



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach

Brussels,
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I would like to thank you for your email of 9 September (our ref. Ares(2021)5546634), in which you request clarification with respect to the current rules concerning the conversion period for hatcheries and nurseries, in particular whether they apply only to grow-out facilities.

I would like to start by recalling that, as you mention in your email, Article 38a of Regulation (EC) No 889/2008¹ provides for different conversion periods for **aquaculture production units** in accordance with the type of facilities hosting the animals as follows: “*The following conversion periods for aquaculture production units shall apply for the following types of aquaculture facilities including the existing aquaculture animals: (a) for facilities that cannot be drained, cleaned and disinfected, a conversion period of 24 months; (b) for facilities that have been drained, or fallowed, a conversion period of 12 months; (c) for facilities that have been drained, cleaned and disinfected a conversion period of six months; (d) for open water facilities including those farming bivalve molluscs, a three month conversion period*”.

I would also like to bring to your attention the definition of ‘production unit’, which is laid down in Article 2(f) of the same Regulation as follows: “(f) ‘*production unit*’ means all assets to be used for a production sector such as production premises, land parcels, pasturages, open air areas, livestock buildings, fish ponds, containment systems for seaweed or aquaculture animals, shore or seabed concessions, the premises for the storage of crops, crop products, seaweed products, animal products, raw materials and any other input relevant for this specific production sector”.

Against this background, I do not share your conclusion: hatcheries and nurseries are indeed a possible asset of the ‘production unit’ and, therefore, the provisions of Article 38a are applicable to hatcheries and nurseries. Hence, in case of facilities that can be drained, cleaned and disinfected, a conversion period of six months should apply.

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)

Please note that similar provisions have been inserted into Annex II, Part III, Point 3.1.1. of the new organic Regulation (EU) 2018/848², which will be applicable from 1 January 2022.

The present opinion is provided on the basis of the facts as set out in your email of 9 September 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,



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 \(OJ L 150, 14.6.2018 p.1\)](#)