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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	9 February 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2021) 667 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 9.2.2021 amending Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards organic production rules on sprouted seeds and chicory heads, on feed for certain aquaculture animals and on aquaculture parasite treatments

Delegations will find attached document C(2021) 667 final.

Encl.: C(2021) 667 final



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COMMISSION DELEGATED REGULATION (EU) .../...

of 9.2.2021

amending Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards organic production rules on sprouted seeds and chicory heads, on feed for certain aquaculture animals and on aquaculture parasite treatments

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Following the adoption of the Regulation (EU) 2018/848, it is necessary to adopt this Delegated Regulation as regards certain provisions concerning sprouted seeds and chicory heads and aquaculture animal species. In particular, on sprouted seeds and chicory heads several stakeholders required clarification with respect to the terminology and the growing media allowed in organic production, hence it is necessary to amend the current provisions to increase legal certainty.

As regards aquaculture animal species, it is necessary to reflect the current possibility to use organic cholesterol for shrimps and prawns and to amend provisions concerning parasite treatments aquaculture animals based on the recent conclusions of the Expert group for technical advice on Organic production¹.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The act was thoroughly discussed with Member States at the Group of Experts on Organic Production as well as with the main organisations representing the organic sector, namely IFOAM and their sector specific affiliated groups, COPA-COGECA, ESSA and FEAP. DG AGRI cooperated closely with DG MARE and other DGs in the field of their specific expertise when drafting these rules, in particular with DG SANTE. WTO partners were notified and general public consultations were carried out. Following the general public consultation, all comments received via the feedback mechanism have been considered and the act has not been amended.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Regulation (EU) No 2018/848 underlines in its recital 29 that certain cultivation practices not soil-related such as production of sprouted seeds or chicory heads should be allowed and the Commission is empowered under Article 12 of Regulation (EU) 2018/848 to amend the current provisions for derogation on sprouted seeds and chicory heads laid down by point 1.3 of Part I of Annex II to Regulation (EU) 2018/848.

Moreover, recital 50 of Regulation (EU) 2018/848 states that to ensure quality, traceability, compliance with this Regulation and adaptation to technical developments, the power to adopt certain acts is delegated to the Commission in respect of feed for aquaculture animals and the veterinary treatments of those animals and in respect of detailed conditions for broodstock management, breeding and juvenile production.

This delegated act amends certain current provisions concerning sprouted seeds and chicory heads to increase legal certainty. As regards nutritional supplement and veterinary treatments for aquaculture animals, they concern supplement of cholesterol for paeneid shrimps and freshwater prawns and to parasite treatments, introducing a species-specific approach in line with principles of the animal welfare.

¹ [EGTOP Final report on Aquaculture IV – 13 December 2019](#) .

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 834/2007², and in particular Article 12(2)(a) and Article 15(2)(b) and (c) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2020/427³ has recently amended point 1.3 of Part I of Annex II to Regulation (EU) 2018/848 with respect to organic sprouted seeds to ensure their production from organic seeds. Given that sprouted seeds include sprouts, shoots and cress⁴, which can use exclusively the reserves in the seeds to sprout, only water should be used for organic production. Therefore, it needs to be clarified that the derogation from soil-related cultivation for sprouted seeds is limited to moistening seeds and it should be stated explicitly that the use of a growing medium is not allowed, except the use of an inert medium to keep the seeds moist when the components of that inert medium are authorised in compliance with Article 24 of Regulation (EU) 2018/848.
- (2) With respect to chicory heads, their specific production cycle can consist of two phases one in soil and one called “forcing phase”, which can be in soil, but also in water or substrates. Therefore, it is necessary to clarify that the derogation from soil related cultivation for chicory heads includes deepening in clear water and that the use of a growing medium is allowed only when its components are authorised in compliance with Article 24 of Regulation (EU) 2018/848.

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. 1–92.

³ Commission Delegated Regulation (EU) 2020/427 of 13 January 2020 amending Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards certain detailed production rules for organic products (OJ L 87, 23.3.2020, p. 1).

⁴ Description of their production cycles in [EFSA Scientific Opinion on the risk posed by Shiga toxin-producing Escherichia coli \(STEC\) and other pathogenic bacteria in seeds and sprouted seeds – EFSA Journal 2011; 9\(11\):2424. \[101 pp\] doi:10.2903/j.efsa.2011.2424.](#)

- (3) Article 251(3)(b) of Commission Regulation (EC) No 889/2008⁵ allowed organic cholesterol to be used to supplement natural feed in the grow-out stage and earlier life stages of penaeid shrimps and freshwater prawns (*Macrobrachium spp.*). It is therefore necessary to provide for the supplementation of feed with organic cholesterol to those shrimps and prawns in point 3.1.3.4 of Part III of Annex II to Regulation (EU) 2018/848.
- (4) In 2019, when discussing the draft of Delegated Regulation (EU) 2020/427, some Member States requested the revision of other rules relating to organic aquaculture. The expert group for technical advice on organic production (EGTOP) set up by Commission Decision 2017/C 287/03⁶ assessed those requests. Taking into account the EGTOP's conclusions published⁷ in January 2020, the Commission has identified a need to update the existing production rules for aquaculture animals in particular with respect to veterinary treatments.
- (5) Notwithstanding the requirements related to the prevention of diseases, such as the recommendation for biological control of parasites with preference to be given to the use of cleaner fish and of freshwater, marine water and sodium chloride solutions, a limited number of treatments, in case of severe parasites occurrence, is currently allowed on a general basis for all species. Based on the above-mentioned EGTOP conclusions, it is appropriate to amend the current provisions on parasite treatments set out in point 3.1.4.2. of Part III of Annex II to Regulation (EU) 2018/848 by introducing a more species-specific approach to better address the needs of aquaculture animals without compromising the organic nature of the production.
- (6) In particular, in view of the variable duration of the production cycle of species, other than salmon, and of the potential occurrence of parasites in the juvenile phase, together with the tendency of operators to postpone as far as possible any courses of treatment due to the frequency limit, in the first year of the life cycle, a high mortality rate of fry and juveniles has been reported. Therefore, for other species than salmon, it is appropriate to align the frequency and maximum number of parasite treatments with the frequency limits set for other chemically synthesised allopathic veterinary medicinal products to permit to intervene when it is really necessary and to avoid high mortality in the first stages of the life cycle.
- (7) As regards salmon, considering the duration of the production cycle and the need to guarantee the non-occurrence of sea lice within the period in freshwater, the current frequency limits and maximum number of courses for parasite treatments should be maintained.
- (8) Moreover, it is important to clarify the current provisions, by setting a clear overall limit for the maximum number of parasite treatments that may be administered, regardless of the species concerned.
- (9) Annex II to Regulation (EU) 2018/848 should therefore be amended accordingly.
- (10) In the interest of clarity and legal certainty, this Regulation should apply from the date of application of Regulation (EU) 2018/848,

⁵ 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).

⁶ Commission Decision of 30 August 2017 appointing the members of the group for technical advice on organic production and drawing up the pool list (OJ C 287, 30.08.2017, p. 3).

⁷ [EGTOP Final report on Aquaculture IV – 13 December 2019](#)

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EU) 2018/848 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2022.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9.2.2021

For the Commission
The President
Ursula VON DER LEYEN