

# Consolidated EC Regulations for the Production, Processing and Importing of Organic Food, Feed & Aquaculture in the United Kingdom

This document consolidates the following Regulations (identified in the text by the following colours):

Regulation	Date published	Title	Application Date
Council Regulation (EC) 834/2007	28 June 2007	on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91	1 January 2009
Council Regulation (EC) 889/2008	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	1 January 2009
Commission Regulation (EC) 1254/2008	15 December 2008	amending Regulation (EC) No 889/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control	1 January 2009
Commission Regulation (EC) 710/2009	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  * 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.	1 July 2010*
Commission Regulation (EC) 271/2010	24 March 2010	amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards the organic production logo of the European Union	1/7/2010

## Notes:

1. The Regulation 834/2007 has been retained as written and the articles from the other Regulations put into the relevant sections.
2. Only the Footnotes from Regulation 834/2007 have been included.
3. Regulation 1235/2008 is not included as it mainly related to the control of certification in the third countries.

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Date	Revision history
13/4/2010	Regulation 271/2010 included. Paragraphs referenced to the relevant Regulation. Duplications removed.
1/3/2010	Regulation 1254/2008 included. 889.24.5 corrected from 4 to 48 hours. Formatting errors corrected
30/9/2009	Regulation 710/2009 included. Recitals from all Regulations included. Annexes X to XIII from Regulation 889 added.
30/11/2008	Consolidated Regulations 834 & 889 issued

## THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

### Recitals

Whereas:

#### Development of the Regulations

- (834.1) Organic production is an overall system of farm management and food production that combines best environmental practices, a high level of biodiversity, the preservation of natural resources, the application of high animal welfare standards and a production method in line with the preference of certain consumers for products produced using natural substances and processes. The organic production method thus plays a dual societal role, where it on the one hand provides for a specific market responding to a consumer demand for organic products, and on the other hand delivers public goods contributing to the protection of the environment and animal welfare, as well as to rural development.
- (834.2) The share of the organic agricultural sector is on the increase in most Member States. Growth in consumer demand in recent years is particularly remarkable. Recent reforms of the common agricultural policy, with its emphasis on market-orientation and the supply of quality products to meet consumer demands, are likely to further stimulate the market in organic produce. Against this background the legislation on organic production plays an increasingly important role in the agricultural policy framework and is closely related to developments in the agricultural markets.
- (834.3) The Community legal framework governing the sector of organic production should pursue the objective of ensuring fair competition and a proper functioning of the internal market in organic products, and of maintaining and justifying consumer confidence in products labelled as organic. It should further aim at providing conditions under which this sector can progress in line with production and market developments.
- (834.4) The Communication from the Commission to the Council and the European Parliament on a European Action Plan for Organic Food and Farming proposes to improve and reinforce the Community's organic farming standards and import and inspection requirements. In its conclusions of 18 October 2004, the Council called on the Commission to review the Community legal framework in this field with a view to ensure simplification and overall coherence and in particular to establish principles encouraging harmonization of standards and, where possible, to reduce the level of detail.
- (834.5) It is therefore appropriate to define more explicitly the objectives, principles and rules applicable to organic production, in order to contribute to transparency and consumer confidence as well as to a harmonised perception of the concept of organic production.
- (834.6) To that end, 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 <sup>(2)</sup> should be repealed and replaced by a new regulation.
- (889.1) Regulation (EC) No 834/2007, and in particular Titles III, IV and V thereof, lay down basic requirements with regard to production, labelling and control of organic products in the plant and livestock sector. Detailed rules for the implementation of those requirements should be laid down.

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<sup>(1)</sup> Opinion delivered on 22 May 2007 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 394/2007 (OJ L 98, 13.4.2007, p. 3).

- (889.35) In addition to the control system based on the Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (3) specific control measures should be laid down. In particular, detailed requirements with regard to all stages of production, preparation and distribution related to organic products.
- (889.2) The evolution of new detailed production rules on certain animal species, organic aquaculture, seaweed and yeasts used as food or feed on community level will require more time and therefore should be elaborated in a subsequent procedure. It is therefore appropriate to exclude those products from the scope of this Regulation. However, as regards certain livestock species, aquaculture products and seaweed, the Community rules provided for production, controls and labelling should apply *mutatis mutandis* to those products, in accordance with Article 42 of Regulation (EC) No 834/2007.
- (889.3) Certain definitions should be laid down in order to avoid ambiguities and to guarantee the uniform application of the organic production rules.
- (710.3) To ensure common understanding the definitions as laid down in Article 2 of Regulation (EC) No 889/2008 should be supplemented and corrected in order to avoid ambiguities and to guarantee the uniform application of the organic aquaculture animal and seaweed production rules.
- (834.7) A general Community framework of organic production rules should be established with regard to plant, livestock, and aquaculture production, including rules for the collection of wild plants and seaweeds, rules on conversion, as well as rules on the production of processed food, including wine, and feed and organic yeast. The Commission should authorise the use of products and substances and decide on methods to be used in organic farming and in the processing of organic food.
- (1254.1) Regulation (EC) No 834/2007, and in particular Article 20 thereof, lays down basic requirements for the production of organic yeast. Detailed rules for the implementation of those requirements should be laid down in Commission Regulation (EC) No 889/2008 (2).
- (1254.2) Since provisions for the production of organic yeast should be introduced, the scope of Regulation (EC) No 889/2008 should now also encompass yeasts used as food and feed.
- (834.8) The development of organic production should be facilitated further, in particular by fostering the use of new techniques and substances better suited to organic production.
- (710.1) Regulation (EC) No 834/2007 and in particular Title III thereof lays down basic requirements with regard to aquaculture animal and seaweed production. Detailed rules for the implementation of these requirements should be laid down by amending Commission Regulation (EC) No 889/2008 ( 2 ), which lays down detailed rules for the implementation of Regulation (EC) No 834/2007.
- (710.2) The Communication from the Commission to the Council and the European Parliament on a strategy for the sustainable development of European aquaculture ( 3 ) sets out a vision for the development of this sector over a ten year period to give a stable industry in rural and coastal areas providing alternatives to the fishing industry in terms of products and employment. The Communication pointed to the potential for organic aquaculture production and the requirement for norms and criteria to be developed.

#### **Genetically modified organisms**

- (834.9) Genetically modified organisms (GMOs) and products produced from or by GMOs are incompatible with the concept of organic production and consumers' perception of organic products. They should therefore not be used in organic farming or in the processing of organic products.
- (834.10) The aim is to have the lowest possible presence of GMOs in organic products. The existing labelling thresholds represent ceilings which are exclusively linked to the adventitious and technically unavoidable presence of GMOs.

- (834.30) The use of GMOs in organic production is prohibited. For the sake of clarity and coherence, it should not be possible to label a product as organic where it has to be labelled as containing GMOs, consisting of GMOs or produced from GMOs.

#### **Plant Production rules**

- (834.11) Organic farming should primarily rely on renewable resources within locally organised agricultural systems. In order to minimise the use of non-renewable resources, wastes and by-products of plant and animal origin should be recycled to return nutrients to the land.
- (834.12) Organic plant production should contribute to maintaining and enhancing soil fertility as well as to preventing soil erosion. Plants should preferably be fed through the soil ecosystem and not through soluble fertilisers added to the soil.
- (889.4) Organic plant production is based on nourishing the plants primarily through the soil ecosystem. Therefore hydroponic cultivation, where plants grow with their roots in an inert medium feed with soluble minerals and nutrients, should not be allowed.
- (710.8) Member States faces increasing shortages in the supply of organic protein crops. At the same time the imports of organic protein feed have been insufficient to meet requirements. The total cultivation area of organic protein crops is not large enough to meet the need for organic protein; therefore protein feed derived from parcels in their first year of conversion should be allowed to be fed under certain conditions.
- (1254.3) With a view to help organic farmers to find adequate feed supply for their animals and to facilitate conversion of organic area, in order to meet rising consumer demand for organic products, it is appropriate to allow the use of up to 100 % in-conversion feedingstuffs, produced on the farmers' own holding, in the feed ration of organic animals.
- (1254.4) According to Annex VI(B) to Council Regulation (EEC) No 2092/91 (3) only enzymes normally used as processing aids were allowed to be used in organic processing, enzymes used as food additives would have to be in the list of authorised food additives of Annex VI(A)(A.1) to that Regulation. It is necessary to reintroduce this provision in the new implementing rules.
- (1254.5) Since yeast is not considered as an agricultural product within the meaning of Article 32(3) of the Treaty and in order to allow the labelling of organic yeast as organic, it is necessary to amend the provision on the calculation of ingredients. However, the calculation of yeast and yeast products as agricultural ingredients will be obligatory as of 31 December 2013. This time period is necessary for the industry to be able to adjust.
- (1254.7) As recommended by a panel for organic yeast (5) several products and substances that are necessary for the production of organic yeast, yeast confections and formulations should be authorised under Article 21 of Regulation (EC) No 834/2007. Article 20 of that Regulation provides that only organically produced substrates are to be used for the production of organic yeast and organic yeast should not be present in organic food or feed together with non-organic yeast. However, the panel of experts has in its conclusions of 10 July 2008 recommended temporarily allowing 5 % non-organic yeast extract, until organic yeast extract is available, as additional substrate for the production of organic yeast as a source of nitrogen, phosphor, vitamins and minerals. In accordance to the flexibility rules under Article 22(2)(e) of that Regulation 5 % non-organic yeast extract should be authorised for the production of organic yeast.

#### **Inputs**

- (834.13) The essential elements of the organic plant production management system are soil fertility management, choice of species and varieties, multiannual crop rotation, recycling organic materials and cultivation techniques. Additional fertilisers, soil conditioners and plant protection products should only be used if they are compatible with the objectives and principles of organic production.
- (889.5) Organic plant production involves varied cultivation practices and limited use of fertilisers and conditioners of low solubility, therefore these practices should be specified. In

particular, conditions for the use of certain non-synthetic products should be laid down.

- (889.6) The use of pesticides, which may have detrimental effects on the environment or result in the presence of residues in agricultural products, should be significantly restricted. Preference should be given to the application of preventive measures in pest, disease and weed control. In addition, conditions for the use of certain plant protection products should be laid down.
- (889.7) For the purpose of organic farming, the use of certain plant protection products, fertilisers, soil conditioners, as well as certain non-organic feed materials, feed additives and feed processing aids and certain products used for cleaning and disinfection was allowed under Council Regulation (EEC) No 2092/91 (2) under well-defined conditions. For the sake of ensuring the continuity of organic farming the products and substances in question should, in accordance with the provisions laid down in Article 16(3)(c) of Regulation (EC) No 834/2007, continue to be allowed. Moreover, for the sake of clarity, it is appropriate to list in the Annexes to this Regulation the products and substances which had been allowed under Regulation (EEC) No 2092/91. Other products and substances may be added to these lists in the future under a different legal basis, namely Article 16(1) of Regulation (EC) No 834/2007. It is therefore appropriate to identify the distinct status of each category of products<sup>1</sup> and substances by means of a symbol in the list.

### **Livestock production rules**

- (834.14) Livestock production is fundamental to the organisation of agricultural production on organic holdings in so far as it provides the necessary organic matter and nutrients for cultivated land and accordingly contributes towards soil improvement and the development of sustainable agriculture.
- (889.8) The holistic approach of organic farming requires a livestock production related to the land, where the produced manure is used to nourish the crop production. Since livestock farming always implies the management of agricultural land, provision should be made to prohibit landless livestock production. In organic livestock production the choice of breeds should take account of their capacity to adapt to local conditions, their vitality and their resistance to disease and a wide biological diversity should be encouraged.
- (834.15) In order to avoid environmental pollution, in particular of natural resources such as the soil and water, organic production of livestock should in principle provide for a close relationship between such production and the land, suitable multiannual rotation systems and the feeding of livestock with organic-farming crop products produced on the holding itself or on neighbouring organic holdings.
- (889.12) In order to avoid environmental pollution of natural resources such as soil and water by nutrients, an upper limit for the use of manure per hectare and for keeping livestock per hectare should be set. This limit should be related to the nitrogen content of the manure.
- (834.16) As organic stock farming is a land-related activity animals should have, whenever possible, access to open air or grazing areas.
- (889.11) In most cases, livestock should have permanent access to open air areas for grazing, weather conditions permitting, and such open air areas should in principle be organized under an appropriate system of rotation.
- (834.17) Organic stock farming should respect high animal welfare standards and meet animals' species-specific behavioural needs while animal-health management should be based on disease prevention. In this respect, particular attention should be paid to housing conditions, husbandry practices and stocking densities. Moreover, the choice of breeds should take account of their capacity to adapt to local conditions. The implementing rules for livestock production and aquaculture production should at least ensure compliance with the provisions of the European Convention for the Protection of Animals kept for Farming purposes and the subsequent recommendations by its standing committee (T-AP).

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<sup>1</sup> OJ L 189, 20.7.2007, p. 1.

<sup>2</sup> OJ L198, 22.7.1991, p. 1.



- (889.10) Organic stock farming should ensure that specific behavioural needs of animals are met. In this regard, housing for all species of livestock should satisfy the needs of the animals concerned as regards ventilation, light, space and comfort and sufficient area should accordingly be provided to permit ample freedom of movement for each animal and to develop the animal's natural social behaviour. Specific housing conditions and husbandry practices with regard to certain animals, including bees, should be laid down. These specific housing conditions should serve a high level of animal welfare, which is a priority in organic livestock farming and therefore may go beyond Community welfare standards which apply to farming in general. Organic husbandry practices should prevent poultry from being reared too quickly. Therefore specific provisions to avoid intensive rearing methods should be laid down. In particular poultry shall either be reared until they reach a minimum age or else shall come from slow-growing poultry strains, so that in either case there is no incentive to use intensive rearing methods.
- (834.18) The organic livestock production system should aim at completing the production cycles of the different livestock species with organically reared animals. It should therefore encourage the increase of the gene pool of organic animals, improve self reliance and thus ensure the development of the sector.
- (889.9) Under certain circumstances operators may face difficulties in obtaining organic breeding animals from a reduced gene pool, which would hamper the development of the sector. Therefore the possibility of bringing a limited number of non-organic animals onto a farm for breeding purposes should be provided for.
- (889.13) Mutilations which lead to stress, harm, disease or the suffering of animals should be banned. However, specific operations essential to certain types of production and for the sake of security for animals and human beings may be permitted under restricted conditions.
- (889.14) Livestock should be fed on grass, fodder and feedingstuffs produced in accordance with the rules of organic farming, preferably coming from the own holding, by taking into account their physiological needs. In addition, in order to provide for the basic nutritional requirements of livestock, certain minerals, trace elements and vitamins may need to be used under well-defined conditions.
- (889.15) Since the existing regional differences in the possibility for organic ruminants to obtain the necessary essential vitamins A, D and E through their feed rations, as regards climate and available sources of feed, are expected to persist, the use of such vitamins for ruminants should be allowed.
- (889.16) Animal-health management should mainly be based on prevention of disease. In addition specific cleaning and disinfection measures should be applied.
- (889.17) The preventive use of chemically-synthesised allopathic medicinal products is not permitted in organic farming. However, in the event of a sickness or injury of an animal requiring an immediate treatment, the use of chemically synthesised allopathic medicinal products should be limited to a strict minimum. Furthermore, in order to guarantee the integrity of organic production for consumers it should be possible to take restrictive measures such as doubling the withdrawal period after use of chemically synthesized allopathic medicinal products.
- (889.18) Specific rules for disease prevention and veterinary treatment in beekeeping should be laid down.
- (889.23) The conversion to the organic production method requires certain periods of adaptation of all means in use. Depending on the previous farm production, specific time periods for the various production sectors should be laid down.

#### **Seaweed**

- (710.7) The cultivation of seaweed can have a beneficial effect in some respects such as nutrient removal and can facilitate polyculture. Care needs to be taken not to over-harvest wild seaweed beds to permit their regeneration and to ensure that production does not cause a significant impact on the state of the aquatic environment.

## Aquaculture

- (710.9) Given the early stage of organic aquaculture animal production organic broodstock is not available in sufficient quantities. Provision should be made for the introduction of non-organic broodstock and juveniles under certain conditions.
- (710.10) Organic aquaculture animal production should ensure that species-specific needs of animals are met. In this regard husbandry practices, management systems and containment systems should satisfy the welfare needs of animals. Provisions on the appropriate construction of cages and net pens at sea as well as for rearing systems on land should be made. To minimise pests and parasites and for the reason of high animal welfare and health, maximum stocking densities should be laid down. Taking account of the broad variation of species with particular needs, specific provisions should be laid down.
- (710.11) Recent technical development has led to increasing use of closed recirculation systems for aquaculture production, such systems depend on external input and high energy but permit reduction of waste discharges and prevention of escapes. Due to the principle that organic production should be as close as possible to nature the use of such systems should not be allowed for organic production until further knowledge is available. Exceptional use situation of hatcheries and nurseries.
- (710.12) The overall principles for organic production, as provided for in Article 4 and 5 of Regulation (EC) No 834/2007, shall be based on an appropriate design and management of biological processes, based on ecological systems using natural resources which are internal to the system by methods that, in particular practice aquaculture complying with the principle of sustainable exploitation of fisheries. They provide also for the principle that the biodiversity of natural aquatic ecosystems has to be maintained in aquaculture production. These principles are otherwise based on risk assessment, and the use of precautionary and preventive measures, when appropriate. To this end, it should be clarified that artificial induction of the reproduction of aquaculture animals through hormones and hormones derivatives is incompatible with the concept of organic production and consumer perception of organic aquaculture products and that such substances should therefore not be used in organic aquaculture.
- (710.13) Feed for aquaculture animals should meet the nutritional needs and is also required to meet the health requirement that feed coming from a species is not fed to the same species as laid down in Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ( 1 ). It is therefore appropriate to lay down specific provisions for carnivorous and non-carnivorous aquaculture animals.
- (710.14) The raw materials for feeding organic carnivorous fish and crustaceans should preferably be derived from sustainable exploitation of fisheries as referred to in Article 5(o) of Regulation (EC) No 834/2007 and defined in Article 3(e) of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ( 2 ) or organic feed derived from organic aquaculture sources. Given the early stage of organic aquaculture and sustainable fisheries shortages of organic feed or feed from sustainable fisheries may occur, provisions should be made for the use of non-organic feed and be based on Regulation (EC) No 1774/2002 of the European Parliament and of the Council ( 3 ), which sets the health rules for material of fish origin which may be used in aquaculture and provides for a ban on the feeding of certain materials derived from farmed fish to farmed fish of the same species.
- (710.15) For the purpose of organic aquaculture animal and seaweed production, the use of certain non-organic feed materials, feed additives and processing aids is allowed under well-defined conditions. New materials in question should be authorised according to Article 16(1) of Regulation (EC) No 834/2007. Based on the recommendation of an ad-hoc expert group ( 1 ) on 'Fish feed and cleaning materials in organic aquaculture' which concluded that such substances already listed in Annex V and Annex VI to Regulation (EC) No 889/2008 and authorised for organic livestock production should be allowed also for organic aquaculture and concluding that certain substances are essential for particular fish species, such substances should be added to Annex VI to that Regulation.

- (710.16) The cultivation of filter feeding bivalve molluscs can have a beneficial effect on coastal water quality via the removal of nutrients and their use can also facilitate polyculture. Specific rules for molluscs should be laid down by taking into account that supplementary feeding is not required and that the environmental impact could be consequently lower than other branches of aquaculture in this respect.
- (710.17) Animal health management should be primarily based on the prevention of disease. The measures provided for in this Regulation should be without prejudice to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals ( 2 ) in case of veterinary treatment. Certain substances for cleaning, antifouling treatment and disinfection of production equipment and facilities should be allowed under defined conditions. In the presence of live animals the use of disinfection substances requires particular care and measures to ensure that the application is not harmful. Such substances should be authorised according to Article 16(1) of Regulation (EC) No 834/2007. Based on the recommendation of an ad-hoc expert group such substances should be listed in the Annex.
- (710.18) Specific rules for veterinary treatment should be laid down ranking the different types of treatments and limiting the frequency of use in the case of allopathic treatments.
- (710.19) Precaution should be taken during the handling and transport of live fish so as to meet their physiological needs.
- (710.20) The conversion to the organic production method requires the adaptation of all means to the organic method for a given period. Depending on the previous production systems specific conversion periods should be laid down.
- (710.21) It appeared that certain Annexes of Regulation (EC) No 889/2007 contain mistakes; Provisions to correct these mistakes should be taken.
- (710.22) Provisions for specific control requirements which take account of the specificities of aquaculture should be laid down.
- (710.23) To facilitate the conversion of holdings already producing organically under national or private standards to the new Community rules certain transitional measures should be laid down.
- (710.24) Organic aquaculture is a relatively new field of organic production compared to organic agriculture, where long experience exists at the farm level. Given consumers' growing interest in organic aquaculture products further growth in the conversion of aquaculture units to organic production is likely. This will soon lead to increased experience and technical knowledge. Moreover, planned research is expected to result in new knowledge in particular on containment systems, the need of non-organic feed ingredients, or stocking densities for certain species. New knowledge and technical development, which would lead to an improvement in organic aquaculture, should be reflected in the production rules. Therefore provision should be made to review the present legislation with a view to modifying it where appropriate. (25) Regulation (EC) No 889/2008 should therefore be amended accordingly. (26) The measures provided for in this Regulation are in accordance with the opinion of the regulatory Committee on organic production,

### **Processing rules**

- (834.19) Organic processed products should be produced by the use of processing methods which guarantee that the organic integrity and vital qualities of the product are maintained through all stages of the production chain.
- (889.19) Provision should be made to require operators producing feed or food to take account of appropriate procedures based on a systematic identification of critical processing steps in order to ensure that the produced processed products comply with the organic production rules.
- (889.22) Under certain conditions organic products and non-organic products can be collected and transported simultaneously. In order to duly separate organic from non-organic products during handling and to avoid any commingling specific provisions should be laid down.



## Labelling rules & the Organic production logo of the European Union'

- (834.20) Processed food should be labelled as organic only where all or almost all the ingredients of agricultural origin are organic. However, special labelling provisions should be laid down for processed foods which include agricultural ingredients that cannot be obtained organically, as it is the case for products of hunting and fishing. Moreover, for the purpose of consumer information, transparency in the market and to stimulate the use of organic ingredients, it should also be made possible to refer to organic production in the ingredients list under certain conditions.
- (834.23) For the sake of consumer protection and fair competition, the terms used to indicate organic products should be protected from being used on non-organic products throughout the Community and independently of the language used. The protection should also apply to the usual derivatives or diminutives of those terms, whether they are used alone or combined.
- (834.24) In order to create clarity for consumers throughout the Community market, the EU-logo should be made obligatory for all organic pre-packaged food produced within the Community. It should otherwise be possible to use the EU-logo on a voluntary basis in the case of non pre-packaged organic products produced within the Community or any organic products imported from third countries.
- (834.25) It is however considered appropriate to limit the use of the EU-logo to products which contain only, or almost only, organic ingredients in order not to mislead consumers as to the organic nature of the entire product. It should therefore not be allowed to use it in the labelling of in-conversion products or processed foodstuffs of which less than 95 % of its ingredients of agricultural origin are organic.
- (271.1) Article 24 of Regulation (EC) No 834/2007 lays down that the Community logo is one of the compulsory indications to be used on the packaging of products bearing terms referring to the organic production method as referred to in Article 23(1), and that the use of this logo is optional for products imported from third countries. Article 25(1) of Regulation (EC) No 834/2007 allows the use of the Community logo in the labelling, presentation and advertising of products which satisfy the requirements set out under that Regulation.
- (271.2) Experience gained in the application of 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 ( 2 ), which has been replaced by Regulation (EC) No 834/2007, has shown that the Community logo which could be used on a voluntary basis no longer meets the expectations of the operators in the sector nor of the consumers.
- (271.3) New rules concerning the logo should be introduced in 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 ( 3 ). Those rules should allow that the logo is better adapted to the developments in the sector, in particular through better identification by the consumer of organic products falling under the EU regulations concerning the organic production.
- (271.4) Following the entry into force of the Lisbon Treaty, it is appropriate to refer to 'organic production logo of the European Union' instead of 'Community organic production logo'.
- (271.5) A competition was organised by the Commission amongst students of art and design from the Member States, with a view to gather proposals for a new logo, and an independent jury made a selection and ranking of the 10 best proposals. Further scrutiny from the point of view of the intellectual property allowed to identify the three best designs from that point of view, which were subsequently submitted to a consultation on the Internet opened from 7 December 2009 to 31 January 2010. The proposed logo chosen by a majority of visitors of the website over that period should be adopted as the new organic production logo of the European Union.
- (271.6) The change of the organic production logo of the European Union as from the 1 July 2010 should not cause difficulties on the market, and in particular it should be allowed

that organic products which have been already placed on the market can be sold without the compulsory indications required by Article 24 of Regulation (EC) No 834/2007, provided that the products in question comply with Regulation (EEC) No 2092/91 or Regulation (EC) No 834/2007.

- (271.7) In order to enable the use of the logo as soon as it is compulsory in accordance with the EU legislation and to ensure the effective functioning of the internal market, to guarantee fair competition and to protect consumer interests, the new organic production logo of the European Union was registered as an Organic Farming Collective Mark in the Benelux Office for Intellectual Property and is consequently in force, usable and protected. The logo will also be registered in the Community and International Registers.
- (271.8) Article 58 of Regulation (EC) No 889/2008 lays down that the code number of the control body or authority should be placed immediately below the Community logo without specific indication about the format and the attribution of these codes. In order to establish a harmonised application of these code numbers, detailed rules about the format and the attribution of these codes should be set out.
- (271.9) Regulation (EC) No 889/2008 should therefore be amended accordingly.
- (271.10) The measures provided for in this Regulation are in accordance with the opinion of the Regulatory Committee on Organic Production.
- (834.26) The EU-logo should under no circumstances prevent the simultaneous use of national or private logos.
- (834.27) Moreover, for the sake of avoiding deceptive practices and any possible confusion amongst consumers on the Community or non-Community origin of the product, whenever the EU-logo is used, consumers should be informed about the place where the agricultural raw materials of which the product is composed have been farmed.
- (889.34) In accordance with Article 26 of Regulation (EC) No 834/2007, specific requirements for the labelling of organic feed should be laid down taking into account the varieties and composition of feed and the horizontal labelling provisions applicable to feed.

### **Composition rules**

- (889.20) Certain non-organic products and substances are needed in order to ensure the production of certain processed organic food and feed. The harmonization of wine processing rules on Community level will require more time. Therefore the mentioned products should be excluded for wine processing until, in a subsequent procedure, specific rules are laid down.
- (889.21) For the purpose of processing organic food, the use of certain ingredients of non-agricultural origin, certain food processing aid and certain non-organic ingredients of agricultural origin was allowed under Regulation (EEC) No 2092/91 under well-defined conditions. For the sake of ensuring the continuity of organic farming the products and substances in question should, in accordance with the provisions laid down in Article 21(2) of Regulation (EC) No 834/2007, continue to be allowed. Moreover, for the Regulation the products and substances which had been allowed under Regulation (EEC) No 2092/91. Other products and substances may be added to these lists in the future under a different legal basis, namely Article 21(2) of Regulation (EC) No 834/2007. It is therefore appropriate to identify the distinct status of each category of products and substances by means of a symbol in the list.
- (1254.6) The decorative colouring of boiled eggs is traditional in certain regions of the European Union at a certain period of the year, and as organic eggs may also be coloured and placed on the market, certain Member States lodged a request to allow colours for this purpose, a panel of independent experts was examining certain colours and different other substances for disinfecting and conserving the boiled eggs (4) and concluded that a number of natural colours could be authorised, as well as synthetic forms of iron oxides and iron hydroxides on a temporary basis. Given the local and seasonal character of the production it is however appropriate to give to competent authorities the capacity to give relevant authorisations.

- (1254.7) As recommended by a panel for organic yeast (5) several products and substances that are necessary for the production of organic yeast, yeast confections and formulations should be authorised under Article 21 of Regulation (EC) No 834/2007. Article 20 of that Regulation provides that only organically produced substrates are to be used for the production of organic yeast and organic yeast should not be present in organic food or feed together with non-organic yeast. However, the panel of experts has in its conclusions of 10 July 2008 recommended temporarily allowing 5 % non-organic yeast extract, until organic yeast extract is available, as additional substrate for the production of organic yeast as a source of nitrogen, phosphorus, vitamins and minerals. In accordance to the flexibility rules under Article 22(2)(e) of that Regulation 5 % non-organic yeast extract should be authorised for the production of organic yeast.

### **Exceptions**

- (834.21) It is appropriate to provide for flexibility as regards the application of production rules, so as to make it possible to adapt organic standards and requirements to local climatic or geographic conditions, specific husbandry practices and stages of development. This should allow for the application of exceptional rules, but only within the limits of specific conditions laid down in Community legislation.
- (834.22) It is important to maintain consumer confidence in organic products. Exceptions from the requirements applicable to organic production should therefore be strictly limited to cases where the application of exceptional rules is deemed to be justified.
- (889.24) In accordance with Article 22 of Regulation (EC) No 834/2007, specific conditions for the application of exceptions provided for in that Article should be laid down. It is appropriate to set out such conditions with regard to the non availability of organic animals, feed, beeswax, seeds and seed potatoes and organic ingredients as well as to specific problems related to the livestock management and in the case of catastrophic circumstances.
- (889.25) Geographical and structural differences in agriculture and climatic constraints may hamper the development of organic production in certain regions and therefore call for exceptions for certain practices as regards the characteristics of livestock buildings and installations. Therefore tethering of animals should, under well-defined conditions, be allowed in holdings which, due to their geographical location and structural constraints, in particular with regard to mountainous areas, are of small size, and only where it is not possible to keep the cattle in groups appropriate to their behavioural needs.
- (889.26) For the purpose of ensuring the development of an incipient organic livestock sector, several temporary derogations as regards tethering of animals, housing conditions for animals and stocking densities were granted under Regulation (EEC) No 2092/91. These derogations should, on a transitional basis, be maintained until their expiry date, in order not to disrupt the organic livestock sector.
- (889.27) Considering the importance of pollination of the organic beekeeping sector it should be possible to grant exceptions permitting the parallel production of organic and nonorganic beekeeping unit on the same farm.
- (889.28) Under certain circumstances, farmers may experience difficulty in securing supplies of organically reared livestock and organic feedingstuffs and therefore authorization should be granted for a limited number of non-organically produced farm input to be used in restricted quantities.
- (889.29) Major efforts have been undertaken by producers involved in organic production for the development of the production of organic seeds and vegetative materials in order to establish a broad choice of plant varieties of plant species for which organic seeds and vegetative propagating material is available. However, currently for many species there is still not enough organic seed and vegetative propagating material available and, in those cases, the use of non-organic seed and vegetative propagating material should be allowed.
- (889.30) In order to help operators to find organic seed and seed potatoes, each Member State should ensure that a database is set up that contains the varieties of which organic seed and seed potatoes are available on the market.

- (889.31) The management of adult bovine animals may endanger the keeper and other persons handling the animals. Therefore provision should be made to allow for exceptions to be granted during the final fattening phase of mammals, in particular with regard to bovine animals.
- (889.32) Catastrophic circumstances or widespread animal or plant diseases may have serious effects on the organic production in the regions concerned. Appropriate measures need to be taken to ensure the maintenance of farming or even the reestablishment of farming. Therefore the supply of nonorganic animals, or non-organic feed should be made possible for a limited period in the affected areas. (33) In accordance with Articles 24(3) and 25(3) of Regulation (EC) No 834/2007, specific criteria as regards the presentation, composition, size and design of the Community logo, as well as the presentation and composition of the code number of the control authority or control body and of the indication of the place where the agricultural product has been farmed should be laid down.

### **Harmonisation of rules**

- (834.28) The Community rules should promote a harmonized concept of organic production. The competent authorities, control authorities and control bodies should refrain from any conduct that might create obstacles to the free movement of compliant products that have been certified by an authority or body located in another Member State. They should in particular not impose any additional controls or financial burdens.
- (834.29) For the sake of consistency with Community legislation in other fields, in the case of plant and livestock production, Member States should be allowed to apply within their own territories, national production rules which are stricter than the Community organic production rules, provided that these national rules also apply to non-organic production and are otherwise in conformity with Community law.
- (834.31) In order to ensure that organic products are produced in accordance with the requirements laid down under the Community legal framework on organic production, activities performed by operators at all stages of production, preparation and distribution of organic products should be submitted to a control system set up and managed in conformity with the rules laid down in Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(3)</sup>.
- (834.32) It might in some cases appear disproportionate to apply notification and control requirements to certain types of retail operators, such as those who sell products directly to the final consumer or user. It is therefore appropriate to allow Member States to exempt such operators from these requirements. However, in order to avoid fraud it is necessary to exclude from the exemption those retail operators who produce, prepare or store products other than in connection with the point of sale, or who import organic products or who have contracted out the aforesaid activities to a third party.

### **Imports from third countries**

- (834.33) Organic products imported into the European Community should be allowed to be placed on the Community market as organic, where they have been produced in accordance with production rules and subject to control arrangements that are in compliance with or equivalent to those laid down in Community legislation. In addition, the products imported under an equivalent system should be covered by a certificate issued by the competent authority, or recognised control authority or body of the third country concerned.
- (834.34) The assessment of equivalency with regard to imported products should take into account the international standards laid down in *Codex Alimentarius*.
- (834.35) It is considered appropriate to maintain the list of third countries recognised by the Commission as having production standards and control arrangement which are equivalent to those provided for in Community legislation. For third countries which are

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<sup>(3)</sup> OJ L 165, 30.4.2004, p. 1. Corrected by OJ L 191, 28.5.2004, p. 1.

not included in that list, the Commission should set up a list of control authorities and control bodies recognised as being competent for the task of ensuring controls and certification in third countries concerned.

#### **Notifications to the Commission**

- (834.36) Relevant statistical information should be collected in order to obtain reliable data needed for the implementation and follow-up of this Regulation and as a tool for producers, market operators and policy makers. The statistical information needed should be defined within the context of the Community Statistical Programme.
- (889.36) Notifications of information by the Member States to the Commission must enable it to use the information sent directly and as effectively as possible for the management of statistical information and referential data. To achieve this objective, all information to be made available or to be communicated between the Member States and the Commission should be sent electronically or in digital form.
- (889.37) Exchanges of information and documents between the Commission and the Member States, and the provision and notification of information from the Member States to the Commission are generally carried out electronically or in digital form. In order to improve the way such exchanges of information under organic production rules are dealt with and to extend their use, it is necessary to adapt the existing computer systems or set up new ones. Provision should be made for this to be done by the Commission and implemented after informing the Member States via the Committee on organic production.
- (889.38) The conditions under which information is processed by these computer systems and the form and content of documents which have to be communicated under Regulation (EC) No 834/2007 have to be adjusted frequently in line with changes to the applicable rules or management requirements. Uniform presentation of the documents to be sent in by the Member States is also necessary. To achieve these objectives and to simplify procedures and ensure that the computer systems concerned can be made operational immediately, the form and content of the documents should be laid down on the basis of models or questionnaires, which should be adapted and updated by the Commission after informing the Committee on organic production

#### **Transitional measures**

- (834.37) This Regulation should apply from a date which gives the Commission sufficient time to adopt the measures necessary for its implementation.
- (834.38) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(4)</sup>.
- (889.39) Transitional measures should be laid down, for certain provisions established under Regulation (EEC) No 2092/91, in order not to jeopardize the continuity of the organic production.
- (889.40) Commission Regulation (EEC) No 207/93 of 29 January 1993 defining the content of Annex VI to Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs and laying down detailed rules for implementing the provisions of Article 5(4) thereto (4) Commission Regulation (EC) No 1452/2003 of 14 August 2003 maintaining the derogation provided for in Article 6 (3)(a) of Council Regulation (EEC) No 2092/91 with regard to certain species of seed and vegetative propagating material and laying down procedural rules and criteria relating to that derogation (5) and Commission Regulation (EC) No 223/2003 of 5 February 2003 on labeling requirements related to the organic production method for feedingstuffs, compound feedingstuffs and feed materials and amending Council Regulation (EEC) No 2092/91 (6) should be repealed and replaced by a new Regulation. (41) Regulation (EEC) No 2092/91 is repealed by Regulation (EC) No 834/2007 with effect from 1 January 2009. However, many of its provisions should, with some adaptation, continue to apply and should therefore be adopted in the framework of this

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<sup>(4)</sup> OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/ 512/EC (OJ L 200, 22.7.2006, p. 11).



Regulation. For the sake of clarity it is appropriate to set out the correlation between those provisions of Regulation (EEC) No 2092/91 and the provisions of this Regulation.

- (889.42) The measures provided for in this Regulation are in accordance with the opinion of the regulatory Committee on organic production,

#### **Review**

- (834.39) The dynamic evolution of the organic sector, certain highly sensitive issues linked to the organic production method and the need to ensure a smooth functioning of the internal market and control system makes it appropriate to provide for a future review of the Community rules on organic farming, taking into account the experience gained from the application of these rules.

#### **National Standards**

- (834.40) Pending the adoption of detailed Community production rules for certain animal species and aquatic plants and micro-algae, Member States should have the possibility to provide for the application of national standards or, in the absence thereof, private standards accepted or recognized by the Member States,

## TITLE I - AIM, SCOPE AND DEFINITIONS

### Article 1

#### Aim and scope

834.1.1 This Regulation provides the basis for the sustainable development of organic production while ensuring the effective functioning of the internal market, guaranteeing fair competition, ensuring consumer confidence and protecting consumer interests.

It establishes common objectives and principles to underpin the rules set out under this Regulation concerning:

- (a) all stages of production, preparation and distribution of organic products and their control;
- (b) the use of indications referring to organic production in labelling and advertising.

834.1.2 This Regulation shall apply to the following products originating from agriculture, including aquaculture, where such products are placed on the market or are intended to be placed on the market:

- (a) live or unprocessed agricultural products;
- (b) processed agricultural products for use as food;
- (c) feed;
- (d) vegetative propagating material and seeds for cultivation.

The products of hunting and fishing of wild animals shall not be considered as organic production.

This Regulation shall also apply to yeasts used as food or feed.

834.1.3 This Regulation shall apply to any operator involved in activities, at any stage of production, preparation and distribution, relating to the products set out in paragraph 2.

However, mass catering operations shall not be subject to this Regulation. Member States may apply national rules or, in the absence thereof, private standards, on labelling and control of products originating from mass catering operations, in so far as the said rules comply with Community Law.

834.1.4 This Regulation shall apply without prejudice to other community provisions or national provisions, in conformity with Community law concerning products specified in this Article, such as provisions governing the production, preparation, marketing, labelling and control, including legislation on foodstuffs and animal nutrition.

710.1 This Regulation lays down specific rules on organic production, labelling and control in respect of products referred to in Article 1(2) of Regulation (EC) No 834/2007.

710.2 This Regulation shall not apply to the following products:

- (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.

#### Transitional measures

889.95.5 Pending the inclusion of detailed processing rules for pet food, national rules or in the

absence thereof, private standards accepted or recognised by the Member States shall apply.

## **Article 2**

### **Definitions**

834.2 For the purposes of this Regulation, the following definitions shall apply:

- (834.2a) 'organic production' means the use of the production method compliant with the rules established in this Regulation, at all stages of production, preparation and distribution;
- (834.2b) 'stages of production, preparation and distribution' means any stage from and including the primary production of an organic product up to and including its storage, processing, transport, sale or supply to the final consumer, and where relevant labelling, advertising, import, export and subcontracting activities;
- (834.2c) 'organic' means coming from or related to organic production;
- (834.2d) 'operator' means the natural or legal persons responsible for ensuring that the requirements of this Regulation are met within the organic business under their control;
- (834.2e) 'plant production' means production of agricultural crop products including harvesting of wild plant products for commercial purposes;
- (834.2f) 'livestock production' means the production of domestic or domesticated terrestrial animals (including insects);
- (834.2g) the definition of 'aquaculture' is that given in Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund <sup>(5)</sup>;
- (834.2h) 'conversion' means the transition from non organic to organic farming within a given period of time, during which the provisions concerning the organic production have been applied;
- (834.2i) 'preparation' means the operations of preserving and/or processing of organic products, including slaughter and cutting for livestock products, and also packaging, labeling and/or alterations made to the labelling concerning the organic production method;
- (834.2j) the definitions of 'food', 'feed' and 'placing on the market' are those given in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(6)</sup>;
- (834.2k) 'labelling' means any terms, words, particulars, trade marks, brand name, pictorial matter or symbol relating to and placed on any packaging, document, notice, label, board, ring or collar accompanying or referring to a product;
- (834.2l) the definition of 'pre-packaged foodstuff' is that given in Article 1(3)(b) of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs <sup>(7)</sup>;
- (834.2m) 'advertising' means any representation to the public, by any means other

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<sup>(5)</sup> OJ L 223, 15.8.2006, p. 1.

<sup>(6)</sup> OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

<sup>(7)</sup> OJ L 109, 6.5.2000, p. 29. Directive as last amended by Commission Directive 2006/142/EC (OJ L 368, 23.12.2006, p. 110).

than a label, that is intended or is likely to influence and shape attitude, beliefs and behaviours in order to promote directly or indirectly the sale of organic products;

- (834.2n) 'competent authority' means the central authority of a Member State competent for the organisation of official controls in the field of organic production in accordance with the provisions set out under this Regulation, or any other authority on which that competence has been conferred to; it shall also include, where appropriate, the corresponding authority of a third country;
- (834.2o) 'control authority' means a public administrative organization of a Member State to which the competent authority has conferred, in whole or in part, its competence for the inspection and certification in the field of organic production in accordance with the provisions set out under this Regulation; it shall also include, where appropriate, the corresponding authority of a third country or the corresponding authority operating in a third country;
- (834.2p) 'control body' means an independent private third party carrying out inspection and certification in the field of organic production in accordance with the provisions set out under this Regulation; it shall also include, where appropriate, the corresponding body of a third country or the corresponding body operating in a third country;
- (834.2q) 'mark of conformity' means the assertion of conformity to a particular set of standards or other normative documents in the form of a mark;
- (834.2r) the definition of 'ingredients' is that given in Article 6(4) of Directive 2000/13/EC;
- (834.2s) the definition of 'plant protection products' is that given in Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(8)</sup>;
- (834.2t) the definition of 'Genetically modified organism (GMO)' is that given in Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC <sup>(9)</sup> and which is not obtained through the techniques of genetic modifications listed in Annex I.B of that Directive;
- (834.2u) 'produced from GMOs' means derived in whole or in part from GMOs but not containing or consisting of GMOs;
- (834.2v) 'produced by GMOs' means derived by using a GMO as the last living organism in the production process, but not containing or consisting of GMOs nor produced from GMOs;
- (834.2w) the definition of 'feed additives' is that given in Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition <sup>(10)</sup>;
- (834.2x) 'equivalent', in describing different systems or measures, means that they are capable of meeting the same objectives and principles by applying rules which ensure the same level of assurance of conformity;
- (834.2y) 'processing aid' means any substance not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or their ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the unintentional but technically unavoidable presence of residues of the substance or its derivatives in the

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<sup>(8)</sup> OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2007/31/EC (OJ L 140, 1.6.2007, p. 44).

<sup>(9)</sup> OJ L 106, 17.4.2001, p. 1. Regulation as last amended by Regulation (EC) No 1830/2003 (OJ L 268, 18.10.2003, p. 24).

<sup>(10)</sup> (6) OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).

final product, provided that these residues do not present any health risk and do not have any technological effect on the finished product;

- (834.2z) the definition of 'ionising radiation' is that given in Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation <sup>(11)</sup> and as restricted by Article 1(2) of Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation <sup>(12)</sup>.
- (834.2aa) 'mass catering operations' means the preparation of organic products in restaurants, hospitals, canteens and other similar food business at the point of sale or delivery to the final consumer.
- (889.2a) 'non-organic': means not coming from or not related to a production in accordance to Regulation (EC) No 834/2007 and this Regulation;
- (889.2b) 'veterinary medicinal products': means products as defined in Article 1(2) of Directive 2001/82/EC of the European Parliament and of the Council (7) concerning the Community code relating to veterinary medicinal products
- (889.2c) 'importer': means the natural or legal person within the community who presents a consignment for release for free circulation into the Community, either in person, or through a representative;
- (889.2d) 'first consignee' means the natural or legal person to whom the imported consignment is delivered and who will receive it for further preparation and/or marketing;
- (889.2e) 'holding' means all the production units operated under a single management for the purpose of producing agricultural products;
- (889.2f) "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;'
- (889.2g) 'hydroponic production' means the method of growing plants with their roots in a mineral nutrient solution only or in an inert medium, such as perlite, gravel or mineral wool to which a nutrient solution is added;
- (889.2h) 'veterinary treatment' means all courses of a curative or preventive treatment against one occurrence of a specific disease;
- (889.2i) 'in-conversion feedingstuffs' means feedingstuffs produced during the conversion period to organic production, with the exclusion of those harvested in the 12 months following the beginning of the conversion as referred to in Article 17(1)(a) of Regulation (EC) No 834/2007.
- '(710.2j) "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;
- (710.2k) "energy from renewable sources" means renewable non-fossil energy sources: wind, solar, geothermal, wave, tidal, hydropower, landfill gas, sewage treatment plant gas and biogases;
- (710.2l) "hatchery" means a place of breeding, hatching and rearing through the early life stages of aquaculture animals, finfish and shellfish in particular;

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<sup>(11)</sup> OJ L 159, 29.6.1996, p. 1.

<sup>(12)</sup> OJ L 66, 13.3.1999, p. 16. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).



- (710.2m) “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;
- (710.2n) “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 Directive 2008/56/EC of the European Parliament and of the Council (\*) and in Directive 2000/60/EC of the European Parliament and of the Council (\*\*), in the waters where they respectively apply;
- (710.2o) “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;
- (710.2p) “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;
- (710.2q) “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 (\*\*\*). 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.
- (710.2r) “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.

## **TITLE II - OBJECTIVES AND PRINCIPLES FOR ORGANIC PRODUCTION**

### **Article 3**

#### **Objectives**

- 834.3 Organic production shall pursue the following general objectives:
- (a) establish a sustainable management system for agriculture that:
    - (i) respects nature's systems and cycles and sustains and enhances the health of soil, water, plants and animals and the balance between them;
    - (ii) contributes to a high level of biological diversity;
    - (iii) makes responsible use of energy and the natural resources, such as water, soil, organic matter and air;
    - (iv) respects high animal welfare standards and in particular meets animals' species-specific behavioural needs;
  - (b) aim at producing products of high quality;
  - (c) aim at producing a wide variety of foods and other agricultural products that respond to consumers' demand for goods produced by the use of processes that do not harm the environment, human health, plant health or animal health and welfare.

### **Article 4**

#### **Overall principles**

- 834.4 Organic production shall be based on the following principles:
- (a) the appropriate design and management of biological processes based on ecological systems using natural resources which are internal to the system by methods that:
    - (i) use living organisms and mechanical production methods;
    - (ii) practice land-related crop cultivation and livestock production or practice aquaculture which complies with the principle of sustainable exploitation of fisheries;
    - (iii) exclude the use of GMOs and products produced from or by GMOs with the exception of veterinary medicinal products;
    - (iv) are based on risk assessment, and the use of precautionary and preventive measures, when appropriate;
  - (b) the restriction of the use of external inputs. Where external inputs are required or the appropriate management practices and methods referred to in paragraph (a) do not exist, these shall be limited to:
    - (i) inputs from organic production;
    - (ii) natural or naturally-derived substances;
    - (iii) low solubility mineral fertilisers;
  - (c) the strict limitation of the use of chemically synthesized inputs to exceptional cases these being:

- (i) where the appropriate management practices do not exist; and
  - (ii) the external inputs referred to in paragraph (b) are not available on the market; or
  - (iii) where the use of external inputs referred to in paragraph (b) contributes to unacceptable environmental impacts;
- (d) the adaptation, where necessary, and within the framework of this Regulation, of the rules of organic production taking account of sanitary status, regional differences in climate and local conditions, stages of development and specific husbandry practices.

## **Article 5**

### **Specific principles applicable to farming**

834.5

In addition to the overall principles set out in Article 4, organic farming shall be based on the following specific principles:

- (a) the maintenance and enhancement of soil life and natural soil fertility, soil stability and soil biodiversity preventing and combating soil compaction and soil erosion, and the nourishing of plants primarily through the soil ecosystem;
- (b) the minimisation of the use of non-renewable resources and off-farm inputs;
- (c) the recycling of wastes and by-products of plant and animal origin as input in plant and livestock production;
- (d) taking account of the local or regional ecological balance when taking production decisions;
- (e) the maintenance of animal health by encouraging the natural immunological defence of the animal, as well as the selection of appropriate breeds and husbandry practices;
- (f) the maintenance of plant health by preventative measures, such as the choice of appropriate species and varieties resistant to pests and diseases, appropriate crop rotations, mechanical and physical methods and the protection of natural enemies of pests;
- (g) the practice of site-adapted and land-related livestock production;
- (h) the observance of a high level of animal welfare respecting species-specific needs;
- (i) the production of products of organic livestock from animals that have been raised on organic holdings since birth or hatching and throughout their life;
- (j) the choice of breeds having regard to the capacity of animals to adapt to local conditions, their vitality and their resistance to disease or health problems;
- (k) the feeding of livestock with organic feed composed of agricultural ingredients from organic farming and of natural non-agricultural substances;
- (l) the application of animal husbandry practices, which enhance the immune system and strengthen the natural defence against diseases, in particular including regular exercise and access to open air areas and pastureland where appropriate;
- (m) the exclusion of rearing artificially induced polyploidy animals;
- (n) the maintenance of the biodiversity of natural aquatic ecosystems, the continuing health of the aquatic environment and the quality of surrounding aquatic and terrestrial ecosystems in aquaculture production;

- (o) the feeding of aquatic organisms with feed from sustainable exploitation of fisheries as defined in Article 3 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy <sup>(13)</sup> or with organic feed composed of agricultural ingredients from organic farming and of natural non-agricultural substances.

## **Article 6**

### **Specific principles applicable to processing of organic food**

834.6 In addition to the overall principles set out in Article 4, the production of processed organic food shall be based on the following specific principles:

- (a) the production of organic food from organic agricultural ingredients, except where an ingredient is not available on the market in organic form;
- (b) the restriction of the use of food additives, of non organic ingredients with mainly technological and sensory functions and of micronutrients and processing aids, so that they are used to a minimum extent and only in case of essential technological need or for particular nutritional purposes;
- (c) the exclusion of substances and processing methods that might be misleading regarding the true nature of the product;
- (d) the processing of food with care, preferably with the use of biological, mechanical and physical methods.

## **Article 7**

### **Specific principles applicable to processing of organic feed**

834.7 In addition to the overall principles set out in Article 4, the production of processed organic feed shall be based on the following specific principles:

- (a) the production of organic feed from organic feed materials, except where a feed material is not available on the market in organic form;
- (b) the restriction of the use of feed additives and processing aids to a minimum extent and only in case of essential technological or zootechnical needs or for particular nutritional purposes;
- (c) the exclusion of substances and processing methods that might be misleading as to the true nature of the product;
- (d) the processing of feed with care, preferably with the use of biological, mechanical and physical methods.

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<sup>(13)</sup> OJ L 358, 31.12.2002, p. 59.

## TITLE III - PRODUCTION RULES

### CHAPTER 1 - General production rules

#### **Article 8**

##### **General requirements**

- 834.8 Operators shall comply with the production rules set out in this Title and with the implementing rules provided for in Article 38(a).

#### **Article 9**

##### **Prohibition on the use of GMOs**

- 834.9.1 GMOs and products produced from or by GMOs shall not be used as food, feed, processing aids, plant protection products, fertilisers, soil conditioners, seeds, vegetative propagating material, micro-organisms and animals in organic production.

- 834.9.2 For the purpose of the prohibition referred to in paragraph 1 concerning GMOs or products produced from GMOs for food and feed, operators may rely on the labels accompanying a product or any other accompanying document, affixed or provided pursuant to Directive 2001/18/EC, Regulation (EC) 1829/2003 of the European Parliament and the Council of 22 September 2003 on genetically modified food and feed <sup>(14)</sup> or Regulation (EC) 1830/2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms.

Operators may assume that no GMOs or products produced from GMOs have been used in the manufacture of purchased food and feed products when the latter are not labelled, or accompanied by a document, pursuant to those Regulations, unless they have obtained other information indicating that labelling of the products in question is not in conformity with those Regulations.

- 834.9.3 For the purpose of the prohibition referred to in paragraph 1, with regard to products not being food or feed, or products produced by GMOs, operators using such non-organic products purchased from third parties shall require the vendor to confirm that the products supplied have not been produced from or by GMOs.
- 834.9.4 The Commission shall decide on measures implementing the prohibition on the use of GMOs and products produced from or by GMOs in accordance with the procedure referred to in Article 37(2).

#### **Article 10**

##### **Prohibition on the use of ionising radiation**

- 834.10 The use of ionising radiation for the treatment of organic food or feed, or of raw materials used in organic food or feed is prohibited.

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<sup>(14)</sup> OJ L 268, 18.10.2003, p. 1. Regulation as amended by Commission Regulation (EC) No 1981/2006 (OJ L 368, 23.12.2006, p. 99).



## **CHAPTER 2 - Farm production**

### **Article 11**

#### **General farm production rules**

- 834.11.1 The entire agricultural holding shall be managed in compliance with the requirements applicable to organic production.
- 834.11.2 However, in accordance with specific conditions to be laid down in accordance with the procedure referred to in Article 37(2), a holding may be split up into clearly separated units or aquaculture production sites which are not all managed under organic production. As regards animals, different species shall be involved. As regards aquaculture the same species may be involved, provided that there is adequate separation between the production sites. As regards plants, different varieties that can be easily differentiated shall be involved.
- 834.11.3 Where, in accordance with the second subparagraph, not all units of a holding are used for organic production, the operator shall keep the land, animals, and products used for, or produced by, the organic units separate from those used for, or produced by, the non-organic units and keep adequate records to show the separation.

#### **Parallel production**

- 889.40 Exceptional production rules related to climatic, geographical or structural constraints in accordance with Article 22 (2) (a) of Regulation (EC) No 834/2007
- 889.40.1 Where the conditions laid down in Article 22(2)(a) of Regulation (EC) No 834/2007 apply, a producer may run organic and non-organic production units in the same area:
- (a) in the case of the production of perennial crops, which require a cultivation period of at least three years, where varieties cannot be easily differentiated, provided the following conditions are met:
    - (i) the production in question forms part of a conversion plan in respect of which the producer gives a firm undertaking and which provides for the beginning of the conversion of the last part of the area concerned to organic production in the shortest possible period which may not in any event exceed a maximum of five years;
    - (ii) appropriate measures have been taken to ensure the permanent separation of the products obtained from each unit concerned;
    - (iii) the control authority or control body is notified of the harvest of each of the products concerned at least 48 hours in advance;
    - (iv) upon completion of the harvest, the producer informs the control authority or control body of the exact quantities harvested on the units concerned and of the measures applied to separate the products;
    - (v) the conversion plan and the control measures referred to in Chapter 1 and 2 of Title IV have been approved by the competent authority; this approval shall be confirmed each year after the start of the conversion plan;
  - (b) in the case of areas intended for agricultural research or formal education agreed by the Member States' competent authorities and provided the conditions set out in point (a) (ii)(iii)(iv) and the relevant part of point (v) are met;
  - (c) in the case of production of seed, vegetative propagating material and transplants and provided the conditions set out in point (a)(ii)(iii)(iv) and the relevant part of point (v) are met;
  - (d) in the case of grassland exclusively used for grazing.

## Article 12

### Plant production rules

- 834.12.1 In addition to the general farm production rules laid down in Article 11, the following rules shall apply to organic plant production:
- (a) organic plant production shall use tillage and cultivation practices that maintain or increase soil organic matter, enhance soil stability and soil biodiversity, and prevent soil compaction and soil erosion;
  - (b) the fertility and biological activity of the soil shall be maintained and increased by multiannual crop rotation including legumes and other green manure crops, and by the application of livestock manure or organic material, both preferably composted, from organic production;
  - (c) the use of biodynamic preparations is allowed;
  - (d) in addition, fertilisers and soil conditioners may only be used if they have been authorised for use in organic production under Article 16;
  - (e) mineral nitrogen fertilisers shall not be used;
  - (f) all plant production techniques used shall prevent or minimise any contribution to the contamination of the environment;
  - (g) the prevention of damage caused by pests, diseases and weeds shall rely primarily on the protection by natural enemies, the choice of species and varieties, crop rotation, cultivation techniques and thermal processes;
  - (h) in the case of an established threat to a crop, plant protection products may only be used if they have been authorised for use in organic production under Article 16;
  - (i) for the production of products other than seed and vegetative propagating material only organically produced seed and propagating material shall be used. To this end, the mother plant in the case of seeds and the parent plant in the case of vegetative propagating material shall have been produced in accordance with the rules laid down in this Regulation for at least one generation, or, in the case of perennial crops, two growing seasons;
  - (j) products for cleaning and disinfection in plant production shall be used only if they have been authorised for use in organic production under Article 16.
- 889.95.6 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.
- 834.12.2 The collection of wild plants and parts thereof, growing naturally in natural areas, forests and agricultural areas is considered an organic production method provided that:
- (a) those areas have not, for a period of at least three years before the collection, received treatment with products other than those authorised for use in organic production under Article 16;
  - (b) the collection does not affect the stability of the natural habitat or the maintenance of the species in the collection area.
- 834.12.3 The measures necessary for the implementation of the production rules contained in this Article shall be adopted in accordance with the procedure referred to in Article 37(2).

### Use of seed or vegetative propagating material not obtained by the organic production method

- 889.45.1 Where the conditions laid down in Article 22(2)(b) of Regulation (EC) No 834/2007 apply,
- (a) seed and vegetative propagating material from a production unit in conversion to organic farming may be used,
  - (b) where point (a) is not applicable, Member States may authorise the use of non-organic seed or vegetative propagating material if not available from organic production. However, for the use of non-organic seed and seed potatoes the following paragraphs (2) to (9) apply.
- 889.45.2 Non-organic seed and seed potatoes may be used, provided that the seed or seed potatoes are not treated with plant protection products, other than those authorised for treatment of seed in accordance with Article 5(1), unless chemical treatment is prescribed in accordance with Council Directive 2000/29/EC (16) for phytosanitary purposes by the competent authority of the Member State for all varieties of a given species in the area where the seed or seed potatoes are to be used.
- 889.45.3 Species for which it is established that organically produced seed or seed potatoes are available in sufficient quantities and for a significant number of varieties in all parts of the Community are set out in Annex X. The species listed in Annex X may not be subject of authorisations pursuant to paragraph 1(b), unless these are justified by one of the purposes referred to in paragraph 5(d).
- 889.45.4 Member States may delegate the responsibility for granting the authorisation referred to in paragraph 1(b) to another public administration under their supervision or to the control authorities or control bodies referred to in Article 27 of Regulation (EC) No 834/2007.
- 889.45.5 Authorisation to use seed or seed potatoes not obtained by the organic production method may only be granted in the following cases:
- (a) where no variety of the species which the user wants to obtain is registered in the database referred to in Article 48;
  - (b) where no supplier, meaning an operator who markets seed or seed potatoes to other operators, is able to deliver the seed or seed potatoes before sowing or planting in situations where the user has ordered the seed or seed potatoes in reasonable time;
  - (c) where the variety which the user wants to obtain is not registered in the database referred to in Article 48, and the user is able to demonstrate that none of the registered alternatives of the same species are appropriate and that the authorisation therefore is significant for his production;
  - (d) where it is justified for use in research, test in small-scale field trials or for variety conservation purposes agreed by the competent authority of the Member State.
- 889.45.6 The authorisation shall be granted before the sowing of the crop.
- 889.45.7 The authorisation shall be granted only to individual users for one season at a time and the authority or body responsible for the authorisations shall register the quantities of seed or seed potatoes authorised.
- 889.45.8 By way of derogation from paragraph 7, the competent authority of the Member State may grant to all users a general authorisation:
- (a) for a given species when and in so far as the condition laid down in paragraph 5(a) is fulfilled;
  - (b) for a given variety when and in so far as the conditions laid down in paragraph 5(c) are fulfilled.
- The authorisations referred to in the first subparagraph shall be clearly indicated in the database referred to in Article 48.
- 889.45.9 Authorisation may only be granted during periods for which the database is updated in

accordance with Article 49(3).

### **Seed Database**

- 889.48.1 Each Member State shall ensure that a computerized database is established for the listing of the varieties for which seed or seed potatoes obtained by the organic production method are available on its territory.
- 889.48.2 The database shall be managed either by the competent authority of the Member State or by an authority or body designated for this purpose by the Member State, hereinafter referred to as 'manager of the database'. Member States may also designate an authority or a private body in another country.
- 889.48.3 Each Member State shall inform the Commission and the other Member States of the authority or private body designated to manage the database.

### **Registration**

- 889.49.1 Varieties for which seed or seed potatoes produced by the organic production method are available shall be registered in the database referred to in Article 48 at the request of the supplier.
- 889.49.2 Any variety which has not been registered in the database shall be considered as unavailable with regard to Article 45(5).
- 889.49.3 Each Member State shall decide in which period of the year the database has to be regularly updated for each species or group of species cultivated on its territory. The database shall hold information with regard to that decision.

### **Conditions for registration**

- 889.50.1 For registration, the supplier shall:
- (a) demonstrate that he or the last operator, in cases where the supplier is only dealing with pre-packaged seed or seed potatoes, has been subject to the control system referred to in Article 27 of Regulation (EC) No 834/2007;
  - (b) demonstrate that the seed or seed potatoes to be placed on the market comply with the general requirements applicable to seed and seed potatoes;
  - (c) make available all the information required under Article 51 of this Regulation, and undertake to update this information at the request of the manager of the database or whenever such updating is necessary to ensure that the information remains reliable.
- 889.50.2 The manager of the database may, with the approval by the competent authority of the Member State, refuse a supplier's application for registration or delete a previously accepted registration if the supplier does not comply with the requirements set out in paragraph 1.

### **Registered information**

- 889.51.1 For each registered variety and for each supplier, the database referred to in Article 48 shall contain at least the following information:
- (a) the scientific name of the species and the variety denomination;
  - (b) the name and contact details of the supplier or his representative;
  - (c) the area where the supplier can deliver the seed or seed potatoes to the user in the usual time needed for the delivery;
  - (d) the country or region in which the variety is tested and approved for the purpose of the common catalogues of varieties of agricultural plant species and vegetable species as defined in Council Directives 2002/53/EC on the common catalogue of

varieties of agricultural plant species (17) and 2002/55/EC on the marketing of vegetable seed (18);

- (e) the date from which the seed or seed potatoes will be available;
- (f) the name and/or code number of the control authority or control body in charge of the control of the operator as referred to in Article 27 of Regulation (EC) No 834/2007.

889.51.2 The supplier shall immediately inform the manager of the database if any of the registered varieties are no longer available.

The amendments shall be recorded in the database.

889.51.3 Besides the information specified in paragraph 1, the database shall contain a list of the species listed in Annex X.

#### **Access to information**

889.52.1 The information in the database referred to in Article 48 shall be available through the Internet, free of cost, to the users of seed or seed potatoes and to the public. Member States may decide that any user who has notified its activity in accordance with Article 28(1)(a) of Regulation (EC) No 834/2007 may obtain, on request, an extract of data concerning one or several groups of species from the database manager.

889.52.2 The Member States shall ensure that all users referred to in paragraph 1 are informed, at least once a year, about the system and how to obtain the information in the database.

#### **Registration fee**

889.53 Each registration may be subject to the levying of a fee, which shall represent the cost of inserting and maintaining the information in the database referred to in Article 48. The competent authority of the Member State shall approve the amount of the fee charged by the manager of the database.

#### **Annual report**

889.54.1 The authorities or bodies designated to grant authorisations in accordance with Article 45 shall register all authorisations, and shall make this information available in a report to the competent authority of the Member State and to the manager of the database.

The report shall contain, for each species concerned by an authorisation according to Article 45(5), the following information:

- (a) the scientific name of the species and the variety denomination;
- (b) the justification for the authorisation indicated by a reference to Article 45(5)(a), (b), (c) or (d);
- (c) the total number of authorisations;
- (d) the total quantity of seed or seed potatoes involved;
- (e) the chemical treatment for phytosanitary purposes, as referred to in Article 45(2).

889.54.2 For authorisations according to Article 45(8) the report shall contain the information referred to in point (a) of the second subparagraph of paragraph 1 of this Article and the period for which the authorisations were in force.

#### **Summary report**

889.55 The competent authority of the Member State shall, before 31 March each year, collect the reports and send a summary report covering all authorisations of the Member State from the previous calendar year to the Commission and to the other Member States. The report shall cover the information specified in Article 54. The information shall be



published in the database referred to in Article 48. The competent authority may delegate the task of collecting the reports to the manager of the database.

#### **Information upon request**

- 889.56 Upon request from a Member State or the Commission, detailed information on authorisations granted in individual cases shall be made available to other Member States or to the Commission.

#### **Soil management and fertilisation**

- 889.3.1 Where the nutritional needs of plants cannot be met by measures provided for in Article 12(1)(a), (b) and (c) of Regulation (EC) No 834/2007, only fertilisers and soil conditioners referred to in Annex I to this Regulation may be used in organic production and only to the extent necessary. Operators shall keep documentary evidence of the need to use the product.
- 889.3.2 The total amount of livestock manure, as defined in Council Directive 91/676/EEC (8) concerning the protection of waters against pollution caused by nitrates from agricultural sources, applied on the holding may not exceed 170 kg of nitrogen per year/hectare of agricultural area used. This limit shall only apply to the use of farmyard manure, dried farmyard manure and dehydrated poultry manure, composted animal excrements, including poultry manure, composted farmyard manure and liquid animal excrements.
- 889.3.3 Organic-production holdings may establish written cooperation agreements exclusively with other holdings and enterprises which comply with the organic production rules, with the intention of spreading surplus manure from organic production. The maximum limit as referred to in paragraph 2, shall be calculated on the basis of all of the organic-production units involved in such cooperation.
- 889.3.4 Appropriate preparations of micro-organisms may be used to improve the overall condition of the soil or the availability of nutrients in the soil or in the crops.
- 889.3.5 For compost activation appropriate plant-based preparations or preparations of micro-organisms may be used.

#### **Prohibition of hydroponic production**

- 889.4.1 Hydroponic production is prohibited.

#### **Pest, disease and weed management**

- 889.5.1 Where plants cannot be adequately protected from pests and diseases by measures provided for in Article 12 (1)(a), (b), (c) and (g) of Regulation (EC) No 834/2007, only products referred to in Annex II to this Regulation may be used in organic production. Operators shall keep documentary evidence of the need to use the product.
- 889.5.2 For products used in traps and dispensers, except pheromone dispensers, the traps and/or dispensers, shall prevent the substances from being released into the environment and prevent contact between the substances and the crops being cultivated. The traps shall be collected after use and disposed off safely.

#### **Specific rules on mushroom production**

- 889.6.1 For production of mushrooms, substrates may be used, if they are composed only of the following components:
- (a) farmyard manure and animal excrements:
    - (i) either from holdings producing according to the organic production method;
    - (ii) or referred to in Annex I, only when the product referred to in point (i) is not available; and when they do not exceed 25 % of the weight of total components of the substrate, excluding the covering material and any added water, before composting;

- (b) products of agricultural origin, other than those referred to in point (a), from holdings producing according to organic production method;
- (c) peat not chemically treated;
- (d) wood, not treated with chemical products after felling;
- (e) mineral products referred to in Annex I, water and soil.

## **Article 13**

### **Production rules for seaweed**

- 834.13.1 The collection of wild seaweeds and parts thereof, growing naturally in the sea, is considered as an organic production method provided that:
- (a) the growing areas are of high ecological quality as defined by Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy <sup>(15)</sup> and, pending its implementation, of a quality equivalent to designated waters under Directive 2006/113/EC of the European Parliament and of the Council of 12 December 2006 on the quality required of shellfish waters <sup>(16)</sup>, and are not unsuitable from a health point of view. Pending more detailed rules to be introduced in implementing legislation, wild edible seaweeds shall not be collected in areas which would not meet the criteria for Class A or Class B areas as defined in Annex II of Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption <sup>(17)</sup>;
  - (b) the collection does not affect the long term stability of the natural habitat or the maintenance of the species in the collection area.
- 834.13.2 The farming of seaweeds shall take place in coastal areas with environmental and health characteristics at least equivalent to those outlined in paragraph 1 in order to be considered organic. In addition to this:
- (a) sustainable practices shall be used in all stages of production, from collection of juvenile seaweed to harvesting;
  - (b) to ensure that a wide gene-pool is maintained, the collection of juvenile seaweed in the wild should take place on a regular basis to supplement indoor culture stock;
  - (c) fertilisers shall not be used except in indoor facilities and only if they have been authorised for use in organic production for this purpose under Article 16.
- 834.13.3 The measures necessary for the implementation of production rules contained in this Article shall be adopted in accordance with the procedure referred to in Article 37(2).

### **Seaweed production**

- 710.6a 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.

### **Suitability of aquatic medium and sustainable management plan**

- 710.6b.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.

<sup>(15)</sup> OJ L 327, 22.12.2000, p. 1. Directive as amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p. 1).

<sup>(16)</sup> OJ L 376, 27.12.2006, p. 14.

<sup>(17)</sup> OJ L 139, 30.4.2004, p. 206. Corrected version in OJ L 226, 25.6.2004, p. 83.

- 710.6b.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.

- 710.6b.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 (\*). If the unit has already been subject to an equivalent assessment, then its use shall be permitted for this purpose.

- 710.6b.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.

- 710.6b.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.

- 710.6b.6 For seaweed harvesting a once-off biomass estimate shall be undertaken at the outset.

#### **Sustainable harvesting of wild seaweed**

- 710.6c.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.
- 710.6c.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.
- 710.6c.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.
- 710.6.c.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.

#### **Seaweed Cultivation**

- 710.6d.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.
- 710.6d.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.

- 710.6.d.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.
- 710.6d.4 Ropes and other equipment used for growing seaweed shall be re-used or recycled where possible.

**Antifouling measures and cleaning of production equipment and facilities**

- 710.6e.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.
- 710.6e.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.

## Livestock production

- 889.7.1 This Chapter lays down detailed production rules for the following species: bovine including *bubalus* and bison, equidae, porcine, ovine, caprine, poultry (species as mentioned in Annex III) and bees.

### Article 14

#### General Rules

##### Livestock production rules

##### Prohibition of landless livestock production

- 889.16.1 Landless livestock production, by which the operator of the livestock does not manage agricultural land and/or has not established a written cooperation agreement with another operator according to Article 3(3), is prohibited.

##### Simultaneous production of organic and non-organic livestock

- 889.17.1 Non organic livestock may be present on the holding provided they are reared on units where the buildings and parcels are separated clearly from the units producing in accordance with the organic production rules and a different species is involved.
- 889.17.2 Non-organic livestock may use organic pasturage for a limited period of time each year, provided that such animals come from a farming system as defined in paragraph 3(b) and that organic animals are not present at the same time on that pasture.
- 889.17.3 Organic animals may be grazed on common land, providing that:
- (a) the land has not been treated with products not authorized for organic production for at least three years;
  - (b) any non-organic animals which use the land concerned are derived from a farming system equivalent to those as described in Article 36 of Regulation (EC) No 1698/2005 or in Article 22 of Regulation 1257/1999;
  - (c) any livestock products from organic animals, whilst using this land, shall not be regarded as being from organic production, unless adequate segregation from non-organic animals can be proved.
- 889.17.4 During the period of transhumance animals may graze on non-organic land when they are being moved on foot from one grazing area to another. The uptake of non-organic feed, in the form of grass and other vegetation on which the animals graze, during this period shall not exceed 10 % of the total feed ration per year. This figure shall be calculated as a percentage of the dry matter of feedingstuffs from agricultural origin.
- 889.17.5 Operators shall keep documentary evidence of the use of provisions referred to in this Article.

##### Parallel production

- 889.40.1 Exceptional production rules related to climatic, geographical or structural constraints in accordance with Article 22 (2) (a) of Regulation (EC) No 834/2007
- 889.40.2 The competent authority may authorise holdings carrying out agricultural research or formal education to rear organic and non-organic livestock of the same species, where the following conditions are met:
- (a) appropriate measures, notified in advance to the control authority or control body, have been taken in order to guarantee the permanent separation between livestock, livestock products, manure and feedingstuffs of each of the units;
  - (b) the producer informs the control authority or control body in advance of any

delivery or selling of the livestock or livestock products;

- (c) the operator informs the control authority or control body of the exact quantities produced in the units together with all characteristics permitting the identification of the products and confirms that the measures taken to separate the products have been applied.

#### **Management of beekeeping units for the purpose of pollination**

889.41 Exceptional production rules related to climatic, geographical or structural constraints in accordance with Article 22 (2) (a) of Regulation (EC) No 834/2007

889.41.1 Where the conditions laid down in Article 22(2)(a) of Regulation (EC) No 834/2007 apply, for the purpose of pollination actions an operator may run organic and non-organic beekeeping units on the same holding, provided that all the requirements of the organic production rules are fulfilled, with the exception of the provisions for the siting of the apiaries. In that case the product cannot be sold as organic.

The operator shall keep documentary evidence of the use of this provision

#### **Use of non-organic beeswax**

889.44 Exceptional production rules related to non availability of organic farm inputs in accordance with Article 22 (2) (b) of Regulation (EC) No 834/2007

889.44.1 In the case of new installations or during the conversion period, non-organic beeswax may be used only

- (a) where beeswax from organic beekeeping is not available on the market;
- (b) where it is proven free of contamination by substances not authorised for organic production; and
- (c) provided that it comes from the cap.

#### **Identification of livestock**

889.75 The livestock shall be identified permanently using techniques adapted to each species, individually in the case of large mammals and individually or by batch in the case of poultry and small mammals.

### **Origin of animals**

834.14.1 In addition to the general farm production rules laid down in Article 11, the following rules shall apply to livestock production:

834.14.1 (a) with regard to the origin of the animals:

- (i) organic livestock shall be born and raised on organic holdings;
- (ii) for breeding purposes, non-organically raised animals may be brought onto a holding under specific conditions. Such animals and their products may be deemed organic after compliance with the conversion period referred to in Article 17(1)(c);
- (iii) animals existing on the holding at the beginning of the conversion period and their products may be deemed organic after compliance with the conversion period referred to in Article 17(1)(c);

834.14.1 (c) with regard to breeding:

- (i) reproduction shall use natural methods. Artificial insemination is however allowed;



- (ii) reproduction shall not be induced by treatment with hormones or similar substances, unless as a form of veterinary therapeutic treatment in case of an individual animal;
- (iii) other forms of artificial reproduction, such as cloning and embryo transfer, shall not be used;
- (iv) appropriate breeds shall be chosen. The choice of breeds shall also contribute to the prevention of any suffering and to avoiding the need for the mutilation of animals;

889.8.1 In the choice of breeds or strains, account shall be taken of the capacity of animals to adapt to local conditions, their vitality and their resistance to disease. In addition, breeds or strains of animals shall be selected to avoid specific diseases or health problems associated with some breeds or strains used in intensive production, such as porcine stress syndrome, PSE Syndrome (pale-soft-exudative), sudden death, spontaneous abortion and difficult births requiring caesarean operations. Preference is to be given to indigenous breeds and strains.

889.8.2 For bees, preference shall be given to the use of *Apis mellifera* and their local ecotypes.

#### **Origin of non-organic animals**

889.9.1 In accordance with Article 14(1)(a)(ii) of Regulation (EC) No 834/2007, non-organic animals may be brought onto a holding for breeding purposes, only when organic animals are not available in sufficient number and subject to the conditions provided for in paragraphs 2 to 5 of this Article.

889.9.2 Non-organic young mammals, when a herd or flock is constituted for the first time, shall be reared in accordance with the organic production rules immediately after they are weaned. Moreover, the following restrictions shall apply at the date on which the animals enter the herd:

- (a) buffalo, calves and foals shall be less than six months old;
- (b) lambs and kids shall be less than 60 days old;
- (c) piglets shall weigh less than 35 kg.

889.9.3 Non-organic adult male and nulliparous female mammals, for the renewal of a herd or flock, shall be reared subsequently in accordance with the organic production rules. Moreover, the number of female mammals is subject to the following restrictions per year:

- (a) up to a maximum of 10 % of adult equine or bovine, including *bubalus* and bison species, livestock and 20 % of the adult porcine, ovine and caprine livestock, as female animals;
- (b) for units with less than 10 equine or bovine animals, or with less than five porcine, ovine or caprine animals any renewal as mentioned above shall be limited to a maximum of one animal per year. This provision of this paragraph will be reviewed in 2012 with a view to phase it out.

889.9.4 The percentages referred to in paragraph 3 may be increased up to 40 %, subject to prior authorisation by the competent authority, in the following special cases:

- (a) when a major extension to the farm is undertaken;
- (b) when a breed is changed;
- (c) when a new livestock specialisation is initiated;
- (d) when breeds are in danger of being lost to farming as laid down in Annex IV to Commission Regulation (EC) No 1974/2006 (9) and in that case animals of those breeds must not necessarily be nulliparous.

- 889.9.5 For the renovation of apiaries, 10 % per year of the queen bees and swarms may be replaced by non-organic queen bees and swarms in the organic production unit provided that the queen bees and swarms are placed in hives with combs or comb foundations coming from organic production units.
- 889.42 Exceptional production rules related to non availability of organic farm inputs in accordance with Article 22 (2) (b) of Regulation (EC) No 834/2007
- 889.42.1 Where the conditions laid down in Article 22(2)(b) of Regulation (EC) No 834/2007 apply, and with prior authorisation of the competent authority,
- (a) when a flock is constituted for the first time, renewed or reconstituted and organically reared poultry are not available in sufficient numbers, non-organically reared poultry may be brought into an organic poultry production unit, provided that the pullets for the production of eggs and poultry for meat production are less than three days old;
  - (b) non-organically reared pullets for egg production of not more than 18 weeks may be brought into an organic livestock unit until 31 December 2011, when organically reared pullets are not available and provided that the relevant provisions laid down in Section 3 and 4 of Chapter 2 are complied with.

#### **Catastrophic circumstances**

- 889.47 Exceptional production rules related to catastrophic circumstances in accordance with Article 22 (2) (f) of Regulation (EC) No 834/2007
- The competent authority may authorise on a temporary basis:
- (a) in the case of high mortality of animals caused by health or catastrophic circumstances, the renewal or reconstitution of the herd or flock with non-organic animals, when organically reared animals are not available;
  - (b) in case of high mortality of bees caused by health or catastrophic circumstances, the reconstitution of the apiaries with non-organic bees, when organic apiaries are not available;

#### **Husbandry practices and housing conditions**

- 834.14.1 (b) with regard to husbandry practices and housing conditions:
- (i) personnel keeping animals shall possess the necessary basic knowledge and skills as regards the health and the welfare needs of the animals;
  - (ii) husbandry practices, including stocking densities, and housing conditions shall ensure that the developmental, physiological and ethological needs of animals are met;
  - (iii) the livestock shall have permanent access to open air areas, preferably pasture, whenever weather conditions and the state of the ground allow this unless restrictions and obligations related to the protection of human and animal health are imposed on the basis of Community legislation;

#### **Access to open air areas**

- 889.14.1 Open air areas may be partially covered.
- 889.14.2 In accordance with Article 14(1)(b)(iii) of Regulation (EC) No 834/2007 herbivores shall have access to pasturage for grazing whenever conditions allow.
- 889.14.3 In cases where herbivores have access to pasturage during the grazing period and where the winter-housing system gives freedom of movement to the animals, the obligation to provide open air areas during the winter months may be waived.
- 889.14.4 Notwithstanding paragraph 2, bulls over one year old shall have access to pasturage or

an open air area.

- 889.14.5 Poultry shall have access to an open air area for at least one third of their life.
- 889.14.6 Open air areas for poultry shall be mainly covered with vegetation and be provided with protective facilities and permit fowl to have easy access to adequate numbers of drinking and feeding troughs.
- 889.23.4 In addition, when the rearing of each batch of poultry has been completed, runs shall be left empty to allow vegetation to grow back. Member States shall establish the period for which runs must be empty. The operator shall keep documentary evidence of the application of this period. These requirements shall not apply where poultry is not reared in batches, is not kept in runs and is free to roam, throughout the day.
- 889.14.7 Where poultry are kept indoors due to restrictions or obligations imposed on the basis of Community legislation, they shall permanently have access to sufficient quantities of roughage and suitable material in order to meet their ethological needs.

### **Stocking density**

- 834.14.1 (b) with regard to husbandry practices and housing conditions:
- (iv) the number of livestock shall be limited with a view to minimising overgrazing, poaching of soil, erosion, or pollution caused by animals or by the spreading of their manure;
- 889.15.1 The total stocking density shall be such as not to exceed the limit of 170 kg of nitrogen per year and hectare of agricultural area as referred to in Article 3(2).
- 889.15.2 To determine the appropriate density of livestock referred to above, the competent authority shall set out the livestock units equivalent to the above limit, taking as a guideline, the figures laid down in Annex IV or the relevant national provisions adopted pursuant to Directive 91/676/EEC.
- 834.14.1 (b) with regard to husbandry practices and housing conditions:
- (v) organic livestock shall be kept separate from other livestock. However, grazing of common land by organic animals and of organic land by non-organic animals is permitted under certain restrictive conditions;
  - (vi) tethering or isolation of livestock shall be prohibited, unless for individual animals for a limited period of time, and in so far as this is justified for safety, welfare or veterinary reasons;

### **Tethering of animals**

- 889.39 Exceptional production rules related to climatic, geographical or structural constraints in accordance with Article 22 (2) (a) of Regulation (EC) No 834/2007
- 889.39.1 Where the conditions laid down in Article 22(2)(a) of Regulation (EC) No 834/2007 apply, competent authorities may authorize cattle in small holdings to be tethered if it is not possible to keep the cattle in groups appropriate to their behaviour requirements, provided they have access to pastures during the grazing period according to Article 14(2), and at least twice a week access to open air areas when grazing is not possible.

### **Transport of animals**

- 834.14.1 (b) with regard to husbandry practices and housing conditions:
- (vii) duration of transport of livestock shall be minimised;
- 889.18.4 Loading and unloading of animals shall be carried out without the use of any type of electrical stimulation to coerce the animals. The use of allopathic tranquillisers, prior to or during transport, is prohibited.

834.14.1 (b) with regard to husbandry practices and housing conditions:

- (viii) any suffering, including mutilation, shall be kept to a minimum during the entire life of the animal, including at the time of slaughter;

#### **Management of animals**

- 889.18.1 Operations such as attaching elastic bands to the tails of sheep, tail-docking, cutting of teeth, trimming of beaks and dehorning shall not be carried out routinely in organic farming. However, some of these operations may be authorised by the competent authority for reasons of safety or if they are intended to improve the health, welfare or hygiene of the livestock on a case-by-case basis. Any suffering to the animals shall be reduced to a minimum by applying adequate anaesthesia and/or analgesia and by carrying out the operation only at the most appropriate age by qualified personnel.
- 889.18.2 Physical castration is allowed in order to maintain the quality of products and traditional production practices but only under the conditions set out in the second subparagraph of paragraph 1.
- 889.95.4 The castration of piglets may be carried out without the application of anaesthesia and/or analgesia during a transition period expiring on 31 December 2011.

#### **Rules pertaining to housing conditions**

- 889.10.1 Insulation, heating and ventilation of the building shall ensure that air circulation, dust level, temperature, relative air humidity and gas concentration, are kept within limits which are not harmful to the animals. The building shall permit plentiful natural ventilation and light to enter.
- 889.10.2 Housing for livestock shall not be mandatory in areas with appropriate climatic conditions to enable animals to live outdoors.
- 889.10.3 The stocking density in buildings shall provide for the comfort, the well being and the species-specific needs of the animals which, in particular, shall depend on the species, the breed and the age of the animals. It shall also take account of the behavioural needs of the animals, which depend in particular on the size of the group and the animals' sex. The density shall ensure the animals' welfare by providing them with sufficient space to stand naturally, lie down easily, turn round, groom themselves, assume all natural postures and make all natural movements such as stretching and wing flapping.
- 889.10.4 The minimum surface for indoor and outdoor areas, and other characteristics of housing for different species and categories of animals, are laid down in Annex III.

#### **Specific housing conditions and husbandry practices for mammals**

- 889.11.1 Livestock housing shall have smooth, but not slippery floors. At least half of the indoor surface area as specified in Annex III shall be solid, that is, not of slatted or of grid construction.
- 889.11.2 The housing shall be provided with a comfortable, clean and dry laying/rest area of sufficient size, consisting of a solid construction which is not slatted. Ample dry bedding strewn with litter material shall be provided in the rest area. The litter shall comprise straw or other suitable natural material. The litter may be improved and enriched with any mineral product listed in Annex I.
- 889.11.3 Notwithstanding Article 3(3) of Council Directive 91/629/ EEC (10) the housing of calves in individual boxes shall be forbidden after the age of one week.
- 889.11.4 Notwithstanding Article 3(8) of Council Directive 91/630/ EEC (11) sows shall be kept in groups, except in the last stages of pregnancy and during the suckling period.
- 889.11.5 Piglets shall not be kept on flat decks or in piglet cages.
- 889.11.6 Exercise areas shall permit dunging and rooting by porcine animals. For the purposes of rooting different substrates can be used.

### **Transitional measures**

- 889.95.1 For a transitional period expiring on 31 December 2010, cattle may be tethered in buildings already existing before 24 August 2000, provided that regular exercise is provided and rearing takes place in line with animal welfare requirements with comfortably littered areas as well as individual management and provided that the competent authority has authorised this measure. The competent authority may continue authorising this measure upon request of individual operators for its application in a limited period ending before the 31 December 2013, under the additional condition that the controls visits referred to in Article 65(1) are carried out at least twice a year.

### **Specific management problems in organic livestock**

- 889.46 Exceptional production rules related to specific management problems inorganic livestock in accordance with Article 22 (2) (d) of Regulation (EC) No 834/2007
- 889.46.1 The final fattening phase of adult bovines for meat production may take place indoors, provided that this indoors period does not exceed one fifth of their lifetime and in any case for a maximum period of three months.

### **Transitional measures**

- 889.95.3 For a transition period expiring 31 December 2010 the final fattening phase of sheep and pigs for meat production as laid down under point 8.3.4 of Annex I.B of Regulation (EEC) No 2092/91 may take place indoors under the condition that the controls visits referred to in Article 65(1) are carried out at least twice a year.

### **Specific housing conditions and husbandry practices for poultry**

- 889.12.1 Poultry shall not be kept in cages.
- 889.12.2 Water fowl shall have access to a stream, pond, lake or a pool whenever the weather and hygienic conditions permit in order to respect their species-specific needs and animal welfare requirements.
- 889.12.3 Buildings for all poultry shall meet the following conditions:
- (a) at least one third of the floor area shall be solid, that is, not of slatted or of grid construction, and covered with a litter material such as straw, wood shavings, sand or turf;
  - (b) in poultry houses for laying hens, a sufficiently large part of the floor area available to the hens shall be available for the collection of bird droppings;
  - (c) they shall have perches of a size and number commensurate with the size of the group and of the birds as laid down in Annex III.
  - (d) they shall have exit/entry pop-holes of a size adequate for the birds, and these pop-holes shall have a combined length of at least 4 m per 100 m<sup>2</sup> area of the house available to the birds;
  - (e) each poultry house shall not contain more than:
    - (i) 4800 chickens,
    - (ii) 3000 laying hens,
    - (iii) 5200 guinea fowl,
    - (iv) 4000 female Muscovy or Peking ducks or 3 200 male Muscovy or Peking ducks or other ducks,
    - (v) 2500 capons, geese or turkeys;

- (f) the total usable area of poultry houses for meat production on any single unit, shall not exceed 1600 m<sup>2</sup>;
- (g) poultry houses shall be constructed in a manner allowing all birds easy access to open air area.

889.12.4 Natural light may be supplemented by artificial means to provide a maximum of 16 hours light per day with a continuous nocturnal rest period without artificial light of at least eight hours.

889.12.5 To prevent the use of intensive rearing methods, poultry shall either be reared until they reach a minimum age or else shall come from slow-growing poultry strains. Where slow-growing poultry strains are not used by the operator the following minimum age at slaughter shall be:

- (a) 81 days for chickens,
- (b) 150 days for capons,
- (c) 49 days for Peking ducks,
- (d) 70 days for female Muscovy ducks,
- (e) 84 days for male Muscovy ducks,
- (f) 92 days for Mallard ducks,
- (g) 94 days for guinea fowl,
- (h) 140 days for male turkeys and roasting geese and
- (i) 100 days for female turkeys.

The competent authority shall define the criteria of slow-growing strains or draw up a list thereof and provide this information to operators, other Member States and the Commission.

#### **Transitional measures**

889.95.2 The competent authority may authorise, for a transitional period expiring on 31 December 2010, the exceptions concerning housing conditions and stocking density granted to livestock producing holdings on the basis of the derogation provided for in part B, paragraph 8.5.1 of Annex I to Regulation (EEC) No 2092/91. The operators benefiting from this extension shall present a plan to the control authority or control body, containing the description of arrangements which are intended to ensure compliance with the provisions of the organic production rules by the end of the transitional period. The competent authority may continue authorising this measure upon request of individual operators for its application in a limited period ending before the 31 December 2013, under the additional condition that the controls visits referred to in Article 65(1) are carried out at least twice a year.

#### **Management of bees**

- 834.14.1 (b) with regard to husbandry practices and housing conditions:
- (ix) apiaries shall be placed in areas which ensure nectar and pollen sources consisting essentially of organically produced crops or, as appropriate, of spontaneous vegetation or non-organically managed forests or crops that are only treated with low environmental impact methods. Apiaries shall be kept at sufficient distance from sources that may lead to the contamination of beekeeping products or to the poor health of the bees;
  - (x) hives and materials used in beekeeping shall be mainly made of natural materials;



- (xi) the destruction of bees in the combs as a method associated with the harvesting of beekeeping products is prohibited;

- 889.13.1 The siting of the apiaries shall be such that, within a radius of 3 km from the apiary site, nectar and pollen sources consist essentially of organically produced crops and/or spontaneous vegetation and/or crops treated with low environmental impact methods equivalent to those as described in Article 36 of Council Regulation (EC) No 1698/2005 (12) or in Article 22 of Council Regulation 1257/1999 (13) which cannot affect the qualification of beekeeping production as being organic. The above mentioned requirements do not apply where flowering is not taking place, or the hives are dormant.
- 889.13.2 The Member States may designate regions or areas where beekeeping complying with organic production rules is not practicable.
- 889.13.3 The hives shall be made basically of natural materials presenting no risk of contamination to the environment or the apiculture products.
- 889.13.4 The bees wax for new foundations shall come from organic production units.
- 889.13.5 Without prejudice to Article 25, only natural products such as propolis, wax and plant oils can be used in the hives.
- 889.13.6 The use of chemical synthetic repellents is prohibited during honey extractions operations.
- 889.13.7 The use of brood combs is prohibited for honey extraction.
- 889.18.3 Mutilation such as clipping the wings of queen bees is prohibited.

### **Livestock Feed**

- 834.14.1 (d) with regard to feed:
  - (i) primarily obtaining feed for livestock from the holding where the animals are kept or from other organic holdings in the same region;

#### **Feed from own holding or from other organic holdings**

- 889.19.1 In the case of herbivores, except during the period each year when the animals are under transhumance subject to Article 17 (4), at least 50 % of the feed shall come from the farm unit itself or in case this is not feasible, be produced in cooperation with other organic farms primarily in the same region.
- 889.19.2 In the case of bees, at the end of the production season hives shall be left with sufficient reserves of honey and pollen to survive the winter.
- 889.19.3 The feeding of bee colonies shall only be permitted where the survival of the hives is endangered due to climatic conditions and only between the last honey harvest and 15 days before the start of the next nectar or honeydew flow period. Feeding shall be with organic honey, organic sugar syrup, or organic sugar.

- 834.14.1 (d) with regard to feed:
  - (ii) livestock shall be fed with organic feed that meets the animal's nutritional requirements at the various stages of its development. A part of the ration may contain feed from holdings which are in conversion to organic farming;
  - (iii) with the exception of bees, livestock shall have permanent access to pasture or roughage;

#### **In-conversion feed**

- 889.21.1 Up to 30% of the feed formula of rations on average may comprise in-conversion feedingstuffs. When the inconversion feedingstuffs come from a unit of the holding itself, this percentage may be increased to 100%.

889.21.2 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.

889.21.3 The figures in paragraph 1 and 2 shall be calculated annually as a percentage of the dry matter of feedingstuffs of plant origin.

#### **Feed meeting animals' nutritional requirements**

834.14.1 (d) with regard to feed:

(v) growth promoters and synthetic amino-acids shall not be used;

(vi) suckling mammals shall be fed with natural, preferably maternal, milk;

889.20.1 All young mammals shall be fed on maternal milk in preference to natural milk, for a minimum period of three months for bovines including *bubalus* and bison species and equidae, 45 days for sheep and goats and 40 days for pigs.

889.20.2 Rearing systems for herbivores are to be based on maximum use of grazing pasturage according to the availability of pastures in the different periods of the year. At least 60 % of the dry matter in daily rations of herbivores shall consist of roughage, fresh or dried fodder, or silage. A reduction to 50 % for animals in dairy production for a maximum period of three months in early lactation is allowed.

889.20.3 Roughage, fresh or dried fodder, or silage shall be added to the daily ration for pigs and poultry.

889.20.4 The keeping of livestock in conditions, or on a diet, which may encourage anaemia, is prohibited.

889.20.5 Fattening practices shall be reversible at any stage of the rearing process. Force-feeding is forbidden.

#### **Use of non-organic feed of plant and animal origin for livestock**

834.14.1 (d) with regard to feed:

(iv) non organic feed materials from plant origin, feed materials from animal and mineral origin, feed additives, certain products used in animal nutrition and processing aids shall be used only if they have been authorised for use in organic production under Article 16;

889.43 Where the conditions laid down in Article 22(2)(b) of Regulation (EC) No 834/2007 apply, the use of a limited proportion of nonorganic feed of plant and animal origin is allowed where farmers are unable to obtain feed exclusively from organic production.

The maximum percentage of non-organic feed authorised per period of 12 months for species other than herbivores shall be:

(a) 10 % during the period from 1 January 2009 to 31 December 2009;

(b) 5 % during the period from 1 January 2010 to 31 December 2011.

The figures shall be calculated annually as a percentage of the dry matter of feed from agricultural origin. The maximum percentage authorised of non-organic feed in the daily ration shall be 25 % calculated as a percentage of the dry matter.

The operator shall keep documentary evidence of the need for the use of this provision.

- 889.22.1 Non-organic feed materials of plant and animal origin may be used in organic production subject to the restrictions laid down in Article 43 and only if they are listed in Annex V and the restrictions laid down therein are complied with.
- 889.22.2 Organic feed materials of animal origin, and feed materials of mineral origin may be used in organic production and only if they are listed in Annex V and the restrictions laid down therein are complied with.
- 889.22.3 Products and by-products from fisheries may be used in organic production only if they are listed in Annex V and the restrictions laid down therein are complied with.
- 889.22.4 Feed additives, certain products used in animal nutrition and processing aids may be used in organic production only if they are listed in Annex VI and the restrictions laid down therein are complied with.

#### **Catastrophic circumstances**

- 889.47 The competent authority may authorise on a temporary basis:
- (c) the use of non-organic feedingstuffs for a limited period and in relation to a specific area by individual operators, when forage production is lost or when restrictions are imposed, in particular as a result of exceptional meteorological conditions, the outbreak of infectious diseases, the contamination with toxic substances, or as a consequence of fires;
  - (d) the feeding of bees with organic honey, organic sugar or organic sugar syrup in case of long lasting exceptional weather conditions or catastrophic circumstances, which hamper the nectar or honeydew production.

Upon approval by the competent authority, the individual operators shall keep documentary evidence of the use of the above exceptions. Member States shall inform each other and the Commission on the exceptions they have granted under point (c) of the first subparagraph within 1 month from its approval.

#### **Disease Prevention and Veterinary Treatments**

- 834.14.1 (e) with regard to disease prevention and veterinary treatment:
- (i) disease prevention shall be based on breed and strain selection, husbandry management practices, high quality feed and exercise, appropriate stocking density and adequate and appropriate housing maintained in hygienic conditions;
- 889.23.3 Where livestock is obtained from non-organic units, special measures such as screening tests or quarantine periods may apply, depending on local circumstances.
- 834.14.1 (e) with regard to disease prevention and veterinary treatment:
- (ii) disease shall be treated immediately to avoid suffering to the animal; chemically synthesised allopathic veterinary medicinal products including antibiotics may be used where necessary and under strict conditions, when the use of phytotherapeutic, homeopathic and other products is inappropriate. In particular restrictions with respect to courses of treatment and withdrawal periods shall be defined;
  - (iii) the use of immunological veterinary medicines is allowed;
  - (iv) treatments related to the protection of human and animal health imposed on the basis of Community legislation shall be allowed;
- 889.23.1 The use of chemically synthesised allopathic veterinary medicinal products or antibiotics for preventive treatment is prohibited, without prejudice to Article 24(3).

- 889.23.2 The use of substances to promote growth or production (including antibiotics, coccidiostats and other artificial aids for growth promotion purposes) and the use of hormones or similar substances to control reproduction or for other purposes (e.g. induction or synchronisation of oestrus), is prohibited.

#### **Cleaning & disinfection**

- 834.14.1 (f) with regard to cleaning and disinfection, products for cleaning and disinfection in livestock buildings and installations, shall be used only if they have been authorized for use in organic production under Article 16.
- 889.23.4 Housing, pens, equipment and utensils shall be properly cleaned and disinfected to prevent cross-infection and the buildup of disease carrying organisms. Faeces, urine and uneaten or spilt feed shall be removed as often as necessary to minimize smell and to avoid attracting insects or rodents. For the purpose of Article 14(1)(f) of Regulation (EC) No 834/ 2007, only products listed in Annex VII may be used for cleaning and disinfection of livestock buildings installations and utensils. Rodenticides (to be used only in traps), and the products listed in Annex II, can be used for the elimination of insects and other pests in buildings and other installations where livestock is kept.
- 889.23.4 Buildings shall be emptied of livestock between each batch of poultry reared. The buildings and fittings shall be cleaned and disinfected during this time.
- 14.2 The measures and conditions necessary for the implementation of the production rules contained in this Article shall be adopted in accordance with the procedure referred to in Article 37(2).

#### **Veterinary treatment**

- 889.24.1 Where despite preventive measures to ensure animal health as laid down in Article 14(1)(e)(i) of Regulation (EC) No 834/2007 animals become sick or injured they shall be treated immediately, if necessary in isolation and in suitable housing.
- 889.24.2 Phytotherapeutic, homeopathic products, trace elements and products listed in Annex V, part 3 and in Annex VI, part 1.1. shall be used in preference to chemically-synthesized allopathic veterinary treatment or antibiotics, provided that their therapeutic effect is effective for the species of animal, and the condition for which the treatment is intended.
- 889.24.3 If the use of measures referred to in paragraph 1 and 2 is not effective in combating illness or injury, and if treatment is essential to avoid suffering or distress of the animal, chemically synthesised allopathic veterinary medicinal products or antibiotics may be used under the responsibility of a veterinarian.
- 889.24.4 With the exception of vaccinations, treatments for parasites and compulsory eradication schemes where an animal or group of animals receive more than three courses of treatments with chemically-synthesised allopathic veterinary medicinal products or antibiotics within 12 months, or more than one course of treatment if their productive lifecycle is less than one year, the livestock concerned, or produce derived from them, may not be sold as organic products, and the livestock shall undergo the conversion periods laid down in Article 38(1). Records of documented evidence of the occurrence of such circumstances shall be kept for the control body or control authority.
- 889.24.5 The withdrawal period between the last administration of an allopathic veterinary medicinal product to an animal under normal conditions of use, and the production of organically produced foodstuffs from such animals, is to 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.

#### **Specific rules on disease prevention and veterinary treatment in beekeeping**

- 889.25.1 For the purposes of protecting frames, hives and combs, in particular from pests, only rodenticides (to be used only in traps), and appropriate products listed in Annex II, are permitted.
- 889.25.2 Physical treatments for disinfection of apiaries such as steam or direct flame are

permitted.

- 889.25.3 The practice of destroying the male brood is permitted only to isolate the infestation of *Varroa destructor*.
- 889.25.4 If despite all preventive measures, the colonies become sick or infested, they shall be treated immediately and, if necessary, the colonies can be placed in isolation apiaries.
- 889.25.5 Veterinary medicinal products may be used in organic beekeeping in so far as the corresponding use is authorised in the Member State in accordance with the relevant Community provisions or national provisions in conformity with Community law.
- 889.25.6 Formic acid, lactic acid, acetic acid and oxalic acid as well as menthol, thymol, eucalyptol or camphor may be used in cases of infestation with *Varroa destructor*.
- 889.25.7 If a treatment is applied with chemically synthesized allopathic products, during such a period, the colonies treated shall be placed in isolation apiaries and all the wax shall be replaced with wax coming from organic beekeeping. Subsequently, the conversion period of one year laid down in Article 38(3) will apply to those colonies.
- 889.25.8 The requirements laid down in paragraph 7 shall not apply to products listed in paragraph 6.

## **Article 15**

### **Production rules for aquaculture animals**

- 834.15.1 In addition to the general farm production rules laid down in Article 11, the following rules shall apply to aquaculture animal production:
- (a) with regard to the origin of the aquaculture animals:
    - (i) organic aquaculture shall be based on the rearing of young stock originating from organic broodstock and organic holdings;
    - (ii) when young stock from organic broodstock or holdings are not available, non-organically produced animals may be brought onto a holding under specific conditions;
  - (b) with regard to husbandry practices:
    - (i) personnel keeping animals shall possess the necessary basic knowledge and skills as regards the health and the welfare needs of the animals;
    - (ii) husbandry practices, including feeding, design of installations, stocking densities and water quality shall ensure that the developmental, physiological and behavioural needs of animals are met;
    - (iii) husbandry practices shall minimise negative environmental impact from the holding, including the escape of farmed stock;
    - (iv) organic animals shall be kept separate from other aquaculture animals;
    - (v) transport shall ensure that the welfare of animals is maintained;
    - (vi) any suffering of the animals including the time of slaughtering shall be kept to a minimum;
  - (c) with regard to breeding:
    - (i) artificial induction of polyploidy, artificial hybridisation, cloning and production of monosex strains, except by hand sorting, shall not be used;
    - (ii) the appropriate strains shall be chosen;

- (iii) species-specific conditions for broodstock management, breeding and juvenile production shall be established;
- (d) with regard to feed for fish and crustaceans:
  - (i) animals shall be fed with feed that meets the animal's nutritional requirements at the various stages of its development;
  - (ii) the plant fraction of feed shall originate from organic production and the feed fraction derived from aquatic animals shall originate from sustainable exploitation of fisheries;
  - (iii) in the case of non-organic feed materials from plant origin, feed materials from animal and mineral origin, feed additives, certain products used in animal nutrition and processing aids shall be used only if they have been authorised for use in organic production under Article 16;
  - (iv) growth promoters and synthetic amino-acids shall not be used;
- (e) with regard to bivalve molluscs and other species which are not fed by man but feed on natural plankton:
  - (i) such filter-feeding animals shall receive all their nutritional requirements from nature except in the case of juveniles reared in hatcheries and nurseries;
  - (ii) they shall be grown in waters which meet the criteria for Class A or Class B areas as defined in Annex II of Regulation (EC) No 854/2004;
  - (iii) the growing areas shall be of high ecological quality as defined by Directive 2000/60/EC and, pending its implementation of a quality equivalent to designated waters under Directive 2006/113/EC;
- (f) with regard to disease prevention and veterinary treatment:
  - (i) disease prevention shall be based on keeping the animals in optimal conditions by appropriate siting, optimal design of the holdings, the application of good husbandry and management practices, including regular cleaning and disinfection of premises, high quality feed, appropriate stocking density, and breed and strain selection;
  - (ii) disease shall be treated immediately to avoid suffering to the animal; chemically synthesised allopathic veterinary medicinal products including antibiotics may be used where necessary and under strict conditions, when the use of phytotherapeutic, homeopathic and other products is inappropriate. In particular restrictions with respect to courses of treatment and withdrawal periods shall be defined;
  - (iii) the use of immunological veterinary medicines is allowed;
  - (iv) treatments related to the protection of human and animal health imposed on the basis of Community legislation shall be allowed.
- (g) With regard to cleaning and disinfection, products for cleaning and disinfection in ponds, cages, buildings and installations, shall be used only if they have been authorized for use in organic production under Article 16.

834.15.2 The measures and conditions necessary for the implementation of the production rules contained in this Article shall be adopted in accordance with the procedure referred to in Article 37(2).

### Scope

710.25a 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.

#### **Suitability of aquatic medium and sustainable management plan**

- 710.25b.1 The provisions of Article 6b(1) to (5) shall apply to this Chapter.
- 710.25b.2 Defensive and preventive measures taken against predators under Council Directive 92/43/EEC (\*) and national rules shall be recorded in the sustainable management plan.
- 710.25b.3 Verifiable coordination shall take place with the neighbouring operators in drawing up their management plans where applicable.
- 710.25b.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.

#### **Simultaneous production of organic and non-organic aquaculture animals**

- 710.25c.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.
- 710.25c.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.
- 710.25c.3 Operators shall keep documentary evidence of the use of provisions referred to in this Article.

#### **Origin of organic aquaculture animals**

- 710.25d.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.
- 710.25d.2 Species shall be chosen which can be farmed without causing significant damage to wild stocks.

#### **Origin and management of non-organic aquaculture animals**

- 710.25e.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.
- 710.25e.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.
- 710.25e.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.
- 710.25e.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.

## **Aquaculture Husbandry practices**

### **General aquaculture husbandry rules**

- 710.25f.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.
- 710.25f.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.
- 710.25f.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.
- 710.25f.4 Containment systems shall be designed, located and operated to minimize the risk of escape incidents.
- 710.25f.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.

### **Specific rules for aquatic containment systems**

- 710.25g.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.
- 710.25g.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.
- 710.25g.3 Containment systems at sea shall:
- (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.
- 710.25g.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.

### **Management of aquaculture animals**

- 710.25h.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.

710.25h.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.

710.25h.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.

710.25h.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.

710.25h.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.

### **Breeding**

#### **Prohibition of hormones**

The use of hormones and hormone derivatives is prohibited.

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

**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.

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

710.25k.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.

- 710.25k.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.
- 710.25k.3 The feed ration may comprise a maximum of 60 % organic plant products.
- 710.25k.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 of their physiological needs. If organic sources are not available natural sources of astaxanthin (such as *Phaffia* yeast) may be used.

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

- 710.25l.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.
- 710.25l.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.
- 710.25l.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.

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

- 710.25m.1 Feed materials of animal and mineral origin may be used in organic aquaculture, only if listed in Annex V.
- 710.25m.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.

#### ***Specific rules for molluscs***

##### **Growing area**

- 710.25n.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.
- 710.25n.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.
- 710.25n.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.

##### **Sourcing of seed**

- 710.25o.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.

- 710.25o.2 For the cupped oyster, *Crassostrea gigas*, preference shall be given to stock which is selectively bred to reduce spawning in the wild.

### **Management**

- 710.25p.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.
- 710.25p.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.

### **Cultivation rules**

- 710.25q.1 Cultivation on mussel ropes and other methods listed in Annex XIIIa, Section 8 may be eligible for organic production.
- 710.25q.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.

### **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.

### **Disease prevention and veterinary treatment**

#### **General rules on disease prevention**

- 710.25s.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.
- 710.25s.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.
- 710.25s.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.
- 710.25s.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.

- 710.25s.5 Ultraviolet light and ozone may be used only in hatcheries and nurseries.
- 710.25s.6 For biological control of ectoparasites preference shall be given to the use of cleaner fish.

#### **Veterinary treatments**

- 710.25t.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.
- 710.25t.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.
- 710.25t.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.
- 710.25t.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.
- 710.25t.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.

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

- 710.32a.1 Live fish shall be transported in suitable tanks with clean water which meets their physiological needs in terms of temperature and dissolved oxygen.
- 710.32a.2 Before transport of organic fish and fish products, tanks shall be thoroughly cleaned, disinfected and rinsed.
- 710.32a.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.'



## Article 16

### Products and substances used in farming and criteria for their authorization

834.16.1 The Commission shall, in accordance with the procedure referred to in Article 37(2), authorise for use in organic production and include in a restricted list the products and substances, which may be used in organic farming for the following purposes:

- (a) as plant protection products;
- (b) as fertilisers and soil conditioners;
- (c) as non-organic feed materials from plant origin, feed material from animal and mineral origin and certain substances used in animal nutrition;
- (d) as feed additives and processing aids;
- (e) as products for cleaning and disinfection of ponds, cages, buildings and installations for animal production;
- (f) as products for cleaning and disinfection of buildings and installations used for plant production, including storage on an agricultural holding.

Products and substances contained in the restricted list may only be used in so far as the corresponding use is authorised in general agriculture in the Member States concerned in accordance with the relevant Community provisions or national provisions in conformity with Community law.

834.16.2 The authorisation of the products and substances referred to in paragraph 1 is subject to the objectives and principles laid down in Title II and the following general and specific criteria which shall be evaluated as a whole:

- (a) their use is necessary for sustained production and essential for its intended use;
- (b) all products and substances shall be of plant, animal, microbial or mineral origin except where products or substances from such sources are not available in sufficient quantities or qualities or if alternatives are not available;
- (c) in the case of products referred to in paragraph 1(a), the following shall apply:
  - (i) their use is essential for the control of a harmful organism or a particular disease for which other biological, physical or breeding alternatives or cultivation practices or other effective management practices are not available;
  - (ii) if products are not of plant, animal, microbial or mineral origin and are not identical to their natural form, they may be authorised only if their conditions for use preclude any direct contact with the edible parts of the crop;
- (d) in the case of products referred to in paragraph 1(b), their use is essential for obtaining or maintaining the fertility of the soil or to fulfil specific nutrition requirements of crops, or specific soil-conditioning purposes;
- (e) in the case of products referred to in paragraph 1(c) and (d), the following shall apply:
  - (i) they are necessary to maintain animal health, animal welfare and vitality and contribute to an appropriate diet fulfilling the physiological and behavioural needs of the species concerned or it would be impossible to produce or preserve such feed without having recourse to such substances;
  - (ii) feed of mineral origin, trace elements, vitamins or provitamins shall be of natural origin. In case these substances are unavailable, chemically well-defined analogic substances may be authorised for use in organic

production.

834.16.3

- (a) The Commission may, in accordance with the procedure referred to in Article 37(2), lay down conditions and limits as regards the agricultural products to which the products and substances referred to in paragraph 1 can be applied to, the application method, the dosage, the time limits for use and the contact with agricultural products and, if necessary, decide on the withdrawal of these products and substances.
- (b) Where a Member State considers that a product or substance should be added to, or withdrawn from the list referred to in paragraph 1, or that the specifications of use mentioned in subparagraph (a) should be amended, the Member State shall ensure that a dossier giving the reasons for the inclusion, withdrawal or amendments is sent officially to the Commission and to the Member States.

Requests for amendment or withdrawal, as well as decisions thereon, shall be published.

- (c) Products and substances used before adoption of this Regulation for purposes corresponding to those laid down in paragraph 1 of this Article, may continue to be used after said adoption. The Commission may in any case withdraw such products or substances in accordance with Article 37(2).

834.16.4 Member States may regulate, within their territory, the use of products and substances in organic farming for purposes different than those mentioned in paragraph 1 provided their use is subject to objectives and principles laid down in Title II and the general and specific criteria set out in paragraph 2, and in so far as it respects Community law. The Member State concerned shall inform other Member States and the Commission of such national rules.

834.16.5 The use of products and substances not covered under paragraph 1 and 4, and subject to the objectives and principles laid down in Title II and the general criteria in this Article, shall be allowed in organic farming.

## **Article 17**

### **Conversion Rules**

834.17.1 The following rules shall apply to a farm on which organic production is started:

- (a) the conversion period shall start at the earliest when the operator has notified his activity to the competent authorities and subjected his holding to the control system in accordance with Article 28(1);
- (b) during the conversion period all rules established by this Regulation shall apply;
- (c) conversion periods specific to the type of crop or animal production shall be defined;
- (d) on a holding or unit partly under organic production and partly in conversion to organic production, the operator shall keep the organically produced and in-conversion products separate and the animals separate or readily separable and keep adequate records to show the separation;
- (e) in order to determine the conversion period referred to above, a period immediately preceding the date of the start of the conversion period, may be taken into account, in so far as certain conditions concur;
- (f) animals and animal products produced during the conversion period referred to in subparagraph (c) shall not be marketed with the indications referred to in Articles 23 and 24 used in the labelling and advertising of products.

834.17.2 The measures and conditions necessary for the implementation of the rules contained in

this Article, and in particular the periods referred to in paragraph 1(c) to (f) shall be defined in accordance with the procedure referred to in Article 37(2).

### **Plant and plant products**

889.36.1 For plants and plant products to be considered organic, the production rules as referred to in Articles 9, 10, 11 and 12 of Regulation (EC) No 834/2007 and Chapter 1 of this Regulation and where applicable the exceptional production rules in Chapter 6 of this Regulation must have been applied on the parcels during a conversion period of at least two years before sowing, or, in the case of grassland or perennial forage, at least two years before its use as feed from organic farming, or, in the case of perennial crops other than forage, at least three years before the first harvest of organic products.

889.36.2 The competent authority may decide to recognise retroactively as being part of the conversion period any previous period in which:

- (a) the land parcels were subject of measures defined in a programme implemented pursuant to Regulations (EC) No 1257/99, (EC) No 1698/2005, or in another official programme, provided that the measures concerned ensure that products not authorised for organic production have not been used on those parcels, or
- (b) the parcels were natural or agricultural areas which were not treated with products not authorised for organic production.

The period referred to in point (b) of the first subparagraph can be taken into consideration retroactively only where satisfactory proof has been furnished to the competent authority allowing it to satisfy itself that the conditions were met for a period of at least three years.

889.36.3 The competent authority may decide, in certain cases, where the land had been a contaminated wit product not authorized for organic production, to extend the conversion period beyond the period referred to in paragraph 1.

889.36.4 In the case of parcels which have already been converted to or were in the process of conversion to organic farming, and which are treated with a product not authorised for organic production, the Member State may shorten the conversion period referred to in paragraph 1 in the following two cases:

- (a) parcels treated with a product not authorised for organic production as part of a compulsory disease or pest control measure imposed by the competent authority of the Member State;
- (b) parcels treated with a product not authorised for organic production as part of scientific tests approved by the competent authority of the Member State.

In the cases provided for in points (a) and (b) of the first subparagraph, the length of the conversion period shall be fixed taking into account of the following factors:

- (a) the process of degradation of the product concerned shall guarantee, at the end of the conversion period, an insignificant level of residues in the soil and, in the case of a perennial crop, in the plant;
- (b) the harvest following the treatment may not be sold with reference to organic production methods. The Member State concerned shall inform the other Member States and the Commission of its decision to require compulsory measures.

### **Seaweed**

710.36a.1 The conversion period for a seaweed harvesting site shall be six months.

710.36a.2 The conversion period for a seaweed cultivation unit shall be the longer of six months or one full production cycle.

### **Transition measures for seaweed production**

- 710.95.11. 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.

### **Specific conversion rules for land associated with organic livestock production**

- 889.37.1 The conversion rules as referred to in Article 36 of this Regulation shall apply to the whole area of the production unit on which animal feed is produced.
- 889.37.2 Notwithstanding the provisions in paragraph 1, the conversion period may be reduced to one year for pasturages and open air areas used by non-herbivore species. This period may be reduced to six months where the land concerned has not during the last year, received treatments with products not authorised for organic production.

### **Conversion of Livestock and livestock products**

- 889.38.1 Where non-organic livestock has been brought onto a holding in accordance with Article 14(1)(a)(ii) of Regulation (EC) No 834/2007 and Article 9 and/or Article 42 of this Regulation and if livestock products are to be sold as organic products, the production rules as referred to in Articles 9, 10, 11 and 14 of Regulation (EC) No 834/2007 and in Chapter 2 of Title II and where applicable in Article 42 of this Regulation must have been applied for at least:
- (a) 12 months in the case of equidae and bovines, including *bubalus* and bison species, for meat production, and in any case at least three quarters of their lifetime;
  - (b) six months in the case of small ruminants and pigs and animals for milk production;
  - (c) 10 weeks for poultry for meat production, brought in before they are three days old;
  - (d) six weeks in the case of poultry for egg production.
- 889.38.2 Where non-organic animals exist on a holding at the beginning of the conversion period in accordance with Article 14(1)(a)(iii) of Regulation (EC) No 834/2007 their products may be deemed organic if there is simultaneous conversion of the complete production unit, including livestock, pasturage and/or any land used for animal feed. The total combined conversion period for both existing animals and their offspring, pasturage and/or any land used for animal feed, may be reduced to 24 months, if the animals are mainly fed with products from the production unit.
- 889.38.3 Beekeeping products can be sold with references to the organic production method only when the organic production rules have been complied with for at least one year.
- 889.38.4 The conversion period for apiaries does not apply in the case of application of Article 9(5) of this Regulation.
- 889.38.5 During the conversion period the wax shall be replaced with wax coming from organic beekeeping.

### **Conversion of Aquaculture animal production**

- 710.38a.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;

- (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.

710.38a.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.'

**Transition measures for aquaculture animal production**

710.95.11. 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.

## CHAPTER 3 - Production of processed feed

### *Article 18*

#### **General rules on the production of processed feed**

- 834.18.1 Production of processed organic feed shall be kept separate in time or space from production of processed non organic feed.
- 834.18.2 Organic feed materials, or feed materials from production in conversion, shall not enter simultaneously with the same feed materials produced by non organic means into the composition of the organic feed product.
- 834.18.3 Any feed materials used or processed in organic production shall not have been processed with the aid of chemically synthesised solvents.
- 834.18.4 Substances and techniques that reconstitute properties that are lost in the processing and storage of organic feed, that correct the results of negligence in the processing or that otherwise may be misleading as to the true nature of these products shall not be used.
- 834.18.5 The measures and conditions necessary for the implementation of the production rules contained in this Article shall be adopted in accordance with the procedure referred to in Article 37(2).



## **CHAPTER 4 - Production of processed food**

### **Article 19**

#### **General rules on the production of processed food**

- 834.19.1 The preparation of processed organic food shall be kept separate in time or space from non-organic food.
- 834.19.2 The following conditions shall apply to the composition of organic processed food:
- (a) the product shall be produced mainly from ingredients of agricultural origin; in order to determine whether a product is produced mainly from ingredients of agricultural origin added water and cooking salt shall not be taken into account;
  - (b) only additives, processing aids, flavourings, water, salt, preparations of micro-organisms and enzymes, minerals, trace elements, vitamins, as well as amino acids and other micronutrients in foodstuffs for particular nutritional uses may be used, and only in so far as they have been authorised for use in organic production in accordance with Article 21;
  - (c) non-organic agricultural ingredients may be used only if they have been authorised for use in organic production in accordance with Article 21 or have been provisionally authorised by a Member State;
  - (d) an organic ingredient shall not be present together with the same ingredient in non-organic form or an ingredient in conversion;
  - (e) food produced from in-conversion crops shall contain only one crop ingredient of agricultural origin.
- 834.19.3 Substances and techniques that reconstitute properties that are lost in the processing and storage of organic food, that correct the results of negligence in the processing of these products or that otherwise may be misleading as to the true nature of these products shall not be used.

The measures necessary for the implementation of the production rules contained in this Article, and in particular regarding processing methods and the conditions for the provisional authorisation by Member States mentioned in paragraph 2(c), shall be adopted in accordance with the procedure referred to in Article 37(2).

#### **Rules for the production of processed feed and food**

- 889.26.1 Additives, processing aids and other substances and ingredients used for processing food or feed and any processing practice applied, such as smoking, shall respect the principles of good manufacturing practice.
- 889.26.2 Operators producing processed feed or food shall establish and update appropriate procedures based on a systematic identification of critical processing steps.
- 889.26.3 The application of the procedures referred to in paragraph 2 shall guarantee at all times that the produced processed products comply with the organic production rules.
- 889.26.4 Operators shall comply with and implement the procedure referred to in paragraph 2. In particular, operators shall:
- (a) take precautionary measures to avoid the risk of contamination by unauthorised substances or products;
  - (b) implement suitable cleaning measures, monitor their effectiveness and record these operations;

- (c) guarantee that non-organic products are not placed on the market with an indication referring to the organic production method.

889.26.5 Further to the provisions laid down in paragraphs 2 and 4, when non-organic products are also prepared or stored in the preparation unit concerned, the operator shall:

- (a) carry out the operations continuously until the complete run has been dealt with, separated by place or time from similar operations performed on non-organic products;
- (b) store organic products, before and after the operations, separate by place or time from non-organic products;
- (c) inform the control authority or control body thereof and keep available an updated register of all operations and quantities processed;
- (d) take the necessary measures to ensure identification of lots and to avoid mixtures or exchanges with non-organic products;
- (e) carry out operations on organic products only after suitable cleaning of the production equipment.

## **Article 20**

### **General rules on the production of organic yeast**

834.20.1 For the production of organic yeast only organically produced substrates shall be used. Other products and substances may only be used in so far as they have been authorised for use in organic production in accordance with Article 21.

834.20.2 Organic yeast shall not be present in organic food or feed together with non-organic yeast.

834.20.3 Detailed production rules may be laid down in accordance with the procedure referred to in Article 37(2).

1254.46a Exceptional production rules with regard to the use of specific products and substances in the processing in accordance with Article 22 (2) (e) of Regulation (EC) No 834/2007

#### **Addition of non-organic yeast extract**

Where the conditions laid down in Article 22(2)(e) of Regulation (EC) No 834/2007 apply, the addition of up to 5% non-organic yeast extract or autolysate to the substrate (calculated in dry matter) is allowed for the production of organic yeast, where operators are unable to obtain yeast extract or autolysate from organic production. The availability of organic yeast extract or autolysate shall be re-examined by 31 December 2013 with a view to withdrawing this provision.

## **Article 21**

### **Criteria for certain products and substances in processing**

834.21.1 The authorisation of products and substances for use in organic production and their inclusion in a restricted list of the products and substances referred to in Article 19(2)(b) and (c) shall be subject to the objectives and principles laid down in Title II and the following criteria, which shall be evaluated as a whole:

- (i) alternatives authorised in accordance with this chapter are not available;
- (ii) without having recourse to them, it would be impossible to produce or preserve the food or to fulfil given dietary requirements provided for on the basis of the Community legislation.

In addition, the products and substances referred to in Article 19(2)(b) are to be found in nature and may have undergone only mechanical, physical, biological, enzymatic or microbial processes, except where such products and substances from such sources are not available in sufficient quantities or qualities on the market.

- 834.21.2 The Commission shall, in accordance with the procedure referred to in Article 37(2), decide on the authorisation of the products and substances and their inclusion in the restricted list referred to in paragraph 1 of this Article and lay down specific conditions and limits for their use, and, if necessary, on the withdrawal of products.

Where a Member State considers that a product or substance should be added to, or withdrawn from the list referred to in paragraph 1, or that the specifications of use mentioned in this paragraph should be amended, the Member State shall ensure that a dossier giving the reasons for the inclusion, withdrawal or amendments is sent officially to the Commission and to the Member States.

Requests for amendment or withdrawal, as well as decisions thereon, shall be published.

Products and substances used before adoption of this Regulation and falling under Article 19(2)(b) and (c) may continue to be used after the said adoption. The Commission may, in any case, withdraw such products or substances in accordance with Article 37(2).

### **Use of certain products and substances in processing of food**

- 889.27.1 For the purpose of Article 19(2)(b) of Regulation (EC) No 834/2007, only the following substances can be used in the processing of organic food, with the exception of wine:
- (a) substances listed in Annex VIII to this Regulation;
  - (b) preparations of micro-organisms and enzymes normally used in food processing. However, enzymes to be used as food additives have to be listed in Annex VIII, Section A.
  - (c) substances, and products as defined in Articles 1(2)(b)(i) and 1(2)(c) of Council Directive 88/388/EEC (14) labelled as natural flavouring substances or natural flavouring preparations, according to Articles 9(1)(d) and (2) of that Directive.
  - (d) colours for stamping meat and eggshells in accordance with, respectively, Article 2(8) and Article 2(9) of European Parliament and Council Directive 94/36/EC (15);
  - (e) drinking water and salt (with sodium chloride or potassium chloride as basic components) generally used in food processing;
  - (f) minerals (trace elements included), vitamins, amino acids and micronutrients, only authorised as far their use is legally required in the foodstuffs in which they are incorporated.
- 889.27.2 For the purpose of the calculation referred to in Article 23 (4)(a)(ii) of Regulation (EC) No 834/2007,
- (a) food additives listed in Annex VIII and marked with an asterisk in the column of the additive code number, shall be calculated as ingredients of agricultural origin;
  - (b) preparations and substances referred to in paragraph (1)(b),(c),(d),(e) and (f) of this Article and substances not marked with an asterisk in the column of the additive code number shall not be calculated as ingredients of agricultural origin.
  - (c) yeast and yeast products shall be calculated as ingredients of agricultural origin as of 31 December 2013.
- 889.27.3 The use of the following substances listed in Annex VIII shall be re-examined before 31 December 2010:
- (a) Sodium nitrite and potassium nitrate in Section A with a view to withdrawing these additives;

- (b) Sulphur dioxide and potassium metabisulphite in Section A;
- (c) Hydrochloric acid in Section B for the processing of Gouda, Edam and Maasdammer cheeses, Boerenkaas, Friese, and Leidse Nagelkaas.

The re-examination referred to in point (a) shall take account of the efforts made by Member States to find safe alternatives to nitrites/nitrates and in establishing educational programmes in alternative processing methods and hygiene for organic meat processors/manufacturers.

1254.4 For the traditional decorative colouring of the shell of boiled eggs produced with the intention to place them on the market at a given period of the year, the competent authority may authorise for the period referred to above, the use of natural colours and natural coating substances. The authorisation may comprise synthetic forms of iron oxides and iron hydroxides until 31 December 2013. Authorisations shall be notified to the Commission and the Member States.

1254.27a For the purpose of the application of Article 20(1) of Regulation (EC) No 834/2007, the following substances may be used in the production, confection and formulation of yeast:

- (a) substances listed in Annex VIII, Section C to this Regulation;
- (b) products and substances referred to in Article 27(1)(b) and (e) of this Regulation.

#### **Use of certain non-organic ingredients of agricultural origin in processing food**

889.28 For the purpose of Article 19(2)(c) of Regulation (EC) No 834/2007, non-organic agricultural ingredients listed in Annex IX to this Regulation can be used in the processing of organic food.<sup>70</sup>

#### **Authorisation of non-organic food ingredients of agricultural origin by Member State**

889.29.1 Where an ingredient of agricultural origin is not included in Annex IX to this Regulation, that ingredient may only be used under the following conditions:

- (a) the operator has notified to the competent authority of the Member State all the requisite evidence showing that the ingredient concerned is not produced in sufficient quantity in the Community in accordance with the organic production rules or cannot be imported from third countries;
- (b) the competent authority of the Member State has provisionally authorised, the use for a maximum period of 12 months after having verified that the operator has undertaken the necessary contacts with suppliers in the Community to ensure himself of the unavailability of the ingredients concerned with the required quality requirements;
- (c) no decision has been taken, in accordance with the provisions of paragraphs 3 or 4 that a granted authorization with regard to the ingredient concerned shall be withdrawn. The Member State may prolong the authorisation provided for in point (b) a maximum of three times for 12 months each.

889.29.2 Where an authorisation as referred to in paragraph 1 has been granted, the Member State shall immediately notify to the other Member States and to the Commission, the following information:

- (a) the date of the authorisation and in case of a prolonged authorisation, the date of the first authorisation;
- (b) the name, address, telephone, and where relevant, fax and email of the holder of the authorisation; the name and address of the contact point of the authority which granted the authorisation;
- (c) the name and, where necessary, the precise description and quality requirements of the ingredient of agricultural origin concerned;

- (d) the type of products for the preparation of which the requested ingredient is necessary;
- (e) the quantities that are required and the justification for those quantities;
- (f) the reasons for, and expected period of, the shortage;
- (g) the date on which the Member State sends this notification to the other Member States and the Commission. The Commission and/or Member States may make this information available to the public.

889.29.3 Where a Member State submits comments to the Commission and to the Member State which granted the authorisation, which show that supplies are available during the period of the shortage, the Member State shall consider withdrawal of the authorisation or reducing the envisaged period of validity, and shall inform the Commission and the other Member States of the measures it has taken or will take, within 15 working days from the date of receipt of the information.

889.29.4 At the request of a Member State or at the Commission's initiative, the matter shall be submitted for examination to the Committee set up in accordance with Article 37 of Regulation (EC) No 834/2007. It may be decided, in accordance with the procedure laid down in paragraph 2 of that Article, that a previously granted authorisation shall be withdrawn or its period of validity amended, or where appropriate, that the ingredient concerned shall be included in Annex IX to this Regulation.

889.29.5 In case of an extension as referred to in the second subparagraph of paragraph 1, the procedures of paragraphs 2 and 3 shall apply.

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

710.29a.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.

710.29a.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.'

#### **Transitional measures**

889.95.7 Authorisations of non-organic ingredients of agricultural origin granted by Member States under Regulation (EEC) No 207/93 may be deemed granted as under this Regulation. However, authorisations granted in accordance with Article 3(6) of the former Regulation shall expire on 31 December 2009.

#### **Food & Feed**

##### **Collection of products and transport to preparation units**

889.30 Operators may carry out simultaneous collection of organic and non-organic products, only where appropriate measures are taken to prevent any possible mixture or exchange with nonorganic products and to ensure the identification of the organic products. The operator shall keep the information relating to collection days, hours, circuit and date and time of reception of the products available to the control body or control authority.

##### **Packaging and transport of products to other operators or units**

889.31.1 Operators shall ensure that organic products are transported to other units, including wholesalers and retailers, only in appropriate packaging, containers or vehicles closed in such a manner that substitution of the content cannot be achieved without manipulation or damage of the seal and provided with a label stating, without prejudice to any other indications required by law:

- (a) the name and address of the operator and, where different, of the owner or seller of the product;
- (b) the name of the product or a description of the compound feedingstuff accompanied by a reference to the organic production method;
- (c) the name and/or the code number of the control body or authority to which the operator is subject; and
- (d) where relevant, the lot identification mark according to a marking system either approved at national level or agreed with the control body or authority and which permits to link the lot with the accounts referred to in Article 66.

The information referred to in points (a) to (d) of the first subparagraph may also be presented on an accompanying document, if such a document can be undeniably linked with the packaging, container or vehicular transport of the product. This accompanying document shall include information on the supplier and/or the transporter.

889.31.2 The closing of packaging, containers or vehicles shall not be required where:

- (a) transportation is direct between an operator and another operator who are both subject to the organic control system, and
- (b) the products are accompanied by a document giving the information required under paragraph 1, and
- (c) both the expediting and the receiving operators shall keep documentary records of such transport operations available for the control body or control authority of such transport operations.

#### **Special rules for transporting feed to other production/preparation units or storage premises**

889.32.1 In addition to the provisions of Article 31, when transporting feed to other production or preparation units or storage premises, operators shall ensure that the following conditions are met:

- (a) during transport, organically-produced feed, in-conversion feed, and non-organic feed shall be effectively physically separated;
- (b) the vehicles and/or containers which have transported nonorganic products are used to transport organic products provided that:
  - (i) suitable cleaning measures, the effectiveness of which has been checked, have been carried out before commencing the transport of organic products; operators shall record these operations,
  - (ii) all appropriate measures are implemented, depending on the risks evaluated in accordance with Article 88(3) and, where necessary, operators shall guarantee that non-organic products cannot be placed on the market with an indication referring to organic production,
  - (iii) the operator shall keep documentary records of such transport operations available for the control body or control authority;
- (c) the transport of finished organic feed shall be separated physically or in time from the transport of other finished products;
- (d) during transport, the quantity of products at the start and each individual quantity delivered in the course of a delivery round shall be recorded.

#### **Reception of products from other units and other operators**

889.33 On receipt of an organic product, the operator shall check the closing of the packaging or



container where it is required and the presence of the indications provided to in Article 31. The operator shall crosscheck the information on the label referred to in Article 31 with the information on the accompanying documents. The result of these verifications shall be explicitly mentioned in the documentary accounts referred to in Article 66.

### **Special rules for the reception of products from a third country**

- 889.34 Organic products shall be imported from a third country in appropriate packaging or containers, closed in a manner preventing substitution of the content and provided with identification of the exporter and with any other marks and numbers serving to identify the lot and with the certificate of control for import from third countries as appropriate.

On receipt of an organic product, imported from a third country, the first consignee shall check the closing of the packaging or container and, in the case of products imported in accordance with Article 33 of Regulation (EC) No 834/2007, shall check that the certificate mentioned in that Article covers the type of product contained in the consignment. The result of this verification shall be explicitly mentioned in the documentary accounts referred to in Article 66 of this Regulation.

### **Storage of products**

- 889.35.1 For the storage of products, areas shall be managed in such a way as to ensure identification of lots and to avoid any mixing with or contamination by products and/or substances not in compliance with the organic production rules. Organic products shall be clearly identifiable at all times.
- 889.35.2 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.
- 889.35.3 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.<sup>1</sup>
- 889.35.4 In case where operators handle both non-organic products and organic products and the latter are stored in storage facilities in which also other agricultural products or foodstuffs are stored:
- (a) the organic products shall be kept separate from the other agricultural products and/or foodstuffs;
  - (b) every measure shall be taken to ensure identification of consignments and to avoid mixtures or exchanges with non-organic products;
  - (c) suitable cleaning measures, the effectiveness of which has been checked, have been carried out before the storage of organic products; operators shall record these operations.

## **CHAPTER 5 - Flexibility**

### **Article 22**

#### **Exceptional production rules**

- 834.22.1 The Commission may, in accordance with the procedure referred to in Article 37(2) and the conditions set out in paragraph 2 of this Article and subject to the objectives and principles laid down in Title II, provide for the granting of exceptions from the production rules laid down in Chapters 1 to 4.
- 834.22.2 Exceptions as referred to in paragraph 1 shall be kept to a minimum and, where appropriate, limited in time and may only be provided for in the following cases:
- (a) where they are necessary in order to ensure that organic production can be initiated or maintained on holdings confronted with climatic, geographical or structural constraints;
  - (b) where it is necessary in order to ensure access to feed, seed and vegetative propagating material, live animals and other farm inputs, where such inputs are not available on the market in organic form;
  - (c) where it is necessary in order to ensure access to ingredients of agricultural origin, where such ingredients are not available on the market in organic form;
  - (d) where they are necessary in order to solve specific problems related to the management of organic livestock;
  - (e) where they are necessary with regard to the use of specific products and substances in the processing referred to in Article 19(2)(b) in order to ensure production of well established food products in organic form;
  - (f) where temporary measures are necessary in order to allow organic production to continue or recommence in the case of catastrophic circumstances;
  - (g) where it is necessary to use food additives and other substances as set out in Article 19(2)(b) or feed additives and other substances as set out in Article 16(1)(d) and such substances are not available on the market other than produced by GMOs;
  - (h) where the use of food additives and other substances as set out in Article 19(2)(b) or feed additives as set out in Article 16(1)(d) is required on the basis of Community law or national law.
- 834.22.3 The Commission may in accordance with the procedure referred to in Article 37(2) lay down specific conditions for the application of exceptions provided for under paragraph 1.

## TITLE IV - LABELLING

### Article 23

#### Use of terms referring to organic production

834.23.1 For the purposes of this Regulation a product shall be regarded as bearing terms referring to the organic production method where, in the labelling, advertising material or commercial documents, such a product, its ingredients or feed materials are described in terms suggesting to the purchaser that the product, its ingredients or feed materials have been obtained in accordance with the rules laid down in this Regulation. In particular, the terms listed in the Annex, their derivatives or diminutives, such as 'bio' and 'eco', alone or combined, may be used throughout the Community and in any Community language for the labelling and advertising of products which satisfy the requirements set out under or pursuant to this Regulation.

#### TERMS REFERRED TO IN ARTICLE 23(1)

BG: биологичен.	FR: biologique.	NL: biologisch.
ES: ecológico, biológico.	GA: orgánach.	PL: ekologiczne.
CS: ekologické, biologické.	IT: biologico.	PT: biológico.
DA: økologisk.	LV: bioloģisks, ekoloģisks.	RO: ecologic.
DE: ökologisch, biologisch.	LT: ekologiškas.	SK: ekologické, biologické.
ET: mahe, ökoloogiline.	LU: biologesch.	SL: ekološki.
EL: βιολογικό.	HU: ökológiai.	FI: luonnonmukainen.
EN: organic.	MT: organiku.	SV: ekologisk.

In the labelling and advertising of live or unprocessed agricultural products terms referring to the organic production method may be used only where, in addition, all the ingredients of that product have also been produced in accordance with the requirements laid down in this Regulation.

834.23.2 The terms referred to in paragraph 1 shall not be used anywhere in the Community and in any Community language for the labelling, advertising and commercial documents of a product which does not satisfy the requirements set out under this Regulation, unless they are not applied to agricultural products in food or feed or clearly have no connection with organic production.

Furthermore, any terms, including terms used in trademarks, or practices used in labelling or advertising liable to mislead the consumer or user by suggesting that a product or its ingredients satisfy the requirements set out under this Regulation shall not be used.

834.23.3 The terms referred to in paragraph 1 shall not be used for a product for which it has to be indicated in the labelling or advertising that it contains GMOs, consists of GMOs or is produced from GMOs according to Community provisions.

834.23.4 As regards processed food, the terms referred to in paragraph 1 may be used:

- (a) in the sales description, provided that:
  - (i) the processed food complies with Article 19;
  - (ii) at least 95 % by weight, of its ingredients of agricultural origin are organic;
- (b) only in the list of ingredients, provided that the food complies with Article 19(1), 19(2)(a), 19(2)(b) and 19(2)(d);
- (c) in the list of ingredients and in the same visual field as the sales description, provided that:

- (i) the main ingredient is a product of hunting or fishing;
- (ii) it contains other ingredients of agricultural origin that are all organic;
- (iii) the food complies with Article 19(1), 19(2)(a), 19(2)(b) and 19(2)(d).

The list of ingredients shall indicate which ingredients are organic.

In the case where points (b) and (c) of this paragraph apply, the references to the organic production method may only appear in relation to the organic ingredients and the list of ingredients shall include an indication of the total percentage of organic ingredients in proportion to the total quantity of ingredients of agricultural origin.

The terms and the indication of percentage referred to in the previous subparagraph shall appear in the same colour, identical size and style of lettering as the other indications in the list of ingredients.

834.23.5 Member States shall take the measures necessary to ensure compliance with this Article.

834.23.6 The Commission may in accordance with the procedure referred to in Article 37(2) adapt the list of terms set out in the Annex.

## **Article 24**

### **Compulsory indications**

834.24.1 Where terms as referred to in Article 23(1) are used:

- (a) the code number referred to in Article 27(10) of the control authority or control body to which the operator who has carried out the most recent production or preparation operation is subject, shall also appear in the labelling;

### **Conditions for the use of the code number and place of origin**

889.58.1 The indication of the code number of the control authority or control body referred to in Article 24(1)(a) of Regulation (EC) 834/2007 shall,

- (a) start with the acronym identifying the Member State or the third country, as referred to in the international standard for the two letter country codes under ISO 3166 (*Codes for the representation of names of countries and their subdivisions*);
- (b) (271.1.3) include a term which establishes a link with the organic production method, as referred to in Article 23(1) of Regulation (EC) No 834/2007 in accordance with Part B(2) of Annex XI to this Regulation;
- (c) (271.1.3) include a reference number to be decided by the Commission or by the competent authority of the Member States in accordance with Part B(3) of Annex XI to this Regulation; and
- (d) (271.1.3) be placed in the same visual field as the Organic logo of the EU, where the Organic logo of the EU is used in the labelling.’;

889.58.2 The indication of the place where the agricultural raw materials of which the products is composed have been farmed, as referred to in Article 24(1)(c) of Regulation (EC) 834/2007, shall be placed immediately below the code number referred to in paragraph 1.

834.24.1 Where terms as referred to in Article 23(1) are used:

- (b) the Community logo referred to in Article 25(1) as regards pre-packaged food shall also appear on the packaging;
- (c) where the Community logo is used, an indication of the place where the agricultural raw materials of which the product is composed have been farmed, shall also

appear in the same visual field as the logo and shall take one of the following forms, as appropriate:

- ‘EU Agriculture’, where the agricultural raw material has been farmed in the EU,
- ‘non-EU Agriculture’, where the agricultural raw material has been farmed in third countries,
- ‘EU/non-EU Agriculture’, where part of the agricultural raw materials has been farmed in the Community and a part of it has been farmed in a third country.

The abovementioned indication ‘EU’ or ‘non-EU’ may be replaced or supplemented by a country in the case where all agricultural raw materials of which the product is composed have been farmed in that country.

For the abovementioned ‘EU’ or ‘non-EU’ indication, small quantities by weight of ingredients may be disregarded provided that the total quantity of the disregarded ingredients does not exceed 2 % of the total quantity by weight of raw materials of agricultural origin.

The abovementioned ‘EU’ or ‘non-EU’ indication shall not appear in a colour, size and style of lettering more prominent than the sales description of the product.

The use of the Community logo as referred to in Article 25(1) and the indication referred to in the first subparagraph shall be optional for products imported from third countries. However, where the Community logo as referred to in Article 25(1) appears in the labelling, the indication referred to in the first subparagraph shall also appear in the labelling.

834.24.2 The indications referred to in paragraph 1 shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible.

834.24.3 The Commission shall, in accordance with the procedure referred to in Article 37(2), lay down specific criteria as regards the presentation, composition and size of the indications referred to in paragraph 1(a) and (c).

### **Organic production logo of the European Union**

271.1.1 In accordance with Article 25(3) of Regulation (EC) No 834/2007, the organic production logo of the European Union (hereinafter “Organic logo of the EU”) shall follow the model set out in Part A of Annex XI to this Regulation.

The Organic logo of the EU shall only be used if the product concerned is produced in accordance with the requirements of Regulation (EEC) No 2092/91 and its implementing regulations or Regulation (EC) No 834/2007 and the requirements of this Regulation.’;

## **Article 25**

### **Organic production logos**

834.25.1 The Community organic production logo may be used in the labelling, presentation and advertising of products which satisfy the requirements set out under this Regulation.

The Community logo shall not be used in the case of inconversion products and food as referred to in Article 23(4)(b) and (c).

834.25.2 National and private logos may be used in the labelling, presentation and advertising of products which satisfy the requirements set out under this Regulation.

834.25.3 The Commission shall, in accordance with the procedure referred to in Article 37(2), lay down specific criteria as regards presentation, composition, size and design of the Community logo.

## Article 26

### Specific labelling requirements

834.26 The Commission shall in accordance with the procedure referred to in Article 37(2) establish specific labelling and composition requirements applicable to:

- (a) organic feed;

### Specific labelling requirements for feed

#### Scope, use of trade marks and sales descriptions

889.59 This Chapter shall not apply to pet food and feed for fur animals.

The trade marks and sales descriptions bearing an indication referred to in Article 23(1) of Regulation (EC) No 834/2007 may be used only if at least 95 % of the product's dry matter is comprised of feed material from the organic production method.

#### Indications on processed feed

889.60.1 Without prejudice to Articles 61 and 59, second paragraph of this Regulation, the terms referred to in Article 23(1) of Regulation (EC) 834/2007 may be used on processed feed provided that:

- (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;
- (b) the processed feed complies with the provisions of this Regulation and in particular with Articles 22 and 26 thereof;
- (c) at least 95 % of the product's dry matter is organic.

889.60.2 Subject to the requirements laid down in points (a) and (b) of paragraph 1, the following statement is permitted in the case of products comprising variable quantities of feed materials from the organic production method and/or feed materials from products in conversion to organic farming and/or non-organic materials:

'may be used in organic production in accordance with Regulations (EC) 834/2007 and (EC) 889/2008'

#### Conditions for the use of indications on processed feed

889.61.1 The indication provided for in Article 60 shall be:

- (a) separate from the wording referred to in Article 5 of Council Directive 79/373/EEC (19) or in Article 5(1) of Council Directive 96/25/EC (20);
- (b) presented in a colour, format or character font that does not draw more attention to it than to the description or name of the animal feedingstuff referred to in Article 5(1)(a) of Directive 79/373/EEC or in Article 5(1)(b) of Directive 96/25/EC respectively;
- (c) accompanied, in the same field of vision, by an indication by weight of dry matter referring:
  - (i) to the percentage of feed material(s) from the organic production method;
  - (ii) to the percentage of feed material(s) from products in conversion to organic farming;
  - (iii) to the percentage of feed material(s) not covered by points (i) and (ii);



- (iv) to the total percentage of animal feed of agricultural origin;
- (d) accompanied by a list of names of feed materials from the organic production method;
- (e) accompanied by a list of names of feed materials from products in conversion to organic production.

889.61.2 The indication provided for in Article 60 may be also accompanied by a reference to the requirement to use the feedingstuffs in accordance with Articles 21 and 22.

#### **Specific labelling requirements for in-conversion products of plant origin**

834.26 The Commission shall in accordance with the procedure referred to in Article 37(2) establish specific labelling and composition requirements applicable to:

- (b) in-conversion products of plant origin;

889.62 In-conversion products of plant origin may bear the indication 'product under conversion to organic farming' provided that:

- (a) a conversion period of at least 12 months before the harvest has been complied with;
- (b) the indication shall appear in a colour, size and style of lettering which is not more prominent than the sales description of the product, the entire indication shall have the same size of letters;
- (c) the product contains only one crop ingredient of agricultural origin;
- (d) the indication is linked to the code number of the control body or control authority as referred to in Article 27(10) of Regulation 834/2007.

#### **Specific labelling requirements for vegetative propagating material and seeds**

834.26 The Commission shall in accordance with the procedure referred to in Article 37(2) establish specific labelling and composition requirements applicable to:

- (c) vegetative propagating material and seeds for cultivation.

#### **Transitional measures**

889.95.8 For a transitional period expiring on the 1 July 2010, the operators may continue to use in the labelling the provisions as laid down in Regulation (EEC) No 2092/91 for:

- (i) the system for calculation the percentage of organic ingredients of food;
- (ii) the code number and/or the name of the control body or control authority.

889.95.9 (271.1.4) Stocks of products produced, packaged and labelled before 1 July 2010 in accordance with either Regulation (EEC) No 2092/91 or Regulation (EC) No 834/2007 may continue to be brought on the market bearing terms referring to organic production until stocks are exhausted.

889.95.10 (271.1.4) Packaging material in accordance with either Regulation (EEC) No 2092/91 or Regulation (EC) No 834/2007 may continue to be used for products placed on the market bearing terms referring to organic production until 1 July 2012, where the product otherwise complies with the requirements of Regulation (EC) No 834/2007.;

889.95.11 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.

## TITLE V - CONTROLS

### Article 27

#### Control system

- 834.27.1 Member States shall set up a system of controls and designate one or more competent authorities responsible for controls in respect of the obligations established by this Regulation in conformity with Regulation (EC) No 882/2004.
- 834.27.2 In addition to the conditions laid down in Regulation (EC) No 882/2004, the control system set up under this Regulation shall comprise at least the application of precautionary and control measures to be adopted by the Commission in accordance with the procedure referred to in Article 37(2).
- 834.27.3 In the context of this Regulation the nature and frequency of the controls shall be determined on the basis of an assessment of the risk of occurrence of irregularities and infringements as regards compliance with the requirements laid down in this Regulation. In any case, all operators with the exception of wholesalers dealing only with pre-packaged products and operators selling to the final consumer or user as described in Article 28(2), shall be subject to a verification of compliance at least once a year.
- 834.27.4 The competent authority may:
- (a) confer its control competences to one or more other control authorities. Control authorities shall offer adequate guarantees of objectivity and impartiality, and have at their disposal the qualified staff and resources necessary to carry out their functions;
  - (b) delegate control tasks to one or more control bodies. In that case, the Member States shall designate authorities responsible for the approval and supervision of such bodies.
- 834.27.5 The competent authority may delegate control tasks to a particular control body only if the conditions laid down in Article 5(2) of Regulation (EC) No 882/2004 are satisfied, and in particular where:
- (a) there is an accurate description of the tasks that the control body may carry out and of the conditions under which it may carry them out;
  - (b) there is proof that the control body:
    - (i) has the expertise, equipment and infrastructure required to carry out the tasks delegated to it;
    - (ii) has a sufficient number of suitable qualified and experienced staff; and
    - (iii) is impartial and free from any conflict of interest as regards the exercise of the tasks delegated to it;
  - (c) the control body is accredited to the most recently notified version, by a publication in the C series of the *Official Journal of the European Union*, of European Standard EN 45011 or ISO Guide 65 (General requirements for bodies operating product certification systems), and is approved by the competent authorities;
  - (d) the control body communicates the results of the controls carried out to the competent authority on a regular basis and whenever the competent authority so requests. If the results of the controls indicate non-compliance or point to the likelihood of non-compliance, the control body shall immediately inform the competent authority;
  - (e) there is an effective coordination between the delegating competent authority and the control body.

- 834.27.6 In addition to the provisions of paragraph 5, the competent authority shall take into account the following criteria whilst approving a control body:
- (a) the standard control procedure to be followed, containing a detailed description of the control measures and precautions that the body undertakes to impose on operators subject to its control;
  - (b) the measures that the control body intends to apply where irregularities and/or infringements are found.
- 834.27.7 The competent authorities may not delegate the following tasks to the control bodies;
- (a) the supervision and audit of other control bodies;
  - (b) the competence to grant exceptions, as referred to in Article 22, unless this is provided for in the specific conditions laid down by the Commission in accordance with Article 22(3).
- 834.27.8 In accordance with Article 5(3) of Regulation (EC) No 882/ 2004, competent authorities delegating control tasks to control bodies shall organise audits or inspections of control bodies as necessary. If, as a result of an audit or an inspection, it appears that such bodies are failing to carry out properly the tasks delegated to them, the delegating competent authority may withdraw the delegation. It shall withdraw it without delay if the control body fails to take appropriate and timely remedial action.
- 834.27.9 In addition to the provisions of paragraph 8, the competent authority shall:
- (a) ensure that the controls carried out by the control body are objective and independent;
  - (b) verify the effectiveness of its controls;
  - (c) take cognisance of any irregularities or infringements found and corrective measures applied;
  - (d) withdraw approval of that body where it fails to satisfy the requirements referred to in (a) and (b) or no longer fulfils the criteria indicated in paragraph 5, 6 or fails to satisfy the requirements laid down in paragraphs 11, 12 and 14.
- 834.27.10 Member States shall attribute a code number to each control authority or control body performing control tasks as referred to in paragraph 4.
- 834.27.11 Control authorities and control bodies shall give the competent authorities access to their offices and facilities and provide any information and assistance deemed necessary by the competent authorities for the fulfilment of their obligations according to this Article.
- 834.27.12 The control authorities and control bodies shall ensure that at least the precautionary and control measures referred to in paragraph 2 are applied to operators subject to their control.
- 834.27.13 Member States shall ensure that the control system as set up allows for the traceability of each product at all stages of production, preparation and distribution in accordance with Article 18 of Regulation (EC) No 178/2002, in particular, in order to give consumers guarantees that organic products have been produced in compliance with the requirements set out in this Regulation.
- 834.27.14 By 31 January each year at the latest the control authorities and control bodies shall transmit to the competent authorities a list of the operators which were subject to their controls on 31 December of the previous year. A summary report of the control activities carried out during the previous year shall be provided by 31 March each year.

## **Article 28**

### **Adherence to the control system**

- 834.28.1 Any operator who produces, prepares, stores, or imports from a third country products in the meaning of Article 1(2) or who places such products on the market shall, prior to placing on the market of any products as organic or in conversion to organic:
- (a) notify his activity to the competent authorities of the Member State where the activity is carried out;
  - (b) submit his undertaking to the control system referred to in Article 27.
- The first subparagraph shall apply also to exporters who export products produced in compliance with the production rules laid down in this Regulation.
- Where an operator contracts out any of the activities to a third party, that operator shall nonetheless be subject to the requirements referred to in points (a) and (b), and the subcontracted activities shall be subject to the control system.
- 834.28.2 Member States may exempt from the application of this Article operators who sell products directly to the final consumer or user provided they do not produce, prepare, store other than in connection with the point of sale or import such products from a third country or have not contracted out such activities to a third party.
- 834.28.3 Member States shall designate an authority or approve a body for the reception of such notifications.
- 834.28.4 Member States shall ensure that any operator who complies with the rules of this Regulation, and who pays a reasonable fee as a contribution to the control expenses, is entitled to be covered by the control system.
- 834.28.5 The control authorities and control bodies shall keep an updated list containing the names and addresses of operators under their control. This list shall be made available to the interested parties.
- 834.28.6 The Commission, in accordance with the procedure referred to in Article 37(2), shall adopt implementing rules to provide details of the notification and submission procedure referred to in paragraph 1 of this Article in particular with regard to the information included in the notification referred to in paragraph 1(a) of this Article.

#### **Control arrangements and undertaking by the operator**

- 889.63.1 When the control arrangements are first implemented, the operator shall draw up and subsequently maintain:
- (a) a full description of the unit and/or premises and/or activity;
  - (b) all the practical measures to be taken at the level of the unit and/or premises and/or activity to ensure compliance with the organic production rules;
  - (c) the precautionary measures to be taken in order to reduce the risk of contamination by unauthorised products or substances and the cleaning measures to be taken in storage places and throughout the operator's production chain. Where appropriate, the description and measures provided for in the first subparagraph may be part of a quality system as set up by the operator.
- 889.63.2 The description and the measures referred to in paragraph 1 shall be contained in a declaration, signed by the responsible operator. In addition, this declaration shall include an undertaking by the operator:
- (a) to perform the operations in accordance with the organic production rules;
  - (b) to accept, in the event of infringement or irregularities, the enforcement of the measures of the organic production rules;
  - (c) to undertake to inform in writing the buyers of the product in order to ensure that the indications referring to the organic production method are removed from this

production.

The declaration provided for in the first subparagraph shall be verified by the control body or control authority that issues a report identifying the possible deficiencies and non-compliances with the organic production rules. The operator shall countersign this report and take the necessary corrective measures.

889.63.3 For the application of Article 28(1) of Regulation (EC) No 834/2007 the operator shall notify the following information to the competent authority:

- (a) Name and address of operator;
- (b) Location of premises and, where appropriate, parcels (land register data) where operations are carried out;
- (c) Nature of operations and products;
- (d) Undertaking by the operator to carry out the operation in accordance with the provision laid down in Regulation (EC) No 834/2007 and this Regulation;
- (e) In the case of an agricultural holding, the date on which the producer ceased to apply products not authorised for organic production on the parcels concerned;
- (f) The name of the approved body to which the operator entrusted control of his undertaking, where the Member State has implemented the control system by approving such bodies.

#### **Modification of control arrangements**

889.64 The operator responsible shall notify any change in the description or of the measures referred to in Article 63 and in the initial control arrangements set out in Articles 70, 74, 80, 82, 86 and 88 to the control authority or control body in due time.

## **Article 29**

### **Documentary evidence – Control Body Certificate issued to the operator**

834.29.1 The control authorities and the control bodies referred to in Article 27(4) shall provide documentary evidence to any such operator who is subject to their controls and who in the sphere of his activities, meets the requirements laid down in this Regulation. The documentary evidence shall at least permit the identification of the operator and the type or range of products as well as the period of validity.

834.29.2 The operator shall verify the documentary evidence of his suppliers.

834.29.3 The form of the documentary evidence referred to in paragraph 1 shall be drawn up in accordance with the procedure referred to in Article 37(2), taking into account the advantages of electronic certification.

889.68 For the purpose of the application of Article 29(1) of Regulation (EC) No 834/2007 the control authorities and the control bodies shall use the model of the documentary evidence set out in Annex XII to this Regulation.

### **Vendor declaration confirming the absence of GMOs**

889.69 For the purpose of the application of Article 9(3) of Regulation (EC) No 834/2007 the vendor declaration that products supplied have not been produced from or by GMOs may follow the model set out in Annex XIII to this Regulation

### **Control visits**

889.65.1 The control authority or control body shall carry out at least once a year a physical inspection of all operators.



- 889.65.2 The control authority or control body may take samples for testing of products not authorised for organic production or for checking production techniques not in conformity with the organic production rules. Samples may also be taken and analysed for detecting possible contamination by products not authorised for organic production. However, such analysis shall be carried out where the use of products not authorised for organic production is suspected.
- 889.65.3 A control report shall be drawn up after each visit, countersigned by the operator of the unit or his representative.
- 889.65.4 Moreover, the control authority or control body shall carry out random control visits, primarily unannounced, based on the general evaluation of the risk of non-compliance with the organic production rules, taking into account at least the results of previous controls, the quantity of products concerned and the risk for exchange of products.

### ***Specific control requirements for plants and plant products from farm production or collection***

#### **Control arrangements**

- 889.70.1 The full description of the unit referred to in Article 63(1)(a) shall:
- (a) be drawn up even where the operator limits his activity to the collection of wild plants;
  - (b) indicate the storage and production premises and land parcels and/or collection areas and, where applicable, premises where certain processing and/or packaging operations take place; and
  - (c) specify the date of the last application on the parcels and/or collection areas concerned of products, the use of which is not compatible with the organic production rules.
- 889.70.2 In case of collection of wild plants, the practical measures referred to in Article 63(1)(b) shall include any guarantees given by third parties which the operator can provide to ensure that the provisions of Article 12(2) of Regulation (EC) No 834/2007 are complied with.

#### **Communications by the operator to the control body**

- 889.71 Each year, before the date indicated by the control authority or control body, the operator shall notify the control authority or control body of its schedule of production of crop products, giving a breakdown by parcel.

#### **Access to facilities**

- 889.67.1 The operator shall:
- (a) give the control authority or control body, for control purposes, access to all parts of the unit and all premises, as well as to the accounts and relevant supporting documents;
  - (b) provide the control authority or control body with any information reasonably necessary for the purposes of the control;
  - (c) submit, when requested by the control authority or control body, the results of its own quality assurance programmes.
- 889.67.2 In addition to the requirements set out in paragraph 1, importers and first consignees shall submit the information on imported consignments referred to in Article 84.

#### **Documentary accounts**

- 889.66.1 Stock and financial records shall be kept in the unit or premises and shall enable the operator to identify and the control authority or control body to verify:

- (a) the supplier and, where different, the seller, or the exporter of the products;
- (b) the nature and the quantities of organic products delivered to the unit and, where relevant, of all materials bought and the use of such materials, and, where relevant, the composition of the compound feedingstuffs;
- (c) the nature and the quantities of organic products held in storage at the premises;
- (d) the nature, the quantities and the consignees and, where different, the buyers, other than the final consumers, of any products which have left the unit or the first consignee's premises or storage facilities;
- (e) in case of operators who do not store or physically handle such organic products, the nature and the quantities of organic products bought and sold, and the suppliers, and where different, the sellers or the exporters and the buyers, and where different, the consignees.

889.66.2 The documentary accounts shall also comprise the results of the verification at reception of organic products and any other information required by the control authority or control body for the purpose of proper control. The data in the accounts shall be documented with appropriate justification documents. The accounts shall demonstrate the balance between the input and the output.

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

889.73 Where an operator runs several production units in the same area, the units producing non-organic crops, together with storage premises for farm input products shall also be subject to the general and the specific control requirements laid down in Chapter 1 and this Chapter of this Title.

889.66.3 Where an operator runs several production units in the same area, the units for non organic products, together with storage premises for input products must also be subject to the minimum control requirements.

#### **Plant production records**

889.72 Plant production records shall be compiled in the form of a register and kept available to the control authorities or bodies at all times at the premises of the holding. In addition to Article 71 such records shall provide at least the following information:

- (a) as regards the use of fertiliser: date of application, type and amount of fertiliser, parcels concerned;
- (b) as regards the use of plant protection products: reason and date of treatment, type of product, method of treatment;
- (c) as regards purchase of farm inputs: date, type and amount of purchased product;
- (d) as regards harvest: date, type and amount of organic or in conversion crop production.

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

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

710.73a 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.

#### **Seaweed Production Records**

710.73b.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:

- (a) list of species, date and quantity harvested;
- (b) date of application, type and amount of fertiliser used.

710.73b.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.

#### ***Control requirements for livestock and livestock products produced by animal husbandry***

##### **Control arrangements**

889.74.1 When the control system applying specifically to livestock 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 livestock buildings, pasturage, open air areas, etc., and, where applicable, the premises for the storage, packaging and processing of livestock, livestock products, raw materials and inputs;
- (b) a full description of the installations for the storage of livestock manure.

889.74.2 The practical measures referred to in Article 63(1)(b) shall include:

- (a) a plan for spreading manure agreed with the control body or authority, together with a full description of the areas given over to crop production;
- (b) where appropriate, as regards the spreading of manure, the written arrangements with other holdings as referred to in Article 3(3) complying with the provisions of the organic production rules;
- (c) a management plan for the organic-production livestock unit.

##### **Identification of livestock**

889.75 The livestock shall be identified permanently using techniques adapted to each species, individually in the case of large mammals and individually or by batch in the case of poultry and small mammals.

##### **Livestock records**

889.76 Livestock records shall be compiled in the form of a register and kept available to the control authorities or bodies at all times at the premises of the holding. Such records shall provide a full description of the herd or flock management system comprising at least the following information:

- (a) as regards animals arriving at the holding: origin and date of arrival, conversion

period, identification mark and veterinary record;

- (b) as regards livestock leaving the holding: age, number of heads, weight in case of slaughter, identification mark and destination;
- (c) details of any animals lost and reasons thereof;
- (d) as regards feed: type, including feed supplements, proportions of various ingredients of rations and periods of access to free-range areas, periods of transhumance where restrictions apply;
- (e) as regards disease prevention and treatment and veterinary care: date of treatment, details of the diagnosis, the posology; type of treatment product, the indication of the active pharmacological substances involved method of treatment and veterinary prescription for veterinary care with reasons and withdrawal periods applying before livestock products can be marketed labelled as organic.

#### **Control measures on veterinary medicinal products for livestock**

- 889.77 Whenever veterinary medicinal products are used the information according to Article 76(e) is to be declared to the control authority or body before the livestock or livestock products are marketed as organically produced. Livestock treated shall be clearly identified, individually in the case of large animals; individually, or by batch, or by hive, in the case of poultry, small animals and bees.

#### **Specific control measures on beekeeping**

- 889.78.1 A map on an appropriate scale listing the location of hives shall be provided to the control authority or control body by the beekeeper. Where no areas are identified in accordance with Article 13(2), the beekeeper shall provide the control authority or control body with appropriate documentation and evidence, including suitable analyses if necessary, that the areas accessible to his colonies meet the conditions required in this Regulation.
- 889.78.2 The following information shall be entered in the register of the apiary with regard to the use of feeding: type of product, dates, quantities and hives where it is used.
- 889.78.3 Whenever veterinary medicinal products are to be used, the type of product, including the indication of the active pharmacological substance, together with details of the diagnosis, the posology, the method of administration, the duration of the treatment and the legal withdrawal period shall be recorded clearly and declared to the control body or authority before the products are marketed as organically produced.
- 889.78.4 The zone where the apiary is situated shall be registered together with the identification of the hives. The control body or authority shall be informed of the moving of apiaries by a deadline agreed on with the control authority or body.
- 889.78.5 Particular care shall be taken to ensure adequate extraction, processing and storage of beekeeping products. All the measures to comply with this requirement shall be recorded.
- 889.78.6 The removals of the supers and the honey extraction operations shall be entered in the register of the apiary.

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

- 889.79 Where an operator manages several production units, as provided for in Articles 17(1), 40 and 41, the units which produce non-organic livestock or non-organic livestock products shall also be subject to the control system as laid down in Chapter 1 and this Chapter of this Title.

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

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

- 710.79a 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).

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

710.79b 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.

#### ***Specific control visits for bivalve molluscs***

710.79c For bivalve mollusc production inspection visits shall take place before and during maximum biomass production.

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

710.79d 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.'

### ***Control requirements for units for preparation of plant, seaweed, livestock and aquaculture animal products and foodstuffs composed thereof***

#### **Control arrangements**

889.80 In the case of a unit involved in the preparation for its own account or for account of a third party, and including in particular units involved in packaging and/or re-packaging of such products or units involved in labelling and/or re-labelling of such products, the full description of the unit referred to in Article 63(1)(a) shall show the facilities used for the reception, the processing, packaging, labelling and storage of agricultural products before and after the operations concerning them, as well as the procedures for the transport of the products.

### ***Control requirements for imports of organic products from third countries***

#### **Scope**

889.81 This Chapter applies to any operator involved, as importer and/ or as first consignee, in the import and/or reception, for its own account or for account of another operator, of organic products.

#### **Control arrangements**

889.82.1 In the case of the importer, the full description of the unit referred to in Article 63(1)(a) shall include the importer's premises and of his import activities, indicating the points of entry of the products into the Community and any other facilities the importer intends to use for the storage of the imported products pending their delivery to the first consignee.

In addition, the declaration referred to in Article 63(2) shall include an undertaking by the importer to ensure that any facilities that the importer will use for storage of products are submitted to control, to be carried out either by the control body or control authority or, when these storage facilities are situated in another Member State or region, by a control body or authority approved for control in that Member State or region.

889.82.2 In the case of the first consignee, the full description of the unit referred to in Article 63(1)(a) shall show the facilities used for the reception and storage.

889.82.3 Where the importer and the first consignee are the same legal person and operate in one single unit, the reports referred to in the second subparagraph of Article 63(2) may be formalised within one single report.

#### **Documentary accounts**

889.83 The importer and the first consignee shall keep separate stock and financial records, unless where they are operating in one single unit.

On request of the control authority or control body, any details on the transport arrangements from the exporter in the third country to the first consignee and, from the first consignee's premises or storage facilities to the consignees within the Community shall be provided.

#### **Information on imported consignments**

889.84 The importer shall, in due time, inform the control body or control authority of each consignment to be imported into the Community, providing:

- (a) the name and address of the first consignee;
- (b) any details the control body or authority may reasonably require,
  - (i) in case of products imported in accordance with Article 32 of Regulation (EC) No 834/2007, the documentary evidence referred to in that Article;
  - (ii) in case of products imported in accordance with Article 33 of Regulation (EC) No 834/2007, a copy of the certificate of inspection referred to in that Article. On the request of the control body or control authority of the importer, the latter shall forward the information referred to in the first paragraph to the control body or control authority of the first consignee.

#### **Control visits**

889.85 The control authority or control body shall check the documentary accounts referred to in Article 83 of this Regulation and the certificate referred to in Article 33(1)(d) of Regulation (EC) No 834/2007 or the documentary evidence referred to in Article 32(1)(c) of the latter Regulation.

Where the importer performs the import operations by different units or premises, he shall make available on request the reports referred to in the second subparagraph of Article 63(2) of this Regulation for each of these facilities.

#### **Control arrangements**

889.86 With regard to the operations, which are contracted out to third parties, the full description of the unit referred to in Article 63(1)(a) shall include:

- (a) a list of the subcontractors with a description of their activities and an indication of the control bodies or authorities to which they are subject;



- (b) written agreement by the subcontractors that their holding will be subject to the control regime of Title V of Regulation (EC) No 834/2007;
- (c) all the practical measures, including inter alia an appropriate system of documentary accounts, to be taken at the level of the unit to ensure that the products the operator places on the market can be traced to, as appropriate, their suppliers, sellers, consignees and buyers.

### ***Control requirements for units preparing feed***

#### **Scope**

- 889.87 This Chapter applies to any unit involved in the preparation of products referred to in Article 1(2)(c) of Regulation (EC) No 834/ 2007 on its own account or on behalf of a third party.

#### **Control arrangements**

- 889.88.1 The full description of the unit referred to in Article 63(1)(a) shall indicate:
- (a) the facilities used for the reception, preparation and storage of the products intended for animal feed before and after the operations concerning them;
  - (b) the facilities used for the storage of other products used to prepare feedingstuffs;
  - (c) the facilities used to store products for cleaning and disinfection;
  - (d) where necessary, the description of the compound feedingstuff that the operator intends to produce, in accordance with Article 5(1)(a) of Directive 79/373/EEC, and the livestock species or class for which the compound feedingstuff is intended;
  - (e) where necessary, the name of the feed materials that the operator intends to prepare.
- 889.88.2 The measures to be taken by operators, as referred to in Article 63(1)(b), to guarantee compliance with the organic production rules shall include the indications of measures referred to in Article 26.
- 889.88.3 The control authority or control body shall use these measures to carry out a general evaluation of the risks attendant on each preparation unit and to draw up a control plan. This control plan shall provide for a minimum number of random samples depending on the potential risks.

#### **Documentary accounts**

- 889.89 For the purposes of proper control of the operations, the documentary accounts referred to in Article 66 shall include information on the origin, nature and quantities of feed materials, additives, sales and finished products.

#### **Control visits**

- 889.90 The control visit referred to in Article 65 shall comprise a full physical inspection of all premises. Moreover, the control authority or control body shall make targeted visits based on a general evaluation of the potential risks of non-compliance with the organic production rules.

The control body or authority shall pay particular attention to the critical control points pointed out for the operator, with a view to establishing whether the surveillance and checking operations are carried out correctly. All the premises used by the operator for the conduct of his activities may be checked as frequently as the attendant risks warrant.

## ***Article 30***

## **Measures in case of infringements and irregularities**

- 834.30.1 Where an irregularity is found as regards compliance with the requirements laid down in this Regulation, the control authority or control body shall ensure that no reference to the organic production method is made in the labelling and advertising of the entire lot or production run affected by this irregularity, where this would be proportionate to the relevance of the requirement that has been violated and to the nature and particular circumstances of the irregular activities. Where a severe infringement or an infringement with prolonged effect is found, the control authority or control body shall prohibit the operator concerned from marketing products which refer to the organic production method in the labelling and advertising for a period to be agreed with the competent authority of the Member State.
- 834.30.2 Information on cases of irregularities or infringements affecting the organic status of a product shall be immediately communicated between the control bodies, control authorities, competent authorities and Member States concerned and, where appropriate, to the Commission. The level of communication shall depend on the severity and the extent of the irregularity or infringement found. The Commission may, in accordance with the procedure referred to in Article 37(2), lay down specifications regarding the form and modalities of such communications.

## **Measures in case of suspicion of infringements and irregularities**

- 889.91.1 Where an operator considers or suspects that a product which he has produced, prepared, imported or that he has received from another operator, is not in compliance with organic production rules, he shall initiate procedures either to withdraw from this product any reference to the organic production method or to separate and identify the product. He may only put it into processing or packaging or on the market after elimination of that doubt, unless it is placed on the market without indication referring to the organic production method.
- In case of such doubt, the operator shall immediately inform the control body or authority. The control authority or control body may require that the product cannot be placed on the market with indications referring to the organic production method until it is satisfied, by the information received from the operator or from other sources, that the doubt has been eliminated.
- 889.91.2 Where a control authority or control body has a substantiated suspicion that an operator intends to place on the market a product not in compliance with the organic production rules but bearing a reference to the organic production method, this control authority or control body can require that the operator may provisionally not market the product with this reference for a time period to be set by that control authority or control body. Before taking such a decision, the control authority or control body shall allow the operator to comment. This decision shall be supplemented by the obligation to withdraw from this product any reference to the organic production method if the control authority or control body is sure that the product does not fulfil the requirements of organic production.
- However, if the suspicion is not confirmed within the said time period, the decision referred to in the first subparagraph shall be cancelled not later than the expiry of that time period. The operator shall cooperate fully with the control body or authority in resolving the suspicion.
- 889.91.3 Member States shall take whatever measures and sanctions are required to prevent fraudulent use of the indications referred to in Title IV of Regulation (EC) No 834/2007 and Title III and/or Annex XI of this Regulation.

## **Article 31**

### **Exchange of information**

- 834.31 Upon a request duly justified by the necessity to guarantee that a product has been produced in accordance with this Regulation, the competent authorities, control authorities and the control bodies shall exchange relevant information on the results of their controls with other competent authorities, control authorities and control bodies.

They may also exchange such information on their own initiative.

- 889.92.1 Where the operator and his subcontractors are checked by different control authorities or control bodies, the declaration referred to in Article 63(2) shall include an agreement by the operator on his behalf and that of his subcontractors, that the different control bodies or control authorities can exchange information on the operations under their control and on the way this exchange of information can be implemented.
- 889.92.2 Where a Member State finds irregularities or infringements relating to the application of this Regulation in a product coming from another Member State and bearing indications as referred to in Title IV of Regulation (EC) No 834/2007 and Title III and/or Annex XI of this Regulation, it shall inform the Member State which designated the control body or control authority and the Commission thereby.

## TITLE VI - TRADE WITH THIRD COUNTRIES

### Article 32

#### Import of compliant products

- 834.32.1 A product imported from a third country may be placed on the Community market as organic provided that:
- (a) the product complies with the provisions set out in Titles II, III and IV as well as with the implementing rules affecting its production adopted pursuant to this Regulation;
  - (b) all operators, including the exporters, have been subject to control by a control authority or control body recognized in accordance with paragraph 2;
  - (c) the operators concerned shall be able to provide at any time, to the importers or the national authorities, documentary evidence as referred to in Article 29, permitting the identification of the operator who carried out the last operation and the verification of compliance by that operator with points (a) and (b), issued by the control authority or control body referred to in point (b).
- 834.32.2 The Commission shall, in accordance with the procedure referred to in Article 37(2), recognize the control authorities and control bodies referred to in paragraph 1(b) of this Article, including control authorities and control bodies as referred to in Article 27, which are competent to carry out controls and to issue the documentary evidence referred to in paragraph 1(c) of this Article in third countries, and establish a list of these control authorities and control bodies.

The control bodies shall be accredited to the most recently notified version, by a publication in the C series of the *Official Journal of the European Union*, of European Standard EN 45011 or ISO Guide 65 (General requirements for bodies operating product certification systems). The control bodies shall undergo regular on-the-spot evaluation, surveillance and multiannual reassessment of their activities by the accreditation body.

When examining requests for recognition, the Commission shall invite the control authority or control body to supply all the necessary information. The Commission may also entrust experts with the task of examining on-the-spot the rules of production and the control activities carried out in the third country by the control authority or control body concerned.

The recognized control bodies or control authorities shall provide the assessment reports issued by the accreditation body or, as appropriate, the competent authority on the regular on-the-spot evaluation, surveillance and multiannual re-assessment of their activities.

Based on the assessment reports, the Commission assisted by the Member States shall ensure appropriate supervision of the recognized control authorities and control bodies by regularly reviewing their recognition. The nature of the supervision shall be determined on the basis of an assessment of the risk of the occurrence of irregularities or infringements of the provisions set out in this Regulation.

### Article 33

#### Import of products providing equivalent guarantees

- 834.33.1 A product imported from a third country may also be placed on the Community market as organic provided that:
- (a) the product has been produced in accordance with production rules equivalent to those referred to in Titles III and IV;

- (b) the operators have been subject to control measures of equivalent effectiveness to those referred to in Title V and such control measures have been permanently and effectively applied;
- (c) the operators at all stages of production, preparation and distribution in the third country have submitted their activities to a control system recognised in accordance with paragraph 2 or to a control authority or control body recognised in accordance with paragraph 3;
- (d) the product is covered by a certificate of inspection issued by the competent authorities, control authorities or control bodies of the third country recognised in accordance with paragraph 2, or by a control authority or control body recognised in accordance with paragraph 3, which confirms that the product satisfies the conditions set out in this paragraph.

The original of the certificate referred to in this paragraph shall accompany the goods to the premises of the first consignee; thereafter the importer must keep the certificate at the disposal of the control authority or the control body for not less than two years.

834.33.2 The Commission may, in accordance with the procedure referred to in Article 37(2), recognise the third countries whose system of production complies with principles and production rules equivalent to those laid down in Titles II, III and IV and whose control measures are of equivalent effectiveness to those laid down in Title V, and establish a list of these countries. The assessment of equivalency shall take into account *Codex Alimentarius* guidelines CAC/GL 32.

When examining requests for recognition, the Commission shall invite the third country to supply all the necessary information. The Commission may entrust experts with the task of examining on-the-spot the rules of production and the control measures of the third country concerned.

By 31 March of each year, the recognised third countries shall send a concise annual report to the Commission regarding the implementation and the enforcement of the control measures established in the third country.

Based on the information in these annual reports, the Commission assisted by the Member States ensures appropriate supervision of the recognised third countries by regularly reviewing their recognition. The nature of the supervision shall be determined on the basis of an assessment of the risk of the occurrence of irregularities or infringements of the provisions set out in this Regulation.

834.33.3 For products not imported under Article 32 and not imported from a third country which is recognised under paragraph 2 of this Article, the Commission may, in accordance with the procedure referred to in Article 37(2), recognise the control authorities and control bodies, including control authorities and control bodies as referred to in Article 27, competent to carry out controls and issue certificates in third countries for the purpose of paragraph 1, and establish a list of these control authorities and control bodies. The assessment of equivalency shall take into account *Codex Alimentarius* guidelines CAC/GL 32.

The Commission shall examine any request for recognition lodged by a control authority or control body in a third country.

When examining requests for recognition, the Commission shall invite the control authority or control body to supply all the necessary information. The control body or the control authority shall undergo regular on-the-spot evaluation, surveillance and multiannual re-assessment of their activities by an accreditation body or, as appropriate, by a competent authority. The Commission may also entrust experts with the task of examining on-the-spot the rules of production and the control measures carried out in the third country by the control authority or control body concerned.

The recognised control bodies or control authorities shall provide the assessment reports issued by the accreditation body or, as appropriate, the competent authority on the regular on-the-spot evaluation, surveillance and multiannual re-assessment of their activities.

Based on these assessment reports, the Commission assisted by the Member States shall ensure appropriate supervision of recognised control authorities and control bodies by regularly reviewing their recognition. The nature of the supervision shall be determined on the basis of an assessment of the risk of the occurrence of irregularities or infringements of the provisions set out in this Regulation.

## **TITLE VII - FINAL AND TRANSITIONAL RULES**

### ***Article 34***

#### **Free movement of organic products**

- 834.34.1 Competent authorities, control authorities and control bodies may not, on grounds relating to the method of production, to the labeling or to the presentation of that method, prohibit or restrict the marketing of organic products controlled by another control authority or control body located in another Member State, in so far as those products meet the requirements of this Regulation. In particular, no additional controls or financial burdens in addition to those foreseen in Title V of this Regulation may be imposed.
- 834.34.2 Member States may apply stricter rules within their territory to organic plant and livestock production, where these rules are also applicable to non-organic production and provided that they are in conformity with Community law and do not prohibit or restrict the marketing of organic products produced outside the territory of the Member State concerned.

### ***Article 35***

#### **Transmission of information to the Commission**

- 834.35 Members States shall regularly transmit the following information to the Commission:
- (a) the names and addresses of the competent authorities and where appropriate their code numbers and their marks of conformity;
  - (b) lists of control authorities and bodies and their code numbers and, where appropriate, their marks of conformity. The Commission shall publish regularly the list of control authorities and bodies.

### ***Article 36***

#### **Statistical information**

- 834.36 Member States shall transmit to the Commission the statistical information necessary for the implementation and follow-up of this Regulation. This statistical information shall be defined within the context of the Community Statistical Programme.
- 889.93.1 Member States shall provide the Commission with the annual statistical information on organic production referred to in Article 36 of Regulation (EC) No 834/2007 by using the computer system enabling electronic exchanges of documents and information made available by the Commission (Eurostat) before 1 July each year.
- 889.93.2 The statistical information referred to in paragraph 1 shall comprise, in particular the following data:
- (a) the number of organic producers, processors, importers and exporters;
  - (b) the organic crop production and crop area under conversion and under organic production;



- (c) the organic livestock numbers and the organic animal products;
- (d) the data on organic industrial production by type of activities.
- (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.

889.93.3 For the transmission of the statistical information referred to in paragraphs 1 and 2, Member States shall use the Single Entry point provided by the Commission (Eurostat).

889.93.4 The provisions relating to the characteristics of statistical data and metadata shall be defined within the context of the Community Statistical Programme on the basis of models or questionnaires made available via the system referred to in paragraph 1.

## **Article 37**

### **Committee on organic production**

834.37.1 The Commission shall be assisted by a regulatory Committee on organic production.

834.37.2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period provided for in Article 5(6) of Decision 1999/468/EC shall be set at three months.

## **Article 38**

### **Implementing rules**

834.38 The Commission shall, in accordance with the procedure referred to in Article 37(2), and subject to the objectives and principles laid down in Title II, adopt detailed rules for the application of this Regulation. These shall include in particular the following:

- (a) detailed rules as regards the production rules laid down in Title III, in particular as regards the specific requirements and conditions to be respected by operators;
- (b) detailed rules as regards the labelling rules laid down in Title IV;
- (c) detailed rules as regards the control system established under Title V, in particular as regards minimum control requirements, supervision and audit, the specific criteria for delegation of tasks to private control bodies the criteria for approval and withdrawal of such bodies and the documentary evidence referred to in Article 29;
- (d) detailed rules as regards the rules on imports from third countries laid down in Title VI, in particular as regards the criteria and procedures to be followed with regard to the recognition under Article 32 and 33 of third countries and control bodies, including the publication of lists of recognised third countries and control bodies, and as regards the certificate referred to in Article 33(1) point (d) taking into account the advantages of electronic certification;
- (e) detailed rules as regards the free movement of organic products laid down in Article 34 and the transmission of information to the Commission in Article 35.

## **Article 39**

### **Repeal of Regulation (EEC) No 2092/91**

- 834.39.1 Regulation (EEC) No 2092/91 is hereby repealed as from 1 January 2009.
- 834.39.2 References to the repealed Regulation (EEC) No 2092/91 shall be construed as references to this Regulation.

## **Article 40**

### **Transitional measures**

- 834.40 Where necessary, measures to facilitate the transition from the rules established by Regulation (EEC) No 2092/91 to this Regulation shall be adopted in accordance with the procedure referred to in Article 37(2).

## **Article 41**

### **Report to the Council**

- 834.41.1 By 31 December 2011, the Commission shall submit a report to the Council.
- 834.41.2 The report shall, in particular, review the experience gained from the application of this Regulation and consider in particular the following issues:
- (a) the scope of this Regulation, in particular as regards organic food prepared by mass caterers;
  - (b) the prohibition on the use of GMOs, including the availability of products not produced by GMOs, the vendor declaration, the feasibility of specific tolerance thresholds and their impact on the organic sector;
  - (c) the functioning of the internal market and controls system, assessing in particular that the established practices do not lead to unfair competition or barriers to the production and marketing of organic products.
- 834.41.3 The Commission shall, if appropriate, accompany the report with relevant proposals.

## **Article 42**

### **Regulation 834/2007 - Entry into force and application**

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

For certain animal species, certain aquatic plants and certain micro algae, where the detailed production rules are not laid down, the rules provided for labelling in Article 23 and for the controls in Title V shall apply. Pending the inclusion of detailed production rules, national rules or, in the absence thereof, private standards accepted or recognised by the Member States shall apply.

It shall apply as from 1 January 2009.

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

Done at Luxembourg, 28 June 2007.

*For the Council*

*The President*

S. GABRIEL

L 189/22 EN Official Journal of the European Union 20.7.2007

## **Repeal**

889.96 Regulations (EEC) No 207/93, (EC) No 223/2003 and (EC) No 1452/2003 are repealed.

References to the repealed Regulations and to Regulation (EEC) No 2092/91 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XIV.

## **Regulation 889/2008 - Entry into force and application**

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

It shall apply as from 1 January 2009.

However, paragraph 2(a) of Article 27 and Article 58 shall apply as of 1 July 2010.

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

Done at Brussels, 5 September 2008.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

## **Regulation 1254/2008 Entry into force and application**

1254.2 This Regulation shall enter into force on the seventh day following its publication in the Official Journal of the European Union.

It shall apply from 1 January 2009.

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

Done at Brussels, 15 December 2008.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

## **Regulation 710/2009 - Entry into force and application**

710.2 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*

## **Regulation 271/2019 - Entry into force and application**

271.2 This Regulation shall enter into force on the seventh day following its publication in the Official Journal of the European Union.

It shall apply as from 1 July 2010.

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

Done at Brussels, 24 March 2010.

For the Commission

The President

José Manuel BARROSO

## Regulation 839 - Annex I

**Fertilizers, soil conditioners and nutrients referred to in Article 3(1) and Article 6d(2)**

Note:

A: authorised under Regulation (EEC) No 2092/91 and carried over by Article 16(3)(c) of Regulation (EC) No 834/2007

B: authorised under Regulation (EC) No 834/2007

[illegible]

		(ii) extraction with water or aqueous acid and/or alkaline solution (iii) fermentation
A	Sawdust and wood chips	Wood not chemically treated after felling
A	Composted bark	Wood not chemically treated after felling
A	Wood ash	From wood not chemically treated after felling
A	Soft ground rock phosphate	Product as specified in point 7 of Annex IA.2. to Regulation (EC) No 2003/2003 of the European Parliament and of the Council (1) relating to fertilisers , 7  Cadmium content less than or equal to 90 mg/kg of P2O5
A	Aluminium-calcium phosphate	Product as specified in point 6 of Annex IA.2. of Regulation 2003/2003, Cadmium content less than or equal to 90 mg/kg of P2O5 Use limited to basic soils (pH > 7,5)
A	Basic slag	Products as specified in point 1 of Annex IA.2. of Regulation 2003/2003
A	Crude potassium salt or kainit	Products as specified in point 1 of Annex IA.3. of Regulation 2003/2003
A	Potassium sulphate, possibly containing magnesium salt	Product obtained from crude potassium salt by a physical extraction process, containing possibly also magnesium salts
A	Stillage and stillage extract	Ammonium stillage excluded
A	Calcium carbonate (chalk, marl, ground limestone, Breton ameliorant, (maerl), phosphate chalk)	Only of natural origin
A	Magnesium and calcium carbonate	Only of natural origin e.g. magnesian chalk, ground magnesium, limestone
A	Magnesium sulphate (kieserite)	Only of natural origin
A	Calcium chloride solution	Foliar treatment of apple trees, after identification of deficit of calcium
A	Calcium sulphate (gypsum)	Products as specified in point 1 of Annex ID. of Regulation 2003/2003 Only of natural origin
A	Industrial lime from sugar production	By-product of sugar production from sugar beet
A	Industrial lime from vacuum salt production	By-product of the vacuum salt production from brine found in mountains
A	Elemental sulphur	Products as specified in Annex ID.3 of Regulation 2003/2003
A	Trace elements	Inorganic micronutrients listed in part E of Annex I to Regulation 2003/2003
A	Sodium chloride	Only mined salt
A	Stone meal and clays	

## Regulation 889 - Annex II

### Pesticides – plant protection products referred to in Article 5(1)

Note:

A: authorised under Regulation (EEC) No 2092/91 and carried over by Article 16(3)(c) of Regulation (EC) No 834/2007

B: authorised under Regulation (EC) No 834/2007

#### 1. Substances of crop or animal origin

Authorisation	Name	Description, compositional requirement, conditions for use
A	Azadirachtin extracted from <i>Azadirachta indica</i> (Neem tree)	Insecticide
A	Beeswax	Pruning agent
A	Gelatine	Insecticide
A	Hydrolysed proteins.	Attractant, only in authorized applications in combination with other appropriate products of this list
A	Lecithin	Fungicide
A	Plant oils (e.g. mint oil, pine oil, caraway oil).	Insecticide, acaricide, fungicide and sprout inhibitor.
A	Pyrethrins extracted from <i>Chrysanthemum cinerariaefolium</i>	Insecticide
A	Quassia extracted from <i>Quassia amara</i> .	Insecticide, repellent
A	Rotenone extracted from <i>Derris spp.</i> and <i>Lonchocarpus spp.</i> and <i>Terphrosia spp.</i>	Insecticide

#### 2. Micro-organisms used for biological pest and disease control

Authorisation	Name	Description, compositional requirement, conditions for use
A	Micro-organisms (bacteria, viruses and fungi)	

#### 3. Substances produced by micro-organisms

Authorisation	Name	Description, compositional requirement, conditions for use
A	Spinosad	Insecticide Only where measures are taken to minimize the risk to key parasitoids

#### 4. Substances to be used in traps and/or dispensers

Authorisation	Name	Description, compositional requirement, conditions for use
A	Diammonium phosphate	Attractant, only in traps
A	Pheromones	Attractant; sexual behaviour disrupter; only in traps and dispensers
A	Pyrethroids (only deltamethrin or lambdacyhalothrin)	Insecticide; only in traps with specific attractants; only against <i>Bactrocera oleae</i> and <i>Ceratitis capitata</i> Wied.



## 5. Preparations to be surface-spread between cultivated plants

Authorisation	Name	Description, compositional requirement, conditions for use
A	Ferric phosphate (iron (III) orthophosphate)	Molluscicide

## 6. Other substances from traditional use in organic farming

Authorisation	Name	Description, compositional requirement, conditions for use
A	Copper in the form of copper hydroxide, copper oxychloride, (tribasic) copper sulphate, cuprous oxide, copper octanoate	Fungicide. up to 6 kg copper per ha per year For perennial crops, Member States may, by derogation from the previous paragraph, provide that the 6 kg copper limit can be exceeded in a given year provided that the average quantity actually used over a 5-year period consisting of that year and of the four preceding years does not exceed 6 kg
A	Ethylene	Degreening bananas, kiwis and kakis; Degreening of citrus fruit only as part of a strategy for the prevention of fruit fly damage in citrus; Flower induction of pineapple; sprouting inhibition in potatoes and onions
A	Fatty acid potassium salt (soft soap)	Insecticide
A	Potassium aluminium (aluminium sulphate) (Kalinite)	Prevention of ripening of bananas
A	Lime sulphur (calcium polysulphide)	Fungicide, insecticide, acaricide
A	Paraffin oil	Insecticide, acaricide
A	Mineral oils	Insecticide, fungicide; only in fruit trees, vines, olive trees and tropical crops (e.g. bananas);
A	Potassium permanganate	Fungicide, bactericide; only in fruit trees, olive trees and vines.
A	Quartz sand	Repellent
A	Sulphur	Fungicide, acaricide, repellent

## 7. Other substances

Authorisation	Name	Description, compositional requirement, conditions for use
A	Calcium hydroxide	Fungicide Only in fruit trees, including nurseries, to control <i>Nectria</i> <i>Galligena</i>
A	Potassium bicarbonate	Fungicide

## Regulation 889 - Annex III

### Minimum surface areas indoors and outdoors and other characteristics of housing in the different species and types of production referred to in Article 10(4)

#### 1. Bovins, equidae, ovine, caprine and porcine

	Indoors area (net area available to animals)		Outdoors area (exercise area, excluding pasturage)
	Live weight minimum (kg)	M <sup>2</sup> /head	M <sup>2</sup> /head
Breeding and fattening bovine and equidae	up to 100	1,5	1,1
	up to 200	2,5	1,9
	up to 350	4,0	3
	over 350	5 with a minimum of 1 m <sup>2</sup> /100 kg	3,7 with a minimum of 0,75 m <sup>2</sup> /100 kg
Dairy cows		6	4,5
Bulls for breeding		10	30
Sheep and goats		1,5 sheep/goat	2,5
		0,35 lamb/kid	0,5
Farrowing sows with piglets up to 40 days		7,5 sow	2,5
Fattening pigs	up to 50	0,8	0,6
	up to 85	1,1	0,8
	up to 110	1,3	1
	Over 110	1.5	1.2
Piglets	over 40 days and up to 30 kg	0,6	0,4
Brood pigs		2,5 female	1,9
		6 male; If pens are used for natural service: 10 m <sup>2</sup> /boar	8,0

## 2. Poultry

	Indoors area (net area available to animals)			Outdoors area (m <sup>2</sup> of area available in rotation/head)
	No animals/m <sup>2</sup>	cm perch/animal	nest	
Laying hens	6	18	7 laying hens per nest or in case of common nest 120 cm <sup>2</sup> /bird	4, provided that the limit of 170 kg of N/ha/year is not exceeded
Fattening poultry (in fixed housing)	10 with a maximum of 21 kg liveweight/m <sup>2</sup>	20 (for guinea fowl only)		4 broilers and guinea fowl 4,5 ducks 10 turkey 15 geese In all the species mentioned above the limit of 170 kg of N/ha/year is not exceeded
Fattening poultry in mobile housing	16 <sup>2</sup> in mobile poultry houses with a maximum of 30 kg liveweight/m <sup>2</sup>			2,5, provided that the limit of 170 kg of N/ha/year is not exceeded
(1) Only in the case of mobile houses not exceeding 150 m <sup>2</sup> floor space.				

## Regulation 889 - Annex IV

Maximum number of animals per hectare referred to in Article 15 (2)

### GUIDANCE DOCUMENT ON EUROPEAN UNION ORGANIC STANDARDS APPENDIX 3 OUTDOOR STOCKING DENSITIES TO COMPLY WITH N LIMIT (Paragraph 22)

Livestock type	Category	Stocking Rate per Ha
<b>Pigs</b>		
	7kg--<13 kg	114
	13kg - <31kg	33
	31kg - < 66kg	19
	66kg> intended for slaughter	14
	Breeding sow before first litter	12
	Sow with litter up to 7kg	10
	Breeding boar 66kg - 150kg	14
	Breeding boar >150kg	10
<b>Cattle</b>		
	Calves up to 3mths	20
	Dairy cows 3 mths to <13 mths	5
	Dairy cows 13 mths to first calf	3
	Dairy cows after first calf	2
	Beef cows or steers 3mths - <13mths	5
	Beef cows or steers 13mths - <25mths	3
	Beef cows or steers from 25mths for slaughter	3
	Females from 25 mths for breeding, up to 500kg	3
	Females from 25 mths for breeding, over 500kg	2
	Bulls, non-breeding 3mths+	3
	Bulls for breeding, 3mths -<25 mths	3
	Bulls for breeding, 25 mths and older	4
<b>Sheep</b>		
	6mths - 9mths	85
	From 9mths to first lambing, tupping or slaughter	119
	After lambing or tupping <60kg	22
	After lambing or tupping 60kg +	14
<b>Goats</b>		11
<b>Deer</b>		
	Breeding	11
	Other	14
<b>Horses</b>		8
<b>Poultry</b>		
	Layers <17 weeks	728
	Layers 17 weeks +	311
	Broilers	439

	Breeding stock <25 weeks	542
	Breeding stock 25 weeks +	231
<b>Turkeys</b>		
	Male	125
	Female	165
<b>Ducks</b>		188
<b>Ostriches</b>		
<b>Rabbits</b>		100

## Regulation 889 - Annex V

Feed materials referred to in Article 22(1), (2) and (3) and Articles 25k(1)(d) and 25m(1)'

### **1. *Non-organic feed materials of plant origin***

#### **1.1. Cereals, grains, their products and by-products:**

- Oats as grains, flakes, middlings, hulls and bran
- Barley as grains, protein and middlings
- Rice germ expeller
- Millet as grains
- Rye as grains and middlings
- Sorghum as grains
- Wheat as grains, middlings, bran, gluten feed, gluten and germ
- Spelt as grains
- Triticale as grains
- Maize as grains, bran, middlings, germ expeller and gluten
- Malt culms
- Brewers' grains

#### **1.2. Oil seeds, oil fruits, their products and by-products:**

- Rape seed, expeller and hulls
- Soya bean as bean, toasted, expeller and hulls
- Sunflower seed as seed and expeller
- Cotton as seed and seed expeller
- Linseed as seed and expeller
- Sesame seed as expeller
- Palm kernels as expeller
- Pumpkin seed as expeller
- Olives, olive pulp
- Vegetable oils (from physical extraction).

#### **1.3. *Legume seeds, their product and by-products:***

- Chickpeas as seeds, middlings and bran
- Ervil as seeds, middlings and bran
- Chickling vetch as seeds submitted to heat treatment, middlings and bran
- Peas as seeds, middlings, and bran
- Broad beans as seeds, middlings and bran
- Horse beans as seeds middlings and bran
- Vetches as seeds, middlings and bran
- Lupin as seeds, middlings and bran

#### **1.4. *Tuber, roots, their products and by-products:***

- Sugar beet pulp
- Potato

- Sweet potato as tuber
- Potato pulp (by-product of the extraction of potato starch)
- Potato starch
- Potato protein
- Manioc.

**1.5. *Other seeds and fruits, their products and by-products:***

- Carob
- Carob pods and meals thereof
- Pumpkins,
- Citrus pulp
- Apples, quinces, pears, peaches, figs, grapes and pulps thereof
- Chestnuts
- Walnut expeller
- Hazelnut expeller
- Cocoa husks and expeller
- Acorns.

**1.6. *Forages and roughages:***

- Lucerne
- Lucerne meal
- Clover
- Clover meal
- Grass (obtained from forage plants)
- Grass meal
- Hay
- Silage
- Straw of cereals
- Root vegetables for foraging

**1.7. *Other plants, their products and by-products:***

- Molasses
- Seaweed meal (obtained by drying and crushing seaweed and washed to reduce iodine content)
- Powders and extracts of plants
- Plant protein extracts (solely provided to young animals)
- Spices
- Herbs

**2. *Feed materials of animal origin***

**2.1. *Milk and milk products:***

- Raw milk
- Milk powder
- Skimmed milk, skimmed-milk powder,



- Buttermilk, buttermilk powder
- Whey, whey powder, whey powder low in sugar, whey protein powder (extracted by physical treatment)
- Casein powder
- Lactose powder
- Curd and sour milk

## 2.2. *Fish, other marine animals, their products and by-products:*

Under the following restrictions: Products origin only from sustainable fisheries and to be used only for species other than herbivores

- Fish
- Fish oil and cod-liver oil not refined
- Fish molluscan or crustacean autolysates
- Hydrolysate and proteolysates obtained by an enzyme action, whether or not in soluble form, solely provided to **aquaculture animals** and young livestock.
- Fish meal
- **Crustacean meal**

## 2.3. *Egg and egg products*

- Eggs and egg products for use as poultry feed, primarily from the same holding.

## 3. **Feed materials of mineral origin**

### 3.1 Sodium:

- unrefined sea salt
- coarse rock salt
- sodium sulphate
- sodium carbonate
- sodium bicarbonate
- sodium chloride

### 3.2 Potassium:

- potassium chloride

### 3.3 Calcium:

- lithothamnion and maerl
- shells of aquatic animals (including cuttlefish bones)
- calcium carbonate
- calcium lactate
- calcium gluconate

### 3.4 Phosphorus:

- defluorinated dicalcium phosphate
- defluorinated monocalcium phosphate
- monosodium phosphate
- calcium-magnesium phosphate
- calcium-sodium phosphate

### 3.5 Magnesium:

- magnesium oxide (anhydrous magnesia)
- magnesium sulphate
- magnesium chloride
- magnesium carbonate
- magnesium phosphate

3.6 Sulphur:

- sodium sulphate.

## Regulation 889 - Annex VI

### Feed additives and certain substances used in animal nutrition

#### 1. FEED ADDITIVES

Additives listed must have been approved under Regulation (EC) No 1831/2003 of the European Parliament and of the Council (1) on additives for use in animal nutrition

##### 1.1 **Nutritional additives**

###### (a) *Vitamins:*

- Vitamins derived from raw materials occurring naturally in feedingstuffs
- Synthetic vitamins identical to natural vitamins for monogastric and aquaculture animals
- Synthetic vitamins A,D, and E identical to natural vitamins for ruminants with prior authorisation of the Member States based on the assessment of the possibility for organic ruminants to obtain the necessary quantities of the said vitamins through their feed rations.

###### (b) *Trace elements.*

###### E1 Iron:

- ferrous (II) carbonate
- ferrous (II) sulphate monohydrate and/or heptahydrate
- ferric (III) oxide;

###### E2 Iodine:

- calcium iodate, anhydrous
- calcium iodate, hexahydrate
- sodium iodide;

###### E3 Cobalt:

- cobaltous (II) sulphate monohydrate and/or heptahydrate
- basic cobaltous (II) carbonate, monohydrate;

###### E4 Copper:

- copper (II) oxide
- basic Copper (II) carbonate, monohydrate
- copper (II) sulphate, pentahydrate;

###### E5 Manganese:

- manganous (II) carbonate
- manganous oxide and Manganic oxide
- manganous (II) sulfate, mono- and/or tetrahydrate;

###### E6 Zinc:

- zinc carbonate
- zinc oxide
- zinc sulphate mono- and/or heptahydrate;

###### E7 Molybdenum:

- ammonium molybdate, sodium molybdate;

###### E8 Selenium:

- sodium selenate
- sodium selenite.

## 1.2. Zoo-technical additives:

Enzymes and micro-organisms

## 1.3. Technological additives:

### (a) *Preservatives*

- E200 Sorbic acid
- E236 Formic acid (\*)
- E260 Acetic acid (\*)
- E270 Lactic acid (\*)
- E280 Propionic acid (\*)
- E330 Citric acid.

(\*) For silage: only when weather conditions do not allow for adequate fermentation.

### (b) *Antioxidant substances:*

- E306 Tocopherol-rich extracts of natural origin used as an antioxidant

Natural antioxidant substances (use restricted to feed for aquaculture)

### (c) *Binders and anti-caking agents:*

- E470 Calcium stearate of natural origin
- E551b Colloidal silica
- E551c Kieselgur
- E558 Bentonite
- E559 Kaolinitic clays
- E560 Natural mixtures of stearites and chlorite
- E561 Vermiculite
- E562 Sepiolite
- E599 Perlite.

### (d) *Silage additives:*

Enzymes, yeasts and bacteria can be used as silage additives

The use of lactic, formic, propionic and acetic acid in the production of silage shall only be permitted when weather conditions do not allow for adequate fermentation'

### (e) *Emulsifying and stabilising agents*

Lecithin of organic sources (use restricted to feed for aquaculture)

## 2. Certain substances used in animal nutrition

Substance listed must have been approved under Council Directive 82/471/EEC concerning certain products used in animal nutrition<sup>3</sup>

Yeasts:

- Saccharomyces cerevisiae
- Saccharomyces carlsbergiensis

## 3. Substances for silage production

- sea salt
- coarse rock salt
- whey

- sugar
- sugar beet pulp
- cereal flour
- molasses

## Regulation 889 - Annex VII

### Products for cleaning and disinfection

1. Products for cleaning and disinfection of buildings and installations for livestock production referred to in Article 23(4):
  - Potassium and sodium soap
  - Water and steam
  - Milk of lime
  - Lime
  - Quicklime
  - Sodium hypochlorite (e.g. as liquid bleach)
  - Caustic soda
  - Caustic potash
  - Hydrogen peroxide
  - Natural essences of plants
  - Citric, peracetic acid, formic, lactic, oxalic and acetic acid
  - Alcohol
  - Nitric acid (dairy equipment)
  - Phosphoric acid (dairy equipment)
  - Formaldehyde
  - Cleaning and disinfection products for teats and milking facilities
  - Sodium carbonate
2. Products for cleaning and disinfection for aquaculture animals and seaweed production referred to in Articles 6e(2), 25s(2) and 29a.
  - 2.1. Substances for cleaning and disinfection of equipment and facilities, in the absence of aquaculture animals:
    - ozone
    - sodium chloride
    - sodium hypochlorite
    - calcium hypochlorite
    - lime (CaO, calcium oxide)
    - caustic soda
    - alcohol
    - hydrogen peroxide
    - organic acids (acetic acid, lactic
    - humic acid
    - peroxyacetic acids
    - iodophores
    - copper sulphate: only until 31 December 2015
    - potassium permanganate
    - peracetic and peroctanoic acids
    - tea seed cake made of natural camelia seed (use restricted to shrimp production)

2.2. Limited list of substances for use in the presence of aquaculture animals: <sup>1</sup>

- limestone (calcium carbonate) for pH control
- dolomite for pH correction (use restricted to shrimp production)



## Regulation 889 - Annex VIII

### CERTAIN PRODUCTS AND SUBSTANCES FOR USE IN PRODUCTION OF PROCESSED ORGANIC FOOD, YEAST AND YEAST PRODUCTS REFERRED TO IN ARTICLE 27(1)(A) AND ARTICLE 27A(A)

#### SECTION A — FOOD ADDITIVES, INCLUDING CARRIERS

For the purpose of the calculation referred to in Article 23.4(a)(ii) of Regulation (EC) N° 834/2007, food additives marked with an asterisk in the column of the code number, shall be calculated as ingredients of agricultural origin.

Note:

A: authorised under Regulation (EEC) No 2092/91 and carried over by Article 21(2) of Regulation (EC) No 834/2007

B: authorised under Regulation (EC) No 834/2007

Authorisation	Code	Name	Preparation of foodstuffs of		Specific conditions
			plant origin	animal origin	
A	E 153	Vegetable carbon		X	Ashy goat cheese Morbier cheese
A	<b>E 160b*</b>	<b>Annatto, Bixin, Norbixin</b>		X	Red Leicester cheese Double Gloucester cheese Cheddar Mimolette cheese
A	E 170	Calcium carbonate	X	X	Shall not be used for colouring or calcium enrichment of products
A	E 220 Or	Sulphur dioxide	X	X	In fruit wines (*) without added sugar (including cider and perry) or in mead: 50 mg (**) For cider and perry prepared with addition of sugars or juice concentrate after fermentation: 100 mg (**) (*) In this context, "fruit wine" is defined as wine made from fruits other than grapes. (**) Maximum levels available from all sources, expressed as SO <sub>2</sub> in mg/l.
	E 224	Potassium metabisulphite	X	X	
B	E223	Sodium metabisulphate		X	Crustaceans <sup>(2)</sup>
A	E 250 or E 252	Sodium nitrite  Potassium nitrate		X  X	For meat products <sup>(1)</sup> : For E 250: indicative ingoing amount expressed as NaNO <sub>2</sub> : 80 mg/kg For E 252: indicative ingoing amount expressed as NaNO <sub>3</sub> : 80 mg/kg For E 250: maximum residual amount expressed as NaNO <sub>2</sub> : 50 mg/kg For E 252: maximum residual amount expressed as NaNO <sub>3</sub> : 50 mg/kg
A	E 270	Lactic acid	X	X	
A	E 290	Carbon dioxide	X	X	
A	E 296	Malic acid	X		
A	E 300	Ascorbic acid	X	X	Meat products <sup>(2)</sup>

Authorisation	Code	Name	Preparation of foodstuffs of		Specific conditions
			plant origin	animal origin	
A	E 301	Sodium ascorbate		X	Meat products <sup>(2)</sup> in connection with nitrates and nitrites
A	<b>E 306*</b>	<b>Tocopherol-rich extract</b>	X	X	Anti-oxidant for fats and oils
A	<b>E 322*</b>	<b>Lecithins</b>	X	X	Milk products <sup>(2)</sup>
A	E 325	Sodium lactate		X	Milk-based and meat products
A	E 330	Citric acid	X		
B	E330	Citric acid		X	Crustaceans and molluscs <sup>(2)</sup>
A	E 331	Sodium citrates		X	
A	E 333	Calcium citrates	X		
A	E 334	Tartaric acid (L(+)-)	X		
A	E 335	Sodium tartrates	X		
A	E 336	Potassium tartrates	X		
A	E 341 (i)	Monocalcium-phosphate	X		Raising agent for self raising flour
A	E 400	Alginic acid	X	X	Milk-based products <sup>(2)</sup>
A	E 401	Sodium alginate	X	X	Milk-based products <sup>(2)</sup>
A	E 402	Potassium alginate	X	X	Milk-based products <sup>(2)</sup>
A	E 406	Agar	X	X	Milk-based and meat products <sup>(2)</sup>
A	E 407	Carrageenan	X	X	Milk-based products <sup>(2)</sup>
A	<b>E 410*</b>	<b>Locust bean gum</b>	X	X	
A	<b>E 412*</b>	<b>Guar gum</b>	X	X	
A	<b>E 414*</b>	<b>Arabic gum</b>	X	X	
A	E 415	Xanthan gum	X	X	
A	E 422	Glycerol	X		For plant extracts
A	<b>E 440 (i)*</b>	<b>Pectin</b>	X	X	Milk-based products <sup>(2)</sup>
A	E 464	Hydroxypropyl methyl cellulose	X	X	Encapsulation material for capsules
A	E 500	Sodium carbonates	X	X	"Dulce de leche" <sup>(3)</sup> and soured-cream butter and sour milk cheese <sup>(2)</sup>
A	E 501	Potassium carbonates	X		
A	E 503	Ammonium carbonates	X		
A	E 504	Magnesium carbonates	X		
A	E 509	Calcium chloride		X	Milk coagulation
A	E 516	Calcium sulphate	X		Carrier

Authorisation	Code	Name	Preparation of foodstuffs of		Specific conditions
			plant origin	animal origin	
A	E 524	Sodium hydroxide	X		Surface treatment of "Laugengebäck"
A	E 551	Silicon dioxide	X		Anti-caking agent for herbs and spices
A	E 553b	Talc	X	X	Coating agent for meat products
A	E 938	Argon	X	X	
A	E 939	Helium	X	X	
A	E 941	Nitrogen	X	X	
A	E 948	Oxygen	X	X	
<p>(1) This additive can only be used, if it has been demonstrated to the satisfaction of the competent authority that no technological alternative, giving the same guarantees and/or allowing to maintain the specific features of the product, is available.</p> <p>(2) The restriction concerns only animal products.</p> <p>(3) 'Dulce de leche' or 'Confiture de lait' refers to a soft, luscious, brown cream, made of sweetened, thickened milk.</p>					

**SECTION B — PROCESSING AIDS AND OTHER PRODUCTS, WHICH MAY BE USED FOR  
PROCESSING OF INGREDIENTS OF AGRICULTURAL ORIGIN FROM ORGANIC PRODUCTION**

*Note:*

A: authorised under Regulation (EEC) No 2092/91 and carried over by Article 21(2) of Regulation (EC) No 834/2007

B: authorised under Regulation (EC) No 834/2007

Authorisation	Name	Preparation of foodstuffs of plant origin	Preparation of foodstuffs of animal origin	Specific conditions
A	Water	X	X	Drinking water within the meaning of Council Directive 98/83/EC
A	Calcium chloride	X		Coagulation agent
A	Calcium carbonate	X		
A	Calcium hydroxide	X		
A	Calcium sulphate	X		Coagulation agent
A	Magnesium chloride (or nigari)	X		Coagulation agent
A	Potassium carbonate	X		Drying of grapes
A	Sodium carbonate	X		Sugar(s) production
A	Lactic acid		X	For the regulation of the pH of the brine bath in cheese production <sup>(1)</sup>
A	Citric acid	X	X	For the regulation of the pH of the brine bath in cheese production <sup>(1)</sup> Oil production and hydrolysis of starch <sup>(2)</sup>
A	Sodium hydroxide	X		Sugar(s) production Oil production from rape seed (Brassica spp)
A	Sulphuric acid	X	X	Gelatine production <sup>(1)</sup> Sugar(s) production <sup>(2)</sup>
A	Hydrochloric acid		X	Gelatine production For the regulation of the pH of the brine bath in the processing of Gouda-, Edam and Maasdammer cheeses, Boerenkaas, Friese and Leidse Nagelkaas
A	Ammonium hydroxide		X	Gelatine production
A	Hydrogen peroxide		X	Gelatine production
A	Carbon dioxide	X	X	
A	Nitrogen	X	X	
A	Ethanol	X	X	Solvent
A	Tannic acid	X		Filtration aid
A	Egg white albumen	X		
A	Casein	X		
A	Gelatin	X		
A	Isinglass	X		
A	Vegetable oils	X	X	Greasing, releasing or anti-

Authorisation	Name	Preparation of foodstuffs of plant origin	Preparation of foodstuffs of animal origin	Specific conditions
				foaming agent
A	Silicon dioxide gel or colloidal solution	X		
A	Activated carbon	X		
A	Talc	X		In compliance with the specific purity criteria for food additive E 553b
A	Bentonite	X	X	Sticking agent for mead <sup>(1)</sup> In compliance with the specific purity criteria for food additive E 558
A	Kaolin	X	X	Propolis <sup>(1)</sup> In compliance with the specific purity criteria for food additive E 559
A	Cellulose	X	X	Gelatine production <sup>(1)</sup>
A	Diatomaceous earth	X	X	Gelatine production <sup>(1)</sup>
A	Perlite	X	X	Gelatine production <sup>(1)</sup>
A	Hazelnut shells	X		
A	Rice meal	X		
A	Beeswax	X		Releasing agent
A	Carnauba wax	X		Releasing agent
Annex II.6	Ethylene	X		Degreening bananas, kiwis and kakis; Degreening of citrus fruit only as part of a strategy for the prevention of fruit fly damage in citrus;
(1) the restriction concerns only animal products (2) the restriction concerns only plant products				

## SECTION C — PROCESSING AIDS FOR THE PRODUCTION OF YEAST AND YEAST PRODUCTS

Name	Primary yeast	Yeast confections/formulations	Specific conditions
Calcium chloride	X		
Carbon dioxide	X	X	
Citric acid	X		For the regulation of the pH in yeast production
Lactic acid	X		For the regulation of the pH in yeast production
Nitrogen	X	X	
Oxygen	X	X	
Potato starch	X	X	For filtering
Sodium carbonate	X	X	For the regulation of the pH
Vegetable oils	X	X	Greasing, releasing or anti foaming agent'

## Regulation 889 - Annex IX

Ingredients of agricultural origin which have not been produced organically referred to in Article 28

### 1. *Unprocessed vegetable products as well as products derived therefrom by processes*

#### 1.1. **Edible fruits, nuts and seeds:**

- acorns *Quercus* spp.
- cola nuts *Cola acuminata*
- gooseberries *Ribes uva-crispa*
- maracujas (passion fruit) *Passiflora edulis*
- raspberries (dried) *Rubus idaeus*
- red currants (dried) *Ribes rubrum*

#### 1.2. **Edible spices and herbs:**

- pepper (Peruvian) *Schinus molle* L.
- horseradish seeds *Armoracia rusticana*
- lesser galanga *Alpinia officinarum*
- safflower flowers *Carthamus tinctorius*
- watercress herb *Nasturtium officinale*

#### 1.3. **Miscellaneous:**

algae, including seaweed, permitted in non-organic foodstuffs preparation

### 2. *Vegetable products*

#### 2.1. **Fats and oils whether or not refined, but not chemically modified, derived from plants other than:**

- cocoa *Theobroma cacao*
- coconut *Cocos nucifera*
- olive *Olea europaea*
- sunflower *Helianthus annuus*
- palm *Elaeis guineensis*
- rape *Brassica napus, rapa*
- safflower *Carthamus tinctorius*
- sesame *Sesamum indicum*
- soya *Glycine max*

#### 2.2. **The following sugars, starches and other products from cereals and tubers:**

- fructose

- rice paper
- unleavened bread paper
- starch from rice and waxy maize, not chemically modified

**2.3. Miscellaneous:**

- pea protein *Pisum* spp.
- rum, only obtained from cane sugar juice
- kirsch prepared on the basis of fruits and flavourings as referred to in Article 27(1)(c).

**3. Animal products:**

aquatic organisms, not originating from aquaculture, and permitted in no-organic foodstuffs preparation

- gelatin
- whey powder «herasuola»
- casings



## **Regulation 889 - Annex X**

**Species for which organically produced seed or seed potatoes are available in sufficient quantities and for a significant number of varieties in all parts of the Community referred to in Article 45(3)**

## Regulation 889 - Annex XI

### A. Organic logo of the EU, referred to in Article 57

1. The Organic logo of the EU shall comply with the model below:



2. The reference colour in Pantone is Green Pantone No 376 and Green (50 % Cyan + 100 % Yellow), when a four-colour process is used.
3. The Organic logo of the EU can also be used in black and white as shown, only where it is not practicable to apply it in colour:



4. If the background colour of the packaging or label is dark, the symbols may be used in negative format, using the background colour of the packaging or label.
5. If a symbol is used in colour on a coloured background, which makes it difficult to see, a delimiting outer line around the symbol can be used to improve contrast with the background colours.
6. In certain specific situations where there are indications in a single colour on the packaging, the Organic logo of the EU may be used in the same colour.
7. The Organic logo of the EU must have a height of at least 9 mm and a width of at least 13,5 mm; the proportion ratio height/width shall always be 1:1,5. Exceptionally the minimum size may be reduced to a height of 6 mm for very small packages.
8. The Organic logo of the EU may be associated with graphical or textual elements referring to organic farming, under the condition that they do not modify or change the nature of the Organic logo of the EU, nor any of the indications mentioned at Article 58. When associated to national or private logos using a green colour different from the reference colour mentioned in point 2, the Organic logo of the EU may be used in that non-reference colour.
9. The use of the Organic logo of the EU shall be in accordance with the rules accompanying its

registration as Organic Farming Collective Mark in the Benelux Office for Intellectual Property and in the Community and International Trademark Registers.

## **B. Code numbers referred to in Article 58**

The general format of the code numbers is as follows:

AB-CDE-999

Where:

1. “AB” is the ISO code as specified in Article 58(1)(a) for the country where the controls take place; and
2. “CDE” is a term, indicated in three letters to be decided by the Commission or each Member State, like “bio” or “öko” or “org” or “eko” establishing a link with the organic production method as specified in Article 58(1)(b); and
3. “999” is the reference number, indicated in maximum three digits, to be attributed, as specified in Article 58(1)(c) by:
  - (a) each Member State’s competent authority to the Control Authorities or Control Bodies to which they have delegated control tasks in accordance with Article 27 of Regulation (EC) No 834/2007;
  - (b) the Commission, to:
    - (i) the Control Authorities and Control Bodies referred to in Article 3(2)(a) of Commission Regulation (EC) No 1235/2008 (\*) and listed in Annex I to that Regulation;
    - (ii) the third countries’ competent authorities or Control Bodies referred to in Article 7(2)(f) of Regulation (EC) No 1235/2008 and listed in Annex III to that Regulation;
    - (iii) the Control Authorities and Control Bodies referred to in Article 10(2)(a) of Regulation (EC) No 1235/2008, and listed in Annex IV to that Regulation;
  - (c) each Member State’s competent authority to the Control Authority or Control Body which has been authorised until 31 December 2012 for issuing the certificate of inspection in accordance with Article 19(1) fourth subparagraph of Regulation (EC) No 1235/2008 (import authorisations), upon proposal of the Commission.

The Commission shall make the code numbers available to the public by any appropriate technical means, including publication on the Internet.

## Regulation 889 - Annex XII

### Model of documentary evidence to the operator according to Article 29(1) of Regulation (EC) No 834/2007 referred to in Article 68 of this Regulation

<b>Documentary evidence to the operator according to Article 29(1) of Regulation (EC) No 834/2007</b>	
1. Document Number:	
2. Name and address of operator:	3. Name, address and code number of the control body:
4. Product groups/Activity: <ul style="list-style-type: none"> <li>- Plant and plant products:</li> <li>- Seaweed and seaweed products:</li> <li>- Livestock and livestock products:</li> <li>- Aquaculture animals and aquaculture animal products:</li> <li>- Processed products:</li> </ul>	5. Defined as: organic production, in-conversion products; and also non-organic production where parallel production/processing pursuant to Article 11 of Regulation (EC) No 834/2007 occurs.
6. Validity period: Plant products from ..... to ..... Seaweed products from ..... to ..... Livestock products from ..... to ..... Aquaculture animal products from ..... to ..... Processed products from ..... to .....	7. Date of control(s)
8. This document has been issued on the basis of Article 29(1) of Regulation (EC) No 834/2007 and of Regulation (EC) No 889/2008. The declared operator has submitted his activities under control and meets the requirements laid down in the named Regulations.  Date. place:	
Signature on behalf of the issuing control body/authority:	

## Regulation 889 - Annex XIII

### Model of a vendor declaration referred to in Article 69

Vendor declaration according to Article 9(3) of Council Regulation (EC) No 834/2007	
Name, address of vendor:	Product name:
<p>Components: (Specify all components existing in the product/used the last in the production process)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>I declare that this product was manufactured neither 'from' nor 'by' GMOs as those terms are used in Articles 2 and 9 of Council Regulation (EC) No 834/2007. I do not have any information which could suggest that this statement is inaccurate.</p> <p>Thus, I declare that the above named product complies with Article 9 of Regulation (EC) No 834/2007 regarding the prohibition on the use of GMOs.</p> <p>I undertake to inform our customer and its control body/authority immediately if this declaration is withdrawn or modified, or if any information comes to light which would undermine its accuracy.</p> <p>I authorise the control body or control authority, as defined in Article 2 of Council Regulation (EC) No 834/2007, which supervises our customer to examine the accuracy of this declaration and if necessary to take samples for analytic proof. I also accept that this task may be carried out by an independent institution which has been appointed in writing by the control body.</p> <p>The undersigned takes responsibility for the accuracy of this declaration.</p>	
Country, place, date, signature of vendor:	Company stamp of vendor (if appropriate):

## Regulation 889 - Annex XIIIa

### Section 1

#### Organic production of salmonids in fresh water:

Brown trout (*Salmo trutta*) - Rainbow trout (*Oncorhynchus mykiss*) - American brook trout (*Salvelinus fontinalis*) - Salmon (*Salmo salar*) - Charr (*Salvelinus alpinus*) - Grayling (*Thymallus thymallus*) - American lake trout (or grey trout) (*Salvelinus namaycush*) - Huchen (*Hucho hucho*)

Production system	Ongrowing farm systems must be fed from open systems. The flow rate must ensure a minimum of 60 % oxygen saturation for stock and must ensure their comfort and the elimination of farming effluent.
Maximum stocking density	Salmonid species not listed below 15 kg/m <sup>3</sup> Salmon 20 kg/m <sup>3</sup> Brown trout and Rainbow trout 25 kg/m <sup>3</sup> Arctic charr 20 kg/m <sup>3</sup>

### Section 2

#### Organic production of salmonids in sea water:

Salmon (*Salmo salar*), Brown trout (*Salmo trutta*) — Rainbow trout (*Oncorhynchus mykiss*)

Maximum stocking density	10 kg/m <sup>3</sup> in net pens
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### Section 3

Organic production of cod (*Gadus morhua*) and other Gadidae, sea bass (*Dicentrarchus labrax*), sea bream (*Sparus aurata*), meagre (*Argyrosomus regius*), turbot (*Psetta maxima* [= *Scophthalmus maximus*]), red porgy (*Pagrus pagrus* [= *Sparus pagrus*]), red drum (*Sciaenops ocellatus*) and other Sparidae, and spinefeet (*Siganus* spp.)

Production system	In open water containment systems (net pens/cages) with minimum sea current speed to provide optimum fish welfare or in open systems on land.
Maximum stocking density	For fish other than turbot: 15 kg/m <sup>3</sup> For turbot: 25 kg/m <sup>2</sup>

### Section 4

Organic production of sea bass, sea bream, meagre, mullets (*Liza*, *Mugil*) and eel (*Anguilla* spp.) in earth ponds of tidal areas and coastal lagoons

Containment system	Traditional salt pans transformed into aquaculture production units and similar earth ponds in tidal areas
Production system	There shall be adequate renewal of water to ensure the welfare of the species, At least 50 % of the dikes must have plant cover

	Wetland based depuration ponds required
Maximum stocking density	4 kg/m <sup>3</sup>

## Section 5

### Organic production of Sturgeon in fresh water:

Species concerned: Acipenser family

Production system	Water flow in each rearing unit shall be sufficient to ensure animal welfare Effluent water to be of equivalent quality to incoming water
Maximum stocking density	30 kg/m <sup>3</sup>

## Section 6

### Organic production of fish in inland waters:

Species concerned: Carp family (Cyprinidae) and other associated species in the context of polyculture, including perch, pike, catfish, coregonids, sturgeon.

Production system	In fishponds which shall periodically be fully drained and in lakes. Lakes must be devoted exclusively to organic production, including the growing of crops on dry areas. The fishery capture area must be equipped with a clean water inlet and of a size to provide optimal comfort for the fish. The fish must be stored in clean water after harvest. Organic and mineral fertilisation of the ponds and lakes shall be carried out in compliance with Annex I to Regulation (EC) No 889/2008 with a maximum application of 20 kg Nitrogen/ha. Treatments involving synthetic chemicals for the control of hydrophytes and plant coverage present in production waters are prohibited. Areas of natural vegetation shall be maintained around inland water units as a buffer zone for external land areas not involved in the farming operation in accordance with the rules of organic aquaculture. For grow-out "polyculture" shall be used on condition that the criteria laid down in the present specifications for the other species of lakes fish are duly adhered to.
Farming yield	The total production of species is limited to 1 500 kg of fish per hectare per year.

## Section 7

### Organic production of penaeid shrimps and freshwater prawns (*Macrobrachium* spp.):

Establishment of production unit/s	Location to be in sterile clay areas to minimise environmental impact of pond construction. Ponds to be built with the natural pre-existing clay. Mangrove destruction is not permitted.
Conversion time	Six months per pond, corresponding to the normal lifespan of a farmed shrimp.



Broodstock origin	A minimum of half the broodstock shall be domesticated after three years operating The remainder is to be pathogen free wild broodstock originating from sustainable fisheries. A compulsory screening to be implemented on the first and second generation prior to introducing to the farm.
Eyestalk ablation	Is prohibited.
Maximum on farm stocking densities and production limits	Seeding: maximum 22 post larvae/m <sup>2</sup> Maximum instantaneous biomass: 240 g/m <sup>2</sup>

### Section 8

#### Molluscs and echinoderms:

Production systems	Long-lines, rafts, bottom culture, net bags, cages, trays, lantern nets, bouchot poles and other containment systems. For mussel cultivation on rafts the number of drop-ropes shall not exceed one per square meter of surface area. The maximum drop-rope length shall not exceed 20 metres. Thinning-out of drop-ropes shall not take place during the production cycle, however sub-division of drop ropes shall be permitted without increasing stocking density at the outset.
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### Section 9

#### Tropical fresh water fish: milkfish (*Chanos chanos*), tilapia (*Oreochromis spp.*), siamese catfish (*Pangasius spp.*):

Production systems	Ponds and net cages
Maximum stocking density	Pangasius: 10 kg/m <sup>3</sup> Oreochromis: 20 kg/m <sup>3</sup>

### Section 10

Other aquaculture animal species: none