a system in organic aquaculture is laid down in Article 25(g) of the same Regulation (EC) No 889/2008: “1. *Closed recirculation aquaculture animal production facilities are prohibited, with the exception of hatcheries and nurseries or for the production of species used for organic feed organisms*”.

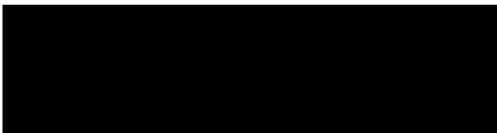
Analogous provisions have been inserted into new organic Regulation (EU) 2018/848,<sup>2</sup> which will be applicable as from 1 January 2022. In particular, in its Article 3, the same definition is provided, and under point 3.1.5.1 of Part III of Annex II, the same provisions on prohibition.

I would like to recall the reasons behind this prohibition, which are linked to the main objectives of organic production as laid down in Article 3 of Regulation (EC) No 834/2007,<sup>3</sup> which include the establishment of a sustainable management system for agriculture that, amongst others: “(i) *respects nature’s systems and cycles and sustains and enhances the health of soil, water, plants and animals and the balance between them; (ii) contributes to a high level of biological diversity; (iii) makes responsible use of energy and the natural resources such as water, soil, organic matter and air; (iv) respects high animal welfare standards and in particular meets animals’ species-specific behavioural needs*”.

<sup>1</sup> 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)

<sup>2</sup> [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 \( OJ L 150, 14.6.2018 p.1 \)](#)

<sup>3</sup> Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91, OJ L 189, 20.7.2007, p. 1



Furthermore, according to the overall principles under its Article 4, “*Organic production shall be based on the following principles:*

*(a) the appropriate design and management of biological processes based on ecological systems using natural resources which are internal to the system by methods that:*

*(i) use living organisms and mechanical production methods;*

*(ii) practice land-related crop cultivation and livestock production or practice aquaculture which complies with the principle of sustainable exploitation of fisheries;*

*(iii) exclude the use of GMOs and products produced from or by GMOs with the exception of veterinary medicinal products;*

*(iv) are based on risk assessment, and the use of precautionary and preventive measures, when appropriate;*

*(b) the restriction of the use of external inputs. Where external inputs are required or the appropriate management practices and methods referred to in paragraph (a) do not exist, these shall be limited to:*

*(i) inputs from organic production;*

*(ii) natural or naturally-derived substances;*

*(iii) low solubility mineral fertilisers;...”*

On the basis of those objectives and principles, detailed aquaculture production rules have been adopted. These production rules have been defined on the basis of a thorough expert consultation, including a contribution from the independent Expert Group for Technical Advice on Organic Production (EGTOP). You can find all reports of EGTOP publicly available here:

[https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/co-operation-and-expert-advice/egtop-reports\\_en](https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/co-operation-and-expert-advice/egtop-reports_en)

I would like to draw your attention in particular to the report of the Expert Group for Technical Advice on Organic Production (EGTOP)<sup>4</sup> (2014 Aquaculture II)<sup>5</sup>, where closed recirculation water systems are considered as presenting some environmental advantages but also, given that they require significant external inputs, as not in line with organic principles.

Hence, in case of salmon to be certified organic, it could be grown in a closed recirculation aquaculture facility only in the initial phases (hatchery and nursery).

Within this context, I would like to recall the definition of a nursery as provided by Article 2(m) of Regulation (EC) No 889/2008 and Art. 3(37) of Regulation (EU) 2018/848: “*‘nursery’ means a place where an intermediate farming system, between the hatchery and grow-out stages is applied. The nursery stage is completed within the first third of the production cycle with the exception of species undergoing a smoltification process*”.

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<sup>4</sup> Commission Decision of 16 August 2017 amending Decision 2009/427/EC establishing the expert group for technical advice on organic production (OJ C 273, 18.08.2017, p.3)

<sup>5</sup> [https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/co-operation-and-expert-advice/egtop-reports\\_en](https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/co-operation-and-expert-advice/egtop-reports_en)

The definition of nursery specifies that the duration of the nursery stage in case of species undergoing a smoltification process may be longer than the first third of the production cycle.

Finally, I inform you that, at this stage, the Commission does not intend to propose a modification of these provisions.

The present opinion is provided on the basis of the facts as set out in your email of 1 March 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,

