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Order No 115 of 23 February 2004

Order on feedingstuffs for use in organic aquaculture

The following is laid down in accordance with Sections 2(2), (3) and (4); 3(1), 8, 9 and 12(2) of Act No 118 of 3 March 1999 (Organic Act), as amended by Section 2 of Act No 279 of 25 April 2001:

Section 1. Enterprises that produce, process, store or sell feedingstuffs for use in organic aquaculture shall be authorised in accordance with the Order on organic agricultural production.

Section 2. Provisions on sale shall apply accordingly to the offer for sale, including advertising and display on signs, distribution, supply or any other form of transfer of feedingstuffs to a third party with or without remuneration. The provisions concerning sale shall also apply to possession of feedingstuffs with a view to sale.

Section 3. Feedingstuffs for use in organic aquaculture must consist of:
feedingstuffs produced in accordance with Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs, as amended (Council Regulation),
2) feedingstuffs, included in Annex II, Part C.3 and D of the Council Regulation,
3) feedingstuffs whose origin is from wild aquatic resources.

Subsection 2. In compound feeds for breeding fish, in addition, approved colorants produced by *Phaffia Rhodozyma* type yeasts can be used. Breeding fish can accordingly not be sold as organic, cf. Order on organic aquaculture.

Subsection 3. Fishmeal in compound feeds shall be of LT (low temperature) quality.

Subsection 4. Colorants produced as referred to in subsection 2, may be preserved with the antioxidant ethoxyquin.

Subsection 5. If feedingstuffs, cf. subsection 1(1) are not obtainable in sufficient quantities, non-organic feedingstuffs can be used, cf. Council Regulation, Annex II, Part C.1 and C.2, with up to 5% of dry matter.

Subsection 6. If ingredients of wild aquatic resources origin are added to compound feeds, these shall be obtained from industrial fishing or from by-products from the edible fish industry. The fishing shall be carried out in accordance with the principles of the EU's common fisheries policy and the FAO's Code of Conduct for Responsible Fisheries as far as this is implemented in the common fisheries policy. Observance thereof shall be ensured by ongoing inspections and registration of the fishery. Moreover, the part of the production which originated from industrial fisheries and the part which originated from edible fisheries, respectively, together with the area the fishing was carried out shall be documented.

Subsection 7. The Plant Directorate can upon request authorise the use of vitamins and trace elements of synthetic origin, if they are not available in their natural form.

Section 4. Feedingstuffs for use in organic aquaculture must not consist of, contain or be produced using genetically modified material or products deriving there from.

Section 5. Feedingstuffs which comply with the conditions of Sections 3 and 4 can be labelled “Can be used in organic aquaculture”.

Subsection 2. Feedingstuffs labelled “Can be used in organic aquaculture” must be labelled with the Plant Directorate’s organic control code “DK-Ø-50” cf. Order on organic foodstuffs. The control code and the clause “Can be used in organic aquaculture” must be stated in the invoice, delivery note and, for packaged products, on the packaging.

Subsection 3. The labelling shall be according to the legislation of feedingstuffs in force contain information on the ingredients of agricultural origin, stating whether the ingredients are organic or not organic, and of the wild aquatic resources included in the products and their amount by weight in dry matter. The labelling has to be set up according to the principles that appear in Commission Regulation (EC) No 223/2003 of 5 February 2003 on labelling requirements related to the organic production method for feedingstuffs, compound feedingstuffs and feed materials and amending Council Regulation (EEC) No 2092/91.**Section 6.** The demands on production and preparation that are laid down pursuant to this order do not apply to organic fish and fish products legally produced and marketed in the other member states in the European Union or in EEA countries.

Section 7. The Plant Directorate shall carry out inspections concerning compliance with the Order’s provisions.

Subsection 2. The Plant Directorate may publish results and sanctions on the basis of the inspections. Publication may include names and addresses of enterprises authorised in accordance with the Order on organic agricultural production, and may take place before the administrative options for appeal have been exhausted, fines have been meted out or a final judgment has been passed. Publication may occur on a continual basis in electronic form.

Section 8. Appeal against decisions taken by the Plant Directorate in accordance with this Order shall be lodged within four weeks of the date of receipt of the decision. The appeal shall be addressed to the Ministry of Food, Agriculture and Fisheries and be sent to the Plant Directorate.

Subsection 2. Irrespective of whether a decision is being appealed against, cf. subsection 1, the Plant Directorate may reopen the case, if the Directorate considers there to be a possibility that new information relating to the case may lead to a different decision.

Section 9. A fine shall be imposed on anyone who contravenes Sections 1, 3, 4 or 5.

Subsection 2. Criminal liability may be incurred by companies etc. (legal entities) in accordance with Chapter 5 of the Penal Code.

Section 10. This Order shall enter into force on 3 March 2004.

The Plant Directorate, 23 February 2004

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