**28/09/2015**

# CODEX COMMITTEE ON FOOD LABELLING
## (Forty-third Session)
## Ottawa, Ontario, Canada, 9 - 13 May 2016

## European Union Comments on

## CL 2014/30-FL:

## Proposed Draft amendments to the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Organic aquaculture (Para. 57 and Appendix III)

***European Union Competence***
***European Union Vote***

The European Union (EU) would like to submit the following comments:

**General Comments**

- The EU considers that the Proposed Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Organic aquaculture, as presented in Appendix III of the report of the 42nd Session of the CCFL, represents a good basis for discussions at the physical working group as well as at the next session of this committee.

- The EU considers it necessary for the protection of consumers and the credibility of the organic label that practices which are generally considered not compatible with organic farming are not allowed in organic aquaculture. In particular, the use of hormones – including on broodstock – and the growing of animals in artificial environments with no direct contact with their natural environment or natural sunlight should not be allowed in organic aquaculture. The stocking densities of organically farmed animals should also generally be lower than those in non-organic aquaculture. For the organic label to be meaningful and credible, organic production systems must be recognizably superior to non-organic systems in terms of respecting the farmed animals' health, welfare and behavioural needs, ensuring a harmonious relationship with their environment, and limiting the use of allopathic treatment and external inputs. If there is no obvious difference between organic and non-organic production methods, consumers will rightly call into question the very nature of the organic label.

- The EU considers that the contents of the tables listing substances approved for fertilizing and conditioning ponds and substances for cleaning and disinfecting, which are currently in square brackets, should only be discussed once an agreement is reached on the text of the proposed Guidelines.

**Specific Comments**

**Section 2: Description and definitions**

- In Section 2.2, the EU proposes to delete the definition of "Closed recirculation system", in conjunction with the suggested change to Section B2.14 (please see below). As emerged during the discussions at the 42nd session, the term recirculation systems may be used to cover different types of production, including some that are compatible with the principles of organic farming. Therefore, to avoid confusion and address this issue more effectively, the EU suggests making reference only to the specific aspects of some of these production systems which are not compatible with organic farming.

**Annex 1**

- In Section A2, paragraph 7, the EU suggests redrafting the sentence between brackets as follows: "The application of supplementary fertilizer, ~~**i.e. those listed in A2, Table 1,**~~ using natural organic compounds to the growing area should be restricted to pond cultivation**; only substances listed in A2, Table 1 may be used for this purpose**." In the EU's view, this would make the sentence clearer.

- In Section B2.8, the EU strongly disagrees on the exclusion of the conversion period for certain types of containment systems. A conversion period should always be applied. The EU asks for the deletion of the current paragraph and to replace it with the previously proposed version of this paragraph:

> *"**The conversion period should in general be at least one year. In cases where the water has been drained and the facility cleaned and disinfected, a shorter period of six months may apply. In the case of non-enclosed facilities in open waters, a shorter period of three months may apply provided that cages (net pens) have not been treated with prohibited antifoulants and there are no other sources of exposure to prohibited substances. During the conversion period the stock should not be subject to treatments or exposed to products which are not permitted for the production of organic foods**."*

- The EU proposes to redraft the first two sentences of section 2.9 as follows:

> "Breeds adapted to local conditions ~~**without evidence of adverse effects on local habitat or native species**~~ shall be chosen. Selection criteria should include their vitality and resistance to pest and diseases, **as well as their previous presence in the area without evidence of significant adverse effects on local habitat or native species**."

- In relation to the origin of aquaculture animals (Sections B2.9 and B2.10), the EU strongly believes that the use of exogenous releasing hormones should not be allowed, even for species that cannot spawn naturally in captivity. The prohibition of the use of hormones is a basic principle of organic farming. The EU also considers that a difference should be made between the use of wild juveniles and the use of non-organic farmed juveniles. The distinction between

animals used as breeders and animals introduced for on-growing should also be made clearer. To this aim, the EU suggests the following redrafting of these two sections:

B2.9 Breeds adapted to local conditions ~~**without evidence of adverse effects on local habitat or native species**~~ shall be chosen. Selection criteria should include their vitality and resistance to pest and diseases, **as well as their previous presence in the area without evidence of significant adverse effects on local habitat or native species**. Breeding stock should come from organic production units, where the parent stock has been under organic management for at least three months prior to breeding. ~~**For crustaceans**~~, **I**n cases where organic breeding stock is not available, **the Competent Authority may authorize the use of** wild caught parent stock ~~**may be used**~~, provided that they are kept under organic management before breeding **and providing their capture is compatible with the sustainable management of the wild stock**.

B2.10 When organic juveniles are not available, the Competent Authority may prescribe **conditions,** a time limit and percentage **for the introduction into organic farms** of ~~**non-organic**~~ juveniles **from non-organic hatcheries and nurseries** ~~**may be introduced**~~ for on-growing **purposes**, provided that the latter two thirds of their production cycle ~~**or 90% of their final biomass**~~ is under organic management ~~**and providing the stock is healthy**~~. For bivalve shellfish, ~~**juveniles**~~ **seed** may be wild-harvested from outside of the production area, provided **that** such harvesting is permitted by the competent authority, **that there is no significant damage to the environment,** and **that** records are kept to allow it be tracked back to the collection area.

- In Section B2.12, the EU asks for the reintroduction of the phrase *'and in general be lower than used in conventional farming'*, as this is one clear way for consumers to be reassured of the full respect of animal health and welfare. The EU is aware that there are cases where lower stocking densities might not be beneficial to the health and welfare of some species; however, it considers that the use of "in general" would leave Competent Authorities the needed flexibility. The EU also considers that reference should be made to animal health, not only welfare. The text would therefore be modified as follows “Maximum stocking density must be reflective of the natural behavior of species and in keeping with good **health and** welfare, **and in general be lower than used in conventional farming**. Competent authorities, or other recognized bodies may develop and publicise guide values for maximum densities for the species grown under their authority.”

- The EU suggests replacing Section B2.14 with the following text: "**Production should be based on natural conditions, including water temperature, oxygen content and natural light. Indoor production systems that are constantly dependent on artificial light, oxygen content and temperature regulation shall only be allowed in hatcheries and nurseries. The Competent authority may authorise limited use of artificial light, oxygen content and temperature control in other production units, provided this is fully compatible with the needs and welfare of the species farmed**." In the EU's view, this approach would allow exploiting the benefits of outdoor, extensive recirculation systems while at the same time ensuring that intensive indoor systems which are not in line with the organic principles are not allowed. As indicated in the general comment, the EU believes that labelling as "organic" a fish which has spent its whole life in tanks inside a closed building, without any contact with natural water bodies or natural sunlight, would be misleading for consumers, and would seriously risk compromising the credibility of the organic logo.

- In Section B2.15, the EU asks for the deletion of the word "Chemically" before "induced polyploidy", and it supports the removal of square brackets around the phrase *'artificial hybridization and use of single sex strains are prohibited'* at the end of the sentence concerning Breeding. In non-organic farming, poliploidy is artificially induced not only thorough chemical treatment but also through pressure and thermal shocks. In the EU's view, the induction of polyploidy in species that are diploid in nature is not compatible with the principles of organic farming, regardless of the methods used. The resulting last sentence of this section would be: "~~**Chemically I**~~nduced poliploidy, cloning, artificial hybridization and the use of single sex strains are prohibited."

- In Section B2.16, the EU considers that reference should be made to feed naturally occurring in the environment where the fish are farmed (this is typically the case e.g. in the extensive farming of carp or shrimp in ponds, where the animals take a substantial part of their nutrition from the environment). This was referred to as "natural feed" in a previous version of the document, but the Committee correctly noted that the term was unclear. Therefore, the EU suggests modifying paragraph b as follows: "The feedstuffs should meet the animal's nutritional requirements at the various stages of its development with **feed naturally available in the farming environment,** organic feeds or**,** if not available, sustainable wild sources of feed."

- In Section B2.16, the EU considers that precedence should be given to organic feed material of plant origin compared to feed from wild caught whole fish. The order should be changed accordingly. In the same Section, the EU suggests deleting the reference to non-organic aquaculture trimmings as a feed source, as these would weaken the separation between the organic and non-organic supply chain.

  "Regarding feeds for carnivorous aquaculture animals:
  a) they should be provided according to the following order of priority;
  a.1) organic feed products of aquaculture origin
  a.2) fishmeal and fish oil and ingredients derived from organic aquaculture trimmings
  a.3) fishmeal and fish oil derived from trimmings of fish caught for human consumption in sustainable fisheries.
  **a.4)** organic feed material **ofr** plant or animal origin.
  **a.5)** feed products derived from whole fish caught in sustainable fisheries as determined by the competent authority; / ~~**at an inclusion limit of up to 60%**~~
  ~~**When the above mentioned feeds are not available, fishmeal and fish oil derived from conventional aquaculture trimmings may be used. The certification body should set time limits for such products:**~~
  ~~**a.5) organic feed material of non-aquatic origin as allowed by national legislation;**~~
  b) the ration may include up to 60% of organic plant material;
  c) dead animals from any aquaculture production system should not be used when their death was due to disease or unknown cause."

- The EU considers that hormones must not be used in the breeding of organic animals. Therefore, it asks for the deletion of "for production or growth" at the end of Section B2.21: "Hormones treatment must not be used ~~**for production or growth**~~".

**Annex 2**

- Regarding the tables which have been maintained in square brackets, the EU can agree to the utilization of the structured review process described in paragraph 12 of the Foreword for substances which may appear to be controversial.

- However, as regard Table 2C, which includes the list of substances to be used for pest and disease control, the EU asks to postpone the discussion at a later stage in the step procedure when an agreement on the text of the Guidelines is reached (see point 3 of the General Comments).

  The EU is concerned about the listing of "rotenone" as a chemical for use in organic aquaculture. This substance should not be authorized. The EU, in collaboration with the European Food Safety Authority (EFSA), is undergoing its second review of active substances approved for use in Plant Protection Products. As a result, some changes were made to the list of plant protection products which are authorised for use in organic production in the European Union (Implementing Regulation (EU) No. 354/2014). A number of plant protection products have been removed from the list of accepted plant protection products, including rotenone extracted from Derris spp. and Lonchocarpus spp. and Terphrosia spp., due to its high toxicity for fish, humans and the environment.