



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

ACTING DEPUTY DIRECTOR GENERAL, IN CHARGE OF DIRECTORATES A AND B

Brussels,
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Subject: Definition of juveniles in the EU organic legislation

Dear Mr Macken,

Thank you for your email of 21 July 2015 concerning the above-mentioned subject. You are especially requesting confirmation that the definition of "juveniles" in relation to aquaculture salmon applies only to the following lifecycle stages of Atlantic salmon: alevin, fry, parr and smolt, and does not include the life cycle stage of ova or hatching of ova.

In accordance with Article 15 of Council Regulation (EC) No 834/2007¹, "organic aquaculture shall be based on the rearing of young stock originating from organic broodstock and organic holdings". This article does not refer to "juveniles" but to "young stock", a general term which is not limited to specific life stages. Furthermore, this article requires both the broodstock and the holding from which the animals originate to be organic. It is therefore clear that ova are not excluded from the requirement. This is also in line with the general principle on the limitation of inputs enshrined in Article 4 of Regulation (EC) No 834/2007.

The term "juveniles" is used in Article 25e(3) and (4) of Commission Regulation (EC) No 889/2008². In particular, paragraph (3) contains transitional rules on the use of non-organic juveniles, as follows: "The maximum percentage of non-organic aquaculture juveniles introduced to the farm shall be 80 % by 31 December 2011, 50 % by 31 December 2014 and 0 % by 31 December 2015".

¹ 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)

² 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)

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Should the term "juveniles" be understood as meaning only "alevin, fry, parr and smolt", and not "ova or hatching of ova", the result would be that the transitional permission to use non-organic juveniles would only extend to alevin, fry, parr and smolt, while the introduction on the farm of non-organic ova would be prohibited even under these transitional rules. In our view, this was not the intention of the legislator: as explained in Recital (9) of Commission Regulation (EC) No 710/2009³, the transitional period was introduced to address the insufficient availability of organic broodstock in the early stage of development of organic aquaculture production; there is nothing to suggest that ova should be excluded from this provision.

In conclusion, the general rule requiring aquaculture animals to come from organic sources applies to all life stages of the animals, including ova, irrespective of how the term "juvenile" is understood. A stricter interpretation of the term "juvenile" would have the only result of preventing the use of non-organic ova during the transitional period expiring on 31 December 2015. However, the Commission services' view is that this was not the intention of the legislator, and the term "juvenile" should be taken as covering all the early life stages of the animals, including ova and hatching of ova.

The present opinion is provided on the basis of the facts as set out in your email of 21 July 2015 and on the understanding that 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,



John A. CLARKE

Cc: Representatives of the Regulatory Committee on Organic Production

³ Commission Regulation (EC) No 710/2009 of 5 August 2009 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production (OJ L 204, 6.8.2009, p. 15)