

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

*Article 1*

Regulation (EC) No 889/2008 is amended as follows:

1. In Article 1, paragraph 2 is replaced by the following:
2. This Regulation shall not apply to:
  - a livestock species other than those referred to in Article 7; and
  - b to aquaculture animals other than those referred to in Article 25a.

However, Title II, Title III and Title IV shall apply *mutatis mutandis* to such products until detailed production rules for those products are laid down on the basis of Regulation (EC) No 834/2007.

2. Article 2 is amended as follows:
  - (a) point (f) is replaced by the following:
    - (f) “production unit” means all assets to be used for a production sector such as production premises, land parcels, pasturages, open air areas, livestock buildings, fish ponds, containment systems for seaweed or aquaculture animals, shore or seabed concessions, the premises for the storage of crops, crop products, seaweed products, animal products, raw materials and any other input relevant for this specific production sector;
  - (b) after point (i) the following points are added:
    - (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;
    - (k) “energy from renewable sources” means renewable non-fossil energy sources: wind, solar, geothermal, wave, tidal, hydropower, landfill gas, sewage treatment plant gas and biogases;
    - (l) “hatchery” means a place of breeding, hatching and rearing through the early life stages of aquaculture animals, finfish and shellfish in particular;
    - (m) “nursery” means a place where an intermediate farming system, between the hatchery and grow-out stages is applied. The nursery stage is completed within the first third of the production cycle with the exception of species undergoing a smoltification process;
    - (n) “pollution” in the framework of aquaculture and seaweed production means the direct or indirect introduction into the aquatic environment of substances or energy as defined in

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Directive 2008/56/EC of the European Parliament and of the Council<sup>(1)</sup> and in Directive 2000/60/EC of the European Parliament and of the Council<sup>(2)</sup>, in the waters where they respectively apply;

- (o) “polyculture” in the framework of aquaculture and seaweed production, means the rearing of two or more species usually from different trophic levels in the same culture unit;
- (p) “production cycle” in the framework of aquaculture and seaweed production, means the lifespan of an aquaculture animal or seaweed from the earliest life stage to harvesting;
- (q) “locally grown species” in the framework of aquaculture and seaweed production, means those which are neither alien nor locally absent species under Council Regulation (EC) No 708/2007<sup>(3)</sup>. Those species listed in Annex IV of Regulation (EC) No 708/2007 may be considered as locally grown species.
- (r) “stocking density” in the framework of aquaculture, means the live weight of animals per cubic metre of water at any time during the grow-out phase and in the case of flatfish and shrimp the weight per square metre of surface.

3. In Title II, the following Chapter 1a is inserted:

*CHAPTER 1a*

***Seaweed production***

*Article 6a*

**Scope**

This Chapter lays down detailed production rules for the collection and farming of seaweed. It applies *mutatis mutandis* to the production of all multi-cellular marine algae or phytoplankton and micro-algae for further use as feed for aquaculture animals.

*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. Member State authorities may designate locations or areas which they consider to be unsuitable for organic aquaculture or seaweed harvesting and may also set up minimum separation distances between organic and non-organic production units.

Where minimum separation distances are set Member States shall provide this information to operators, other Member States and the Commission.

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 Council Directive 85/337/EEC<sup>(4)</sup>. 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.

#### *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.

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.

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### *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.
4. In Article 21, paragraph 2 is replaced by the following:
  2. Up to 20 % of the total average amount of feedingstuffs fed to livestock may originate from the grazing or harvesting of permanent pastures, perennial forage parcels or protein crops, sown under organic management on lands in their first year of conversion, provided that they are part of the holding itself and have not been part of an organic production unit of that holding in the last five years. When both in-conversion feedingstuffs and feedingstuffs from parcels in their first year of conversion are being used, the total combined percentage of such feedingstuffs shall not exceed the maximum percentages fixed in paragraph 1.
5. In Title II, the following Chapter 2a is inserted:

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## 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>(5)</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.

##### 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.

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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.

3 The maximum percentage of non-organic aquaculture juveniles introduced to the farm shall be: 80 % by 31 December 2011, 50 % by 31 December 2013 and 0 % by 31 December 2015.

4 For on-growing purposes the collection of wild aquaculture juveniles is specifically restricted to the following cases:

- 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.

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### 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.
- 2 Stocking density is set out in Annex XIIIa by species or group of species. In considering the effects of stocking density 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.
- 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.

##### *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:

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- 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.

- 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.



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#### *Section 4*

#### ***Breeding***

#### *Article 25i*

#### **Prohibition of hormones**

The use of hormones and hormone derivatives is prohibited.

#### *Section 5*

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

#### *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.

#### *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;
  - d organic feed materials of plant origin and of animal origin as listed in Annex V and the restriction laid down therein are complied with.
- 2 If feed mentioned under paragraph 1 is not available, fishmeal and fish oil from non-organic aquaculture trimmings, or trimmings of fish caught for human consumption may be used for a transitional period until 31 December 2014. Such feed material shall not exceed 30 % of the daily ration.
- 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

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of their physiological needs. If organic sources are not available natural sources of astaxanthin (such as *Phaffia* yeast) may be used.

#### *Article 25l*

##### **Specific rules on feeds for certain aquaculture animals**

1 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.

3 Where natural feed is supplemented according to paragraph 2 the feed ration of species as mentioned in section 7 and of siamese catfish (*Pangasius* spp.) as mentioned in section 9 may comprise a maximum of 10 % fishmeal or fish oil derived from sustainable fisheries.

#### *Article 25m*

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

1 Feed materials of animal and mineral origin may be used in organic aquaculture, only if listed in 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.

#### *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.

However, seed from non-organic bivalve shellfish hatcheries may be introduced to the organic production units with the following maximum percentages: 80 % by 31 December 2011, 50 % by 31 December 2013 and 0 % by 31 December 2015.

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

### 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.

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### *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.
- 6 For biological control of ectoparasites preference shall be given to the use of cleaner fish.

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### *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..

6. In Chapter 3 of Title II, the following Article 29a is inserted after Article 29:

### *Article 29a*

#### **Specific provisions for seaweed**

1 If the final product is fresh seaweed, flushing of freshly harvested seaweed shall use seawater.

If the final product is dehydrated seaweed, potable water may also be used for flushing. Salt may be used for removal of moisture.

2 The use of direct flames which come in direct contact with the seaweed shall be prohibited for drying. If ropes or other equipment are used in the drying process they shall be free of anti-fouling treatments and cleaning or disinfection substances except where a product is listed in Annex VII for this use.

7. In Chapter 4 of Title II, the following Article 32a is inserted:

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### *Article 32a*

#### **Transport of live fish**

1 Live fish shall be transported in suitable tanks with clean water which meets their physiological needs in terms of temperature and dissolved oxygen.

2 Before transport of organic fish and fish products, tanks shall be thoroughly cleaned, disinfected and rinsed.

3 Precautions shall be taken to reduce stress. During transport, the density shall not reach a level which is detrimental to the species.

4 Documentary evidence shall be maintained for paragraphs 1 to 3.

8. In Article 35, paragraphs 2 and 3 are replaced by the following:

2. In case of organic plant, seaweed, livestock and aquaculture animal production units, storage of input products other than those authorised under this Regulation is prohibited in the production unit.

3 The storage of allopathic veterinary medicinal products and antibiotics is permitted on holdings provided that they have been prescribed by a veterinarian in connection with treatment as referred to in Articles 14(1)(e)(ii) or 15(1)(f)(ii) of Regulation (EC) No 834/2007, that they are stored in a supervised location and that they are entered in the livestock record as referred to in Article 76 of this Regulation, or as appropriate, in the aquaculture production records as referred to in Article 79b of this Regulation.

9. In Chapter 5 of Title II, the following Article 36a is inserted:

### *Article 36a*

#### **Seaweed**

1 The conversion period for a seaweed harvesting site shall be six months.

2 The conversion period for a seaweed cultivation unit shall be the longer of six months or one full production cycle.

10. In Chapter 5 of Title II, the following Article 38a is inserted after Article 38:

### *Article 38a*

#### **Aquaculture animal production**

1 The following conversion periods for aquaculture production units shall apply for the following types of aquaculture facilities including the existing aquaculture animals:

- a for facilities that cannot be drained, cleaned and disinfected, a conversion period of 24 months;
- b for facilities that have been drained, or fallowed, a conversion period of 12 months;

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- c for facilities that have been drained, cleaned and disinfected a conversion period of six months;
  - d for open water facilities including those farming bivalve molluscs, a three month conversion period.
- 2 The competent authority may decide to recognize retroactively as being part of the conversion period any previously documented period in which the facilities were not treated or exposed to products not authorized for organic production.
11. The heading of Article 43 is replaced by the following:
- Use of non-organic feed of plant and animal origin for livestock;**
12. Article 59, paragraph 1 is replaced by the following:
- This Chapter shall not apply to pet food and feed for fur animals.
13. Article 60, paragraph 1(a) is replaced by the following:
- (a) the processed feed complies with the provisions of Regulation (EC) No 834/2007 and in particular with Article 14(1)(d)(iv) and (v) for livestock or with Article 15(1)(d) for aquaculture animals and Article 18 thereof;
14. In Title IV, the following Chapter 2a is inserted:

#### *CHAPTER 2a*

#### ***Specific control requirements for seaweed***

##### *Article 73a*

#### **Control arrangements for seaweed**

When the control system applying specifically to seaweed is first implemented, the full description of the site referred to in Article 63(1)(a) shall include:

- (a) a full description of the installations on land and at sea;
- (b) the environmental assessment as outlined in Article 6b(3) where applicable;
- (c) the sustainable management plan as outlined in Article 6b(4) where applicable;
- (d) for wild seaweed a full description and a map of shore and sea collection areas and land areas where post collection activities take place shall be drawn up.

##### *Article 73b*

#### **Seaweed Production Records**

- 1 Seaweed production records shall be compiled in the form of a register by the operator and kept available for the control authorities or control bodies at all times at the premises of the holding. It shall provide at least the following information:

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- a list of species, date and quantity harvested;
  - b date of application, type and amount of fertiliser used.
- 2 For collection of wild seaweeds the register shall also contain:
- a history of harvesting activity for each species in named beds;
  - b harvest estimate (volumes) per season;
  - c sources of possible pollution for harvest beds;
  - d sustainable annual yield for each bed.
15. In Title IV, the following Chapter 3a is inserted:

### *CHAPTER 3a*

#### ***Specific control requirements for aquaculture animal production***

##### *Article 79a*

#### **Control arrangements for aquaculture animal production**

When the control system applying specifically to aquaculture animal production is first implemented, the full description of the unit referred to in Article 63(1)(a) shall include:

- (a) a full description of the installations on land and at sea;
- (b) the environmental assessment as outlined in Article 6b(3) where applicable;
- (c) the sustainable management plan as outlined in Article 6b(4) where applicable;
- (d) in the case of molluscs a summary of the special chapter of the sustainable management plan as required by Article 25q(2).

##### *Article 79b*

#### **Aquaculture animal production records**

The following information shall be provided by the operator in the form of a register which shall be kept up to date and made available for the control authorities or control bodies at all times at the premises of the holding

- (a) the origin, date of arrival and conversion period of animals arriving at the holding;
- (b) the number of lots, the age, weight and destination of animals leaving the holding;
- (c) records of escapes of fish;
- (d) for fish the type and quantity of feed and in the case of carp and related species a documentary record of the use additional feed;



- (e) veterinary treatments giving details of the purpose, date of application, method of application, type of product and withdrawal period;
- (f) disease prevention measures giving details of fallowing, cleaning and water treatment.

*Article 79c*

**Specific control visits for bivalve molluscs**

For bivalve mollusc production inspection visits shall take place before and during maximum biomass production.

*Article 79d*

**Several production units run by the same operator**

When an operator manages several production units as provided for in Articles 25c, the units which produce non-organic aquaculture animals shall also be subject to the control system as laid down in Chapter 1 and this Chapter.

- 16. The heading of Chapter 4 of Title IV is replaced by the following:  
***Control requirements for units for preparation of plant, seaweed, livestock and aquaculture animal products and foodstuffs composed thereof***
- 17. The heading of Chapter 5 of Title IV is replaced by the following:  
***Control requirements for imports of organic products from third countries***
- 18. In paragraph 2 of Article 93, the following points are added:
  - (e) the number of organic aquaculture animal production units,
  - (f) the volume of organic aquaculture animal production,
  - (g) optionally, the number of organic seaweed units and the volume of organic seaweed production.
- 19. In Article 95, paragraph 6 is replaced by the following:
  - 6. For the purpose of Article 12(1)(j) of Regulation (EC) No 834/2007 and pending the inclusion of specific substances according to Article 16(1)(f) of that Regulation, only products authorised by the competent authority may be used.
- 20. In Article 95, the following paragraph is added:
  - 11. The competent authority may authorise for a period expiring on 1 July 2013, those aquaculture animal and seaweed production units which are established and produce under nationally accepted organic rules before entry into force of this Regulation, to keep their organic status while adapting to the rules of this Regulation, provided there is no undue pollution of the waters with substances not allowed in organic production. Operators benefiting from this measure shall notify the facilities, fishponds, cages or seaweed lots which are concerned to the competent authority.
- 21. The Annexes are amended in accordance with the Annex to this Regulation.

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 710/2009. (See end of Document for details)*

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## *Article 2*

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

It shall apply as from 1 July 2010, with the following exceptions:

- (a) point 4 of Article 1 shall apply the day of entry into force of this Regulation.
- (b) corrective measures as provided for in point 19 of Article 1 and points 1(b) and (c) of the Annex shall apply from the entry into application of Regulation (EC) No 889/2008.

This Regulation may be revised on the basis of relevant proposals from Member States, which are accompanied by a duly justified motivation, with a view of the modification of this Regulation from 1 July 2013.

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

Done at Brussels, 5 August 2009.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

**Changes to legislation:** There are currently no known outstanding effects for the  
Commission Regulation (EC) No 710/2009. (See end of Document for details)

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- (1) OJ L 164, 25.6.2008, p. 19.
- (2) OJ L 327, 22.12.2000, p. 1.
- (3) OJ L 168, 28.6.2007, p. 1.
- (4) OJ L 175, 5.7.1985, p. 40.
- (5) OJ L 206, 22.7.1992, p. 7.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EC) No 710/2009.