



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach

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I would like to thank you for your emails of 5 and 29 October 2021 (Int. Ref. ARES(2021)6046920 and 6767179), in which you ask us to reconsider our reply (Int. Ref. ARES(2021)6028554) to your previous request for clarification concerning the conversion period for hatcheries and nurseries as you suggest that *“no conversion period shall be applied specifically for those production units (hatcheries / nurseries), where the animals are kept in artificial tanks”*.

You mention in your email that the conversion time is set to *“avoid any contamination from unallowed inputs from previous (conventional) production.”* However, this is not the only purpose of the conversion period, as conversion is a transition phase during which the operators adapt their production in order to align with the organic principles (among which ‘prevention’ is essential), objectives and production requirements. For the sake of clarity, I would like to draw your attention to the definition of conversion, which is provided under Article 2, point (h), of Regulation (EC) No 834/2007¹ and reflected in Article 3, point (6), of Regulation (EU) 2018/848²:

“‘conversion’ means the transition from non organic to organic farming within a given period of time, during which the provisions concerning the organic production have been applied”.

Finally, I would like to recall once more the provisions of Article 38a of Regulation (EC) No 889/2008³, which reads 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*

¹ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32007R0834>

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 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)

water facilities including those farming bivalve molluscs, a three month conversion period.”.

As expressed in my previous reply, considering the definition of ‘production unit’, this is relevant not only for grow-out facilities but for all types of facilities involved in the production process.

Therefore, I hereby confirm my previous conclusion that, in case of facilities that can be drained, cleaned and disinfected, a conversion period of six months should apply.

The present opinion is provided on the basis of the facts as set out in your emails of 5 and 29 October 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,

