



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Brussels,
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I would like to thank you for your email addressed to the Europe Direct Contact Centre (EDCC) of 28 June 2021 (Int. Ref. ARES(2021)4202312), in which you requested clarification on the organic management requirements for broodstock according to Regulation (EC) 889/2008.

You asked in particular whether it would be acceptable to keep non-organic broodstock for at least three months in artificial tanks in the hatchery with the justification that, according to Regulation (EC) 889/2008 Article 25(g): *“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.”*

As quoted in your letter, Article 25(e) of Regulation (EC) No 889/2008¹ provides for the following: *“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.”*

I would like to recall the definition of hatchery, which is provided by Article 2 of Regulation (EC) No 889/2008 : *“(l) ‘hatchery’ means a place of breeding, hatching and rearing through the early life stages of aquaculture animals, finfish and shellfish in particular;”*.

The definition refers also to breeding where broodstock is needed and, as reported by the Expert Group for Technical Advice on Organic Production (EGTOP)², the majority of

¹ 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)

² EGTOP Report 2014 Aquaculture available here: https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/co-operation-and-expert-advice/egtop-reports_en

hatcheries have broodstock facilities. Hence it can be concluded that it is not prohibited for broodstock in hatcheries to be kept in closed recirculation aquaculture systems.

In addition, I would like to underline that all relevant principles, objectives and requirements set for organic aquaculture shall have to be respected taking into account species specific needs, as provided for under Article 25(f) of Regulation (EC) No 889/2008 concerning general aquaculture husbandry rules.

Finally, I would like to recall the specific provisions for broodstock under Article 25(h) *“Broodstock shall be handled in a manner to minimize physical damage and stress and under anaesthesia where appropriate. Grading operations shall be kept to a minimum and as required to ensure fish welfare.”*

The present opinion is provided on the basis of the facts as set out in your email of 28 June 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,

