

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

[^{F1}TITLE II

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

[^{F1}CHAPTER 2a

Aquaculture animal production

[^{F1}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.

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.

Status: Point in time view as at 31/01/2020.

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)

[^{F2}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 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.]

Status: Point in time view as at 31/01/2020.

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)

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.](#)

Status:

Point in time view as at 31/01/2020.

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.