



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,
PP/nb(2020)7417845

Dear Mrs Cécile Fouquet,

Thank you for your e-mail of 15 October 2020 (Int. Ref. ARES(2020)5594749) by which you submit two main questions: the first concerns the prohibition of using Recirculating Aquaculture Systems (RAS) in organic aquaculture and whether 80% or less recirculation could be acceptable, in particular when recirculation could be ensured from renewable energy sources such as wind; the second on whether the postponement of entry into application of Regulation (EU) 2018/848¹ could be an opportunity to revise the Article 3.1.3.3. in view of the ambitions on organic aquaculture expressed in the recent Farm to Fork strategy.

For sake of clarity with respect to the references to the date of entry into application of Regulation (EU) 2018/848, I confirm that the Commission has adopted a proposal for the postponement of the entry into application of this Regulation until the 1 January 2022. The Regulation (EU) 2020/1693 of the European Parliament and of the Council postponing the date of application of Regulation (EU) 2018/848 was published in the Official Journal of the EU on 13 November 2020.²

With respect to your first question, I bring your attention to the definition of closed recirculation aquaculture facilities, which is provided for in Article 2 of Regulation (EC) No 889/2008³ 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**;.

¹ [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 \(OJ L 150, 14.6.2018 p.1 \)](#)

² Regulation (EU) 2020/1693 of the European Parliament and of the Council of 11 November 2020 amending Regulation (EU) 2018/848 on organic production and labelling of organic products as regards its date of application and certain other dates referred to in that Regulation (OJ L 381, 13.11.2020, 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)

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The prohibition to use such system is laid down by 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 are confirmed in the new organic Regulation (EU) 2018/848⁴, in particular under its Article 3 the same definition is given and under point 3.1.5.1 of Part III of Annex II the same provisions on prohibition.

Therefore, to address your question the problem is the dependence on permanent external energy input to stabilise the environment for the aquaculture animals, which is not in line with organic principles and objectives.

In fact, among the main objectives of organic production laid down under Article 3 of Regulation (EC) No 834/2007⁵: the establishment of a sustainable management system for agriculture that among 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;.....(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;.*

Indeed, I would recall the report of the Expert Group for Technical Advice on Organic Production (EGTOP)⁶ (2014 Aquaculture II)⁷, where closed recirculated water systems are considered also presenting some environmental advantages, but given they require significant external inputs, are therefore, not in line with organic principles.

In particular, the report includes the following statement; *“Closed recirculated systems (RAS) have several environmental advantages, but require significant input of external energy, high stocking densities (for economic reasons), advanced waste water treatment devices, use of UV radiation and use of pure oxygen. All the above, together with the disconnection of the aquaculture production from the external natural aquatic environment, makes the closed recirculated systems (RAS) not in line with the principles of organic production.”*

However, EGTOP report recognises also that *“re-use of water is clearly in line with organic principles of sustainable and responsible use of resources, and is to be encouraged and further explored”*. It also refer to re-use of water as follows: *“ Re-use of water means a kind of extensive recirculation in out-door systems with up to 70 % of reuse of the water (Colt, 2006). Instead of being discharged, the water is pumped back to the inlet and re-used in the fishponds, tanks or raceways after passing waste water*

⁴ [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 \(OJ L 150, 14.6.2018 p.1 \)](#)

⁵ 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

⁶ 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)

⁷ https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/co-operation-and-expert-advice/egtop-reports_en

treatment devices such as natural-filter beds, settlement ponds, mechanical or biological filters to collect waste nutrients, and/or using seaweeds and/or bivalves and algae, which contribute to improving the quality of the effluent. The type(s) and capacity of waste water treatment device(s) depend(s) on the specific conditions on the specific farm – related to production capacity/intensity approved and fulfilment of water quality criteria.

To comply with the species-specific physiological requirements of the fish, the proper oxygen saturation in the aquatic environment shall be achieved only by using mechanical aerators. This means that there should be a well-balanced equilibrium between the stocking density, the efficiency of the waste water nutrients removal and the amount of water re-used for the proper operation of the organic farm”.

In addition, I would recall that organic production rules limit the use of external inputs and in particular, that the use of oxygen is restricted under Article 25(h) of Regulation (EC) No 889/2008⁸: “The use of oxygen is only permitted for uses linked to animal health requirements and critical periods of production or transport in the following cases:

(a) exceptional cases of temperature rise or drop in atmospheric pressure or accidental pollution, (b) occasional stock management procedures such as sampling and sorting, (c) in order to assure the survival of the farm stock. “

Consequently, this does not mean that a new production technology relying on the re-use of water and on renewable energy should not be allowed in organic aquaculture, but such technique should be thoroughly assessed whether in line with principles and objectives of organic production, which are reflected in the legally set production rules.

There is always a possibility to require EGTOP to assess whether a given technique would be or not in line with organic principles. This is subject to a set procedure where Member States may request such assessment. In case, I would advise you to address a detailed request with a dossier with all the necessary technical information to the Member State in which you carry out organic aquaculture. The dossier will be examined by EGTOP and an EGTOP report will then be published by the Commission to ensure harmonised approach among the Member States.

A list of national competent authorities is available at the following address:

https://ec.europa.eu/agriculture/organic/consumer-trust/certification-and-confidence/controls-and-inspections/control-system_en

Finally, I inform you that at this stage the Commission does not intend to propose a modification of the provisions of point 3.1.3.3. of Part III of Annex II of Regulation (EU) 2018/848.

The present opinion is provided on the basis of the facts as set out in your e-mail of 15 October 2020 and expresses the view of the Commission services and does not commit

⁸ 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)

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,



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