

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 2a

***Aquaculture animal production***

*Section 1*

***General rules***

*Article 25a*

**Scope**

This Chapter lays down detailed production rules for species of fish, crustaceans, echinoderms and molluscs as covered by Annex XIIIa.

It applies *mutatis mutandis* to zooplankton, micro-crustaceans, rotifers, worms and other aquatic feed animals.

*Article 25b*

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

- 1 The provisions of Article 6b(1) to (5) shall apply to this Chapter.
- 2 Defensive and preventive measures taken against predators under Council Directive 92/43/EEC<sup>(1)</sup> and national rules shall be recorded in the sustainable management plan.
- 3 Verifiable coordination shall take place with the neighbouring operators in drawing up their management plans where applicable.
- 4 For aquaculture animal production in fishponds, tanks or raceways, farms shall be equipped with either natural-filter beds, settlement ponds, biological filters or mechanical filters to collect waste nutrients or use seaweeds and/or animals (bivalves and algae) which contribute to improving the quality of the effluent. Effluent monitoring shall be carried out at regular intervals where appropriate.

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### *Article 25c*

#### **Simultaneous production of organic and non-organic aquaculture animals**

1 The competent authority may permit hatcheries and nurseries to rear both organic and non-organic juveniles in the same holding provided there is clear physical separation between the units and a separate water distribution system exists.

2 In case of grow-out production, the competent authority may permit organic and non-organic aquaculture animal production units on the same holding provided Article 6b(2) of this Regulation is complied with and where different production phases and different handling periods of the aquaculture animals are involved.

3 Operators shall keep documentary evidence of the use of provisions referred to in this Article.

### *Section 2*

#### ***Origin of aquaculture animals***

### *Article 25d*

#### **Origin of organic aquaculture animals**

1 Locally grown species shall be used and breeding shall aim to give strains which are more adapted to farming conditions, good health and good utilisation of feed resources. Documentary evidence of their origin and treatment shall be provided for the control body or control authority.

2 Species shall be chosen which can be farmed without causing significant damage to wild stocks.

### *Article 25e*

#### **Origin and management of non-organic aquaculture animals**

1 For breeding purposes or for improving genetic stock and when organic aquaculture animals are not available, wild caught or non-organic aquaculture animals may be brought into a holding. Such animals shall be kept under organic management for at least three months before they may be used for breeding.

2 For on-growing purposes and when organic aquaculture juvenile animals are not available non-organic aquaculture juveniles may be brought into a holding. At least the latter two thirds of the duration of the production cycle shall be managed under organic management.

[<sup>F23</sup> 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 2016.]

[<sup>F34</sup> For on-growing purposes the collection of wild aquaculture juveniles is specifically restricted to the following cases:

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- a natural influx of fish or crustacean larvae and juveniles when filling ponds, containment systems and enclosures;
- b European glass eel, provided that an approved eel management plan is in place for the location and artificial reproduction of eel remains unsolved;
- c the collection of wild fry of species other than European eel for on-growing in traditional extensive aquaculture farming inside wetlands, such as brackish water ponds, tidal areas and costal lagoons, closed by levees and banks, provided that:
  - (i) the restocking is in line with management measures approved by the relevant authorities in charge of the management of the fish stocks in question to ensure the sustainable exploitation of the species concerned, and
  - (ii) the fish are fed exclusively with feed naturally available in the environment.]

#### **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).
- F3** Substituted by Commission Implementing Regulation (EU) No 1358/2014 of 18 December 2014 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 as regards the origin of organic aquaculture animals, aquaculture husbandry practices, feed for organic aquaculture animals and products and substances allowed for use in organic aquaculture (Text with EEA relevance).

### *Section 3*

#### *Aquaculture Husbandry practices*

#### *Article 25f*

#### **General aquaculture husbandry rules**

- 1 The husbandry environment of the aquaculture animals shall be designed in such a way that, in accordance with their species specific needs, the aquaculture animals shall:
- a have sufficient space for their wellbeing;
  - b be kept in water of good quality with sufficient oxygen levels, and
  - c be kept in temperature and light conditions in accordance with the requirements of the species and having regard to the geographic location;
  - d in the case of freshwater fish the bottom type shall be as close as possible to natural conditions;
  - e in the case of carp the bottom shall be natural earth.

[<sup>F32</sup> Stocking density and husbandry practices are set out in Annex XIIIa by species or group of species. In considering the effects of stocking density and husbandry practices on the welfare of farmed fish, the condition of the fish (such as fin damage, other injuries, growth rate, behaviour expressed and overall health) and the water quality shall be monitored.]

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3 The design and construction of aquatic containment systems shall provide flow rates and physiochemical parameters that safeguard the animals' health and welfare and provide for their behavioural needs.

4 Containment systems shall be designed, located and operated to minimize the risk of escape incidents.

5 If fish or crustaceans escape, appropriate action must be taken to reduce the impact on the local ecosystem, including recapture, where appropriate. Documentary evidence shall be maintained.

#### **Textual Amendments**

- F3** Substituted by [Commission Implementing Regulation \(EU\) No 1358/2014 of 18 December 2014 amending Regulation \(EC\) No 889/2008 laying down detailed rules for the implementation of Council Regulation \(EC\) No 834/2007 as regards the origin of organic aquaculture animals, aquaculture husbandry practices, feed for organic aquaculture animals and products and substances allowed for use in organic aquaculture \(Text with EEA relevance\).](#)

### *Article 25g*

#### **Specific rules for aquatic containment systems**

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.

2 Rearing units on land shall meet the following conditions:

- a for flow-through systems it shall be possible to monitor and control the flow rate and water quality of both in-flowing and out-flowing water;
- b at least five percent of the perimeter ('land-water interface') area shall have natural vegetation.

3 Containment systems at sea shall:

- a be located where water flow, depth and water-body exchange rates are adequate to minimize the impact on the seabed and the surrounding water body;
- b shall have suitable cage design, construction and maintenance with regard to their exposure to the operating environment.

4 Artificial heating or cooling of water shall only be permitted in hatcheries and nurseries. Natural borehole water may be used to heat or cool water at all stages of production.

### *Article 25h*

#### **Management of aquaculture animals**

1 Handling of aquaculture animals shall be minimised, undertaken with the greatest care and proper equipment and protocols used to avoid stress and physical damage associated with handling procedures. Broodstock shall be handled in a manner to minimize physical damage and stress and under anaesthesia where appropriate. Grading operations shall be kept to a minimum and as required to ensure fish welfare.

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- 2 The following restrictions shall apply to the use of artificial light:
- a for prolonging natural day-length it shall not exceed a maximum that respects the ethological needs, geographical conditions and general health of farmed animals, this maximum shall not exceed 16 hours per day, except for reproductive purposes;
  - b Abrupt changes in light intensity shall be avoided at the changeover time by the use of dimmable lights or background lighting.

3 Aeration is permitted to ensure animal welfare and health, under the condition that mechanical aerators are preferably powered by renewable energy sources.

All such use is to be recorded in the aquaculture production record.

- 4 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.

Documentary evidence shall be maintained.

5 Slaughter techniques shall render fish immediately unconscious and insensible to pain. Differences in harvesting sizes, species, and production sites must be taken into account when considering optimal slaughtering methods.

#### *Section 4*

#### ***Breeding***

#### *Article 25i*

#### **Prohibition of hormones**

The use of hormones and hormone derivatives is prohibited.

#### *Section 5*

#### ***Feed for fish, crustaceans and echinoderms***

#### *Article 25j*

#### **General rules on feeds**

Feeding regimes shall be designed with the following priorities:

- (a) animal health;
- (b) high product quality, including the nutritional composition which shall ensure high quality of the final edible product;
- (c) low environmental impact.

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## Article 25k

### Specific rules on feeds for carnivorous aquaculture animals

1 Feed for carnivorous aquaculture animals shall be sourced with the following priorities:

- a organic feed products of aquaculture origin;
- b fish meal and fish oil from organic aquaculture trimmings;
- c fish meal and fish oil and ingredients of fish origin derived from trimmings of fish already caught for human consumption in sustainable fisheries;
- [<sup>F4</sup>d organic feed materials of plant or animal origin[<sup>F3</sup>;]]
- [<sup>F5</sup>e feed products derived from whole fish caught in fisheries certified as sustainable under a scheme recognised by the competent authority in line with the principles laid down in Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>(2)</sup>.]

<sup>F6</sup>2 .....

3 The feed ration may comprise a maximum of 60 % organic plant products.

4 Astaxanthin derived primarily from organic sources, such as organic crustacean shells may be used in the feed ration for salmon and trout within the limit of their physiological needs. If organic sources are not available natural sources of astaxanthin (such as *Phaffia* yeast) may be used.

[<sup>F5</sup> Histidine produced through fermentation may be used in the feed ration for salmonid fish when the feed sources listed in paragraph 1 do not provide a sufficient amount of histidine to meet the dietary needs of the fish and prevent the formation of cataracts.]

#### Textual Amendments

- F3** Substituted by Commission Implementing Regulation (EU) No 1358/2014 of 18 December 2014 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 as regards the origin of organic aquaculture animals, aquaculture husbandry practices, feed for organic aquaculture animals and products and substances allowed for use in organic aquaculture (Text with EEA relevance).
- F4** Substituted by Commission Implementing Regulation (EU) No 505/2012 of 14 June 2012 amending and correcting 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.
- F5** Inserted by Commission Implementing Regulation (EU) No 1358/2014 of 18 December 2014 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 as regards the origin of organic aquaculture animals, aquaculture husbandry practices, feed for organic aquaculture animals and products and substances allowed for use in organic aquaculture (Text with EEA relevance).
- F6** Deleted by Commission Implementing Regulation (EU) No 1358/2014 of 18 December 2014 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 as regards the origin of organic aquaculture animals, aquaculture husbandry practices, feed for organic aquaculture animals and products and substances allowed for use in organic aquaculture (Text with EEA relevance).

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## Article 25l

### Specific rules on feeds for certain aquaculture animals

[<sup>F71</sup> In the grow-out stages, aquaculture animals as referred to in Annex XIIIa, Section 6, Section 7 and Section 9 shall be fed with feed naturally available in ponds and lakes.]

2 Where natural feed resources are not available in sufficient quantities as referred to in paragraph 1, organic feed of plant origin, preferably grown on the farm itself or seaweed may be used. Operators shall keep documentary evidence of the need to use additional feed.

[<sup>F33</sup> Where natural feed is supplemented according to paragraph 2:

a the feed ration of siamese catfish (*Pangasius* spp.) as referred to in Section 9 of Annex XIIIa may comprise a maximum of 10 % fishmeal or fish oil derived from sustainable fisheries;

[<sup>F8b</sup> the feed ration of penaeid shrimps and freshwater prawns (*Macrobrachium* spp.) referred to in Section 7 of Annex XIIIa may comprise a maximum of 25 % fishmeal and 10 % fish oil derived from sustainable fisheries. In order to secure the quantitative dietary needs of those shrimps and prawns, organic cholesterol may be used to supplement their diets. Where organic cholesterol is not available, non-organic cholesterol derived from wool, shellfish or other sources may be used. The option to supplement their diet with cholesterol applies both in the grow-out stage and in earlier life stages in nurseries and hatcheries.]]

#### Textual Amendments

- F3** Substituted by Commission Implementing Regulation (EU) No 1358/2014 of 18 December 2014 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 as regards the origin of organic aquaculture animals, aquaculture husbandry practices, feed for organic aquaculture animals and products and substances allowed for use in organic aquaculture (Text with EEA relevance).
- F7** Substituted by Commission Implementing Regulation (EU) 2017/838 of 17 May 2017 amending Regulation (EC) No 889/2008 as regards feed for certain organic aquaculture animals (Text with EEA relevance).
- F8** Substituted by Commission Implementing Regulation (EU) 2018/1584 of 22 October 2018 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).

## *I* *F5 Article 25la*

### Specific rules on feeds for organic juveniles

In the larval rearing of organic juveniles, conventional phytoplankton and zooplankton may be used as feed.]

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#### Textual Amendments

- F5** Inserted by [Commission Implementing Regulation \(EU\) No 1358/2014 of 18 December 2014 amending Regulation \(EC\) No 889/2008 laying down detailed rules for the implementation of Council Regulation \(EC\) No 834/2007 as regards the origin of organic aquaculture animals, aquaculture husbandry practices, feed for organic aquaculture animals and products and substances allowed for use in organic aquaculture \(Text with EEA relevance\).](#)

#### Article 25m

### Products and substances as referred to in Article 15(1)(d)(iii) of Regulation (EC) No 834/2007

[<sup>F41</sup> Feed materials of mineral origin may be used in organic aquaculture only if listed in Section 1 of Annex V.]

2 Feed additives, certain products used in animal nutrition and processing aids may be used if listed in Annex VI and the restrictions laid down therein are complied with.

#### Textual Amendments

- F4** Substituted by [Commission Implementing Regulation \(EU\) No 505/2012 of 14 June 2012 amending and correcting 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.](#)

#### Section 6

### Specific rules for molluscs

#### Article 25n

### Growing area

1 Bivalve mollusc farming may be carried out in the same area of water as organic finfish and seaweed farming in a polyculture system to be documented in the sustainable management plan. Bivalve molluscs may also be grown together with gastropod molluscs, such as periwinkles, in polyculture.

2 Organic bivalve mollusc production shall take place within areas delimited by posts, floats or other clear markers and shall, as appropriate, be restrained by net bags, cages or other man made means.

3 Organic shellfish farms shall minimise risks to species of conservation interest. If predator nets are used their design shall not permit diving birds to be harmed.



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## Article 25o

### Sourcing of seed

1 Provided that there is no significant damage to the environment and if permitted by local legislation, wild seed from outside the boundaries of the production unit can be used in the case of bivalve shellfish provided it comes from:

- a settlement beds which are unlikely to survive winter weather or are surplus to requirements, or
- b natural settlement of shellfish seed on collectors.

Records shall be kept of how, where and when wild seed was collected to allow traceability back to the collection area.

[<sup>F2</sup>However, the maximum percentage of seed from non- organic bivalve shellfish hatcheries that may be introduced to the organic production units shall be 80 % by 31 December 2011, 50 % by 31 December 2014 and 0 % by 31 December 2016.]

2 For the cupped oyster, *Crassostrea gigas*, preference shall be given to stock which is selectively bred to reduce spawning in the wild.

#### 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 25p

### Management

1 Production shall use a stocking density not in excess of that used for non-organic shellfish in the locality. Sorting, thinning and stocking density adjustments shall be made according to the biomass and to ensure animal welfare and high product quality.

2 Biofouling organisms shall be removed by physical means or by hand and where appropriate returned to the sea away from shellfish farms. Shellfish may be treated once during the production cycle with a lime solution to control competing fouling organisms.

## Article 25q

### Cultivation rules

1 Cultivation on mussel ropes and other methods listed in Annex XIIIa, Section 8 may be eligible for organic production.

2 Bottom cultivation of molluscs is only permitted where no significant environmental impact is caused at the collection and growing sites. The evidence of minimal environmental impact shall be supported by a survey and report on the exploited area to be provided by the

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operator to the control body or control authority. The report shall be added as a separate chapter to the sustainable management plan.

#### *Article 25r*

### **Specific cultivation rules for oysters**

Cultivation in bags on trestles is permitted. These or other structures in which the oysters are contained shall be set out so as to avoid the formation of a total barrier along the shoreline. Stock shall be positioned carefully on the beds in relation to tidal flow to optimise production. Production shall meet the criteria listed in the Annex XIIIa, Section 8.

#### *Section 7*

### ***Disease prevention and veterinary treatment***

#### *Article 25s*

### **General rules on disease prevention**

1 The animal health management plan in conformity with Article 9 of Directive 2006/88/EC shall detail biosecurity and disease prevention practices including a written agreement for health counselling, proportionate to the production unit, with qualified aquaculture animal health services who shall visit the farm at a frequency of not less than once per year and not less than once every two years in the case of bivalve shellfish.

2 Holding systems, equipment and utensils shall be properly cleaned and disinfected. Only products listed in Annex VII, Sections 2.1 to 2.2 may be used.

3 With regard to fallowing:

- a The competent authority shall determine whether fallowing is necessary and the appropriate duration which shall be applied and documented after each production cycle in open water containment systems at sea. Fallowing is also recommended for other production methods using tanks, fishponds, and cages;
- b it shall not be mandatory for bivalve mollusc cultivation;
- c during fallowing the cage or other structure used for aquaculture animal production is emptied, disinfected and left empty before being used again.

4 Where appropriate, uneaten fish-feed, faeces and dead animals shall be removed promptly to avoid any risk of significant environmental damage as regards water status quality, minimize disease risks, and to avoid attracting insects or rodents.

5 Ultraviolet light and ozone may be used only in hatcheries and nurseries.

[<sup>F36</sup> For biological control of ectoparasites, preference shall be given to the use of cleaner fish and to the use of freshwater, marine water and sodium chloride solutions.]

#### **Textual Amendments**

- F3** Substituted by [Commission Implementing Regulation \(EU\) No 1358/2014 of 18 December 2014 amending Regulation \(EC\) No 889/2008 laying down detailed rules for the implementation of Council](#)

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Regulation (EC) No 834/2007 as regards the origin of organic aquaculture animals, aquaculture husbandry practices, feed for organic aquaculture animals and products and substances allowed for use in organic aquaculture (Text with EEA relevance).

## Article 25t

### Veterinary treatments

1 When despite preventive measures to ensure animal health, according to Article 15(1) (f)(i) of Regulation (EC) No 834/2007, a health problem arises, veterinary treatments may be used in the following order of preference:

- a substances from plants, animals or minerals in a homoeopathic dilution;
- b plants and their extracts not having anaesthetic effects, and
- c substances such as: trace elements, metals, natural immunostimulants or authorised probiotics.

2 The use of allopathic treatments is limited to two courses of treatment per year, with the exception of vaccinations and compulsory eradication schemes. However, in the cases of a production cycle of less than a year a limit of one allopathic treatment applies. If the mentioned limits for allopathic treatments are exceeded the concerned aquaculture animals can not be sold as organic products.

3 The use of parasite treatments, not including compulsory control schemes operated by Member States, shall be limited to twice per year or once per year where the production cycle is less than 18 months.

4 The withdrawal period for allopathic veterinary treatments and parasite treatments according to paragraph 3 including treatments under compulsory control and eradication schemes shall be twice the legal withdrawal period as referred to in Article 11 of Directive 2001/82/EC or in a case in which this period is not specified 48 hours.

5 Whenever veterinary medicinal products are used, such use is to be declared to the control body or the control authority before the animals are marketed as organic. Treated stock shall be clearly identifiable.]

#### 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.

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- (1) [<sup>F1</sup>OJ L 206, 22.7.1992, p. 7.]
- (2) [<sup>F1</sup>Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22)]

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#### 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.
- F5** Inserted by Commission Implementing Regulation (EU) No 1358/2014 of 18 December 2014 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 as regards the origin of organic aquaculture animals, aquaculture husbandry practices, feed for organic aquaculture animals and products and substances allowed for use in organic aquaculture (Text with EEA relevance).

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