Ministerial Decree amending the Ministerial Decree of 8 November 2021 implementing the Decree of the Flemish Government of 29 October 2021 on the organic production and labelling of organic products as regards the production rules for specific animal species

Legal bases

This Decree is based on:
- the Order of 28 June 2013 on agricultural and fisheries policy, Article 4(1)(i), which was inserted by the Order of 26 April 2019;
- Article 7 of the Decree of the Flemish Government of 29 October 2021 on organic production and labelling of organic products.

Procedural requirements

The following procedural requirements have been met:
- The draft was notified to the European Commission by Communication No (number) on (date) in application of Article 5 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.
- The Finance Inspectorate gave its opinion on (date).
- The Council of State gave its opinion (number) on (date), pursuant to Article 84(1)(1), 2° of the Laws on the Council of State, coordinated on 12 January 1973.

THE FLEMISH MINISTER OF ENVIRONMENT AND AGRICULTURE DECREES:

Article 1. In the Ministerial Decree of 8 November 2021 implementing the Decree of the Flemish Government of 29 October 2021 on the organic production and labelling of organic products, as amended by the Ministerial Decrees of 27 January 2022, 29 April 2022, 27 January 2023, 27 October 2023 and 27 September 2024, Section 21 of Chapter 2, consisting of Articles 43 to 60, is replaced by the following:

‘Section 21. Production rules for specific animal species

Subsection 1. General provisions

Article 43. In accordance with Article 20 of Regulation (EU) 2018/848, production rules are laid down in this Section for the following animal species:
1° ostriches and their products;

2° snails and their products;
3° quail and their products.

Article 44. Unless otherwise provided for in this Section, the production rules laid down in the following arrangements shall also apply to the animal species and their products referred to in Article 43 of this Decree:
1° Regulation (EU) 2018/848 and its delegated and implementing acts;
2° this Decree and its implementing provisions.

Subsection 2. Conversion period

Article 45. The conversion period is:
1° five weeks for quail;
2° eight months for ostriches.

Article 46. The conversion period of the outdoor snail pens may be limited to 12 months if the land has not been treated with products not authorised for use in organic production during the previous year.

Subsection 3. Age at slaughter

Article 47. The following minimum ages apply at slaughter:
1° five weeks for quail;
2° eight months for ostriches.

Subsection 4. Use of non-organic animals

Article 48. The maximum age for the introduction of non-organic animals into an organic production unit shall be three days for ostriches and quails.

Article 49. In the case of ostriches and quails, the maximum percentage of non-organic nulliparous female animals that may be introduced into a holding per year shall be 10 % of the adult animal species in question or at least one non-organic animal. The operator shall keep the necessary documentary records thereof.

Article 50. In order to be able to sell the snails under organic indication, the animals shall be reared according to the organic production method after birth.

Only snails belonging to one of the following varieties may be used:
1° Helix aspersa aspersa;
2° Helix aspersa maxima;
3° Helix pomatia.

Non-organic snails may only be used as breeding animals and when no organic animals are available. The operator shall keep the necessary documentary records for this purpose.

Subsection 5. Housing and animal husbandry practices

Article 51. The minimum areas for indoor and outdoor spaces are set out in the table in Annex 1 to this Decree.

Article 52. From the 15 days of age, quails shall have access to the outdoors, weather conditions permitting. From the moment that it is possible, ostriches shall have access to the outdoors.

Subsection 6. Additional production rules for snails

Article 53. With the exception of the hibernation period and the period in the indoor area, the snails shall kept in an outdoor area. The outside area shall be planted.

The hibernation period may take place in a protected environment, namely a hibernaculum.

After the hibernation period, the snails shall be removed from the hibernaculum and may be kept in an indoor area until 15 May at the latest. The snails may be kept in the indoor area for a maximum of 6 weeks. The snails shall be released into the outdoor areas by 16 May at the latest. They may also be removed directly from the hibernaculum into the outdoor areas after the hibernation period, without first being kept in the indoor area.

Snails less than six weeks old may only be kept in an indoor area until 15 May. After that, they shall be kept in an outdoor area.

Article 54. In the autumn, the snails shall be brought to the hibernaculum for hibernation.

Any snails that are not fully fattened shall be transferred to a hibernaculum until they can be released again for further fattening the following year.

Article 55. The snails shall be kept and propagated with respect for their natural biological cycle.

At the end of each fattening cycle, the outdoor pens shall remain empty for at least four weeks.

Article 56. The outdoor areas for snails can be enriched with earthworms of the species Esenia fetida (brandling worm).

Article 57. Before slaughter, the snails are taken from the outdoor pens and fasted for at least four days. Scalding shall be carried out with boiling water that may or may not be salted.

Article 58. Covering the outdoor access with mesh is not considered to be covering the open-air spaces.

Article 59. Supplementary feeding of snails, both as breeding animals and production animals, is permitted.

Article 60. The sales description on the label of pre-packaged prepared snails shall include the scientific name of the snail.’.

Article 2. Annex 1 to the Ministerial Decree of 8 November 2021 implementing the Decree of the Flemish Government of 29 October 2021 on the organic production and labelling of organic products is replaced by the Annex attached to this Decree.

Brussels,

The Flemish Minister for Environment and Agriculture,

Jo BROUNS

Annex to the Ministerial Decree of amending the Ministerial Decree of 8 November 2021 implementing the Decree of the Flemish Government of 29 October 2021 on the organic production and labelling of organic products as regards the production rules for specific animal species

Annex 1 to the Ministerial Decree of 8 November 2021 implementing the Decree of the Flemish Government of 29 October 2021 on the organic production and labelling of organic products

	Age	Indoor area	Outdoor area
Ostriches	3 days to 6 weeks	A minimum of 0.75 m²/animal	Not applicable
	6 to 12 weeks	A minimum of 1.5 m²/animal	A minimum of 10 m²/animal
	12 weeks to 12 months	A minimum of 2.5 m²/animal	A minimum of 125 m²/animal
	Older than 12 months	A minimum of 4 m²/animal	A minimum of 200 m²/animal
Snails		A maximum of 660 animals/m²	Outdoor area maximum occupancy 330 animals/m²
Quails	0-14 days	120 animals/m²	/
	15-35 days	80 animals/m²	0.4 m²/animal
	From 36 days	50 animals/m²	0.4 m²/animal

To be annexed to the Ministerial Decree of amending the Ministerial Decree of 8 November 2021 implementing the Decree of the Flemish Government of 29 October 2021 on the organic production and labelling of organic products as regards the production rules for specific animal species.

Brussels,

The Flemish Minister for Environment and Agriculture,

Jo BROUNS