

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

[<sup>F1</sup>TITLE II

**RULES ON PRODUCTION, PRESERVATION, PROCESSING, PACKAGING, TRANSPORT AND STORAGE OF ORGANIC PRODUCTS]**

[<sup>F1</sup>CHAPTER 1a

*Seaweed production*

[<sup>F2</sup>Article 6a

**Scope**

This Chapter lays down detailed production rules for seaweed.

For the purposes of this Chapter ‘seaweed’ includes multi-cellular marine algae, phytoplankton and micro-algae.]

**Textual Amendments**

- F2** Substituted by [Commission Implementing Regulation \(EU\) 2016/673 of 29 April 2016 amending Regulation \(EC\) No 889/2008 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 \(Text with EEA relevance\).](#)

*Article 6b*

**Suitability of aquatic medium and sustainable management plan**

1 Operations shall be situated in locations that are not subject to contamination by products or substances not authorised for organic production, or pollutants that would compromise the organic nature of the products.

2 Organic and non-organic production units shall be separated adequately. Such separation measures shall be based on the natural situation, separate water distribution systems, distances, the tidal flow, the upstream and the downstream location of the organic production unit. [<sup>F3</sup>Nothing in this Regulation prevents the relevant authority from using any power the authority has to] designate locations or areas which they consider to be unsuitable for organic aquaculture or seaweed harvesting [<sup>F4</sup>or] set up minimum separation distances between organic and non-organic production units.

<sup>F5</sup> ...

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**Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 889/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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3 An environmental assessment proportionate to the production unit shall be required for all new operations applying for organic production and producing more than 20 tonnes of aquaculture products per year to ascertain the conditions of the production unit and its immediate environment and likely effects of its operation. The operator shall provide the environmental assessment to the control body or control authority. The content of the environmental assessment shall be based on Annex IV to [F6 Directive 2011/92/EU]. If the unit has already been subject to an equivalent assessment, then its use shall be permitted for this purpose.

4 The operator shall provide a sustainable management plan proportionate to the production unit for aquaculture and seaweed harvesting.

The plan shall be updated annually and shall detail the environmental effects of the operation, the environmental monitoring to be undertaken, and list measures to be taken to minimise negative impacts on the surrounding aquatic and terrestrial environments, including, where applicable, nutrient discharge into the environment per production cycle or per annum. The plan shall record the surveillance and repair of technical equipment.

5 Aquaculture and seaweed business operators shall by preference use renewable energy sources and re-cycle materials and shall draw up as part of the sustainable management plan a waste reduction schedule to be put in place at the commencement of operations. Where possible, the use of residual heat shall be limited to energy from renewable sources.

6 For seaweed harvesting a once-off biomass estimate shall be undertaken at the outset.

#### Textual Amendments

- F3** Words in Art. 6b(2) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(3)(a)(i)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in Art. 6b(2) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(3)(a)(i)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 6b(2) omitted (31.12.2020) by virtue of The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(3)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 6b(3) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 6c

#### Sustainable harvesting of wild seaweed

1 Documentary accounts shall be maintained in the unit or premises and shall enable the operator to identify and the control authority or control body to verify that the harvesters have supplied only wild seaweed produced in accordance with Regulation (EC) No 834/2007.

2 Harvesting shall be carried out in such a way that the amounts harvested do not cause a significant impact on the state of the aquatic environment. Measures shall be taken to ensure that seaweed can regenerate, such as harvest technique, minimum sizes, ages, reproductive cycles or size of remaining seaweed.

3 If seaweed is harvested from a shared or common harvest area, documentary evidence shall be available that the total harvest complies with this Regulation.

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4 With respect to Article 73b(2)(b) and (c), these records must provide evidence of sustainable management and of no long-term impact on the harvesting areas.

#### *Article 6d*

### **Seaweed Cultivation**

1 Seaweed culture at sea shall only utilise nutrients naturally occurring in the environment, or from organic aquaculture animal production, preferably located nearby as part of a polyculture system.

2 In facilities on land where external nutrient sources are used the nutrient levels in the effluent water shall be verifiably the same, or lower, than the inflowing water. Only nutrients of plant or mineral origin and as listed in Annex I may be used.

3 Culture density or operational intensity shall be recorded and shall maintain the integrity of the aquatic environment by ensuring that the maximum quantity of seaweed which can be supported without negative effects on the environment is not exceeded.

4 Ropes and other equipment used for growing seaweed shall be re-used or recycled where possible.

#### *Article 6e*

### **Antifouling measures and cleaning of production equipment and facilities**

1 Bio-fouling organisms shall be removed only by physical means or by hand and where appropriate returned to the sea at a distance from the farm.

2 Cleaning of equipment and facilities shall be carried out by physical or mechanical measures. Where this is not satisfactory only substances as listed in Annex VII, Section 2 may be used.]

#### **Textual Amendments**

- F1** Inserted by [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.](#)

**Changes to legislation:**

There are outstanding changes not yet made to Commission Regulation (EC) No 889/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Regulation applied (with modifications) by [S.I. 2023/959 reg. 6Sch. 3](#)

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Annex 2 para. 3 words substituted by [S.I. 2019/693 reg. 3\(56\)](#)
- Art. 29(1)(a) words substituted by [S.I. 2019/693 reg. 3\(17\)\(b\)\(i\)\(bb\)](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2019/693](#), reg. 3(17)(b)(i)(bb) substituted immediately before IP completion day by [S.I. 2020/1400](#), regs. 1(b), 3(3)(e))