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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council [Official controls Regulation] and repealing Council Regulation (EC) No 834/2007 <ul style="list-style-type: none">- Political issues- Debriefing of the last trilogue- Mandate for the next trilogue

In view of the Special Committee on Agriculture on 5 December 2016, delegations will find attached a document reflecting the results of the negotiations on the main political issues on this file.

Databases/systems and derogations

1. Derogations for the use of non organic plant reproductive material, livestock and juveniles

A/ Derogations for the use of non organic plant reproductive material

By way of derogation from point 1.4.1, where the data collected in the seeds database referred to in Article 19a(1) or (2) (a) shows that the qualitative or quantitative needs of the farmer regarding relevant organic plant reproductive material, excluding seedlings, are not met, competent authorities may authorise the use of in-conversion or non-organic plant reproductive material under the conditions laid down under points 1.4.2.4 and 1.4.3.

Prior to requesting any such derogation the farmer shall consult the seeds database as laid out in point 1 or (2)(a) of Article 19a in order to verify whether his or her request is justified.

[...]

1.4.2.4 non-organic plant reproductive material shall not be treated with plant protection products, other than those authorised for treatment of seed in accordance with Article 19(1) of this Regulation, unless chemical treatment is prescribed in accordance with Regulation (EU) No XX/XXX of the European Parliament and of the Council (protective measures against pests of plants) for phytosanitary purposes by the competent authority of the Member State for all varieties of a given species in the area where the plant reproductive material is to be used.

1.4.2.5 Member States may confer the responsibility for granting authorisation(s) referred to in point 1.4.2.1 to control authorities or delegate it to another public administration under their supervision or to control bodies.

1.4.2.6 The authorisation shall be granted before the sowing of the crop.

1.4.2.7 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 list the quantities of plant reproductive material authorised.

B/ Derogations for the use of non organic livestock

1.3.5.a By way of derogation from points 1.3.1, where the data collected according to the system referred to in Article 19a (1) (c) shows that the qualitative or quantitative needs of the farmer regarding organic animals are not met, competent authorities may authorise the introduction of non-organic animals onto an organic production unit, subject to the following conditions provided for in points 1.3.5.1 to 1.3.5.4a.

Prior to requesting any such derogation the farmer shall consult the data collected as laid out in point 1(c) of Article 19a in order to verify whether his or her request is justified.

1.4.2.5 Member States may confer the responsibility for granting authorisation(s) referred to in point 1.4.2.1 to control authorities or delegate it to another public administration under their supervision or to control bodies.

1.3.5.1.1 For breeding purposes, non-organic young animals may be introduced when a herd or flock is constituted for the first time. They 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 those animals enter the herd or flock:

- (a) bovine, equine and cervine animals shall be less than six months old;
- (b) ovine and caprine animals shall be less than 60 days old;
- (c) porcine animals shall weigh less than 35 kg.
- (d) rabbits shall be less than 3 months old;

1.3.5.1.2 For breeding purposes, non-organic adult male and nulliparous female animals may be introduced for the renewal of a herd or flock. They shall be reared subsequently in accordance with the organic production rules. Moreover, the number of female animals shall be subject to the following restrictions per year:

- (a) up to a maximum of 10 % of adult equine or bovine animals; and 20 % of the adult porcine, ovine, caprine animals, rabbits and cervine animals;
- (b) for units with fewer than 10 equine, cervine or bovine animals or rabbits, or with fewer than five porcine, ovine or caprine animals, any renewal as mentioned above shall be limited to a maximum of one animal per year.

1.3.5.2. The percentages referred to in sub-point 1.3.5.1.2 may be increased up to 40%, provided that the competent authority has confirmed that the one of following conditions is fulfilled:

- (a) a major extension to the farm has been undertaken;
- (b) a breed has been changed;

(c) a new livestock specialisation has been initiated;

(d) breeds are in danger of being lost to farming as defined by Member States in accordance with Article 7(3) of Commission Delegated Regulation (EU) No 807/2014, and in that case animals of those breeds must not necessarily be nulliparous.

1.3.5.3 For the renovation of apiaries, 20% 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. In any case, one swarm or queen bee may be replaced per year by a non-organic swarm or a queen bee.

1.3.5.4 When a flock is constituted for the first time, renewed or reconstituted 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.

1.3.5.4a In the cases referred to in points 1.3.5.1 to 1.3.5.4, non-organic animals and products derived from them may only be considered as organic provided that the conversion period specified in point 1.2 of Part II of this Annex is respected.

C/ Derogations for the use of non organic juveniles

4.1.2.1(db). By way of derogation to (a), for on-growing purposes and where the data collected according to the system referred to in Article 19a (1) (d) shows that the quantitative needs of the operator regarding organic aquaculture juveniles, are not met Member States may authorise until 31 December 2019 the introduction of a maximum of 50% of non-organic juveniles on an aquaculture holding, provided that at least the latter two thirds of the duration of the production cycle is managed under organic management.

2. Phasing out of the derogations for the use of non organic plant reproductive material and livestock

Article 35

End of derogations and report

01. By 31 December 2025, the Commission shall present a report to the European Parliament and the Council dealing with the availability on the market of organic plant reproductive material and livestock. In drawing up this report, the Commission shall take into account in particular the outcome of the collection of data referred to in Article 19a and the information related to granted derogations referred to in paragraph 2.

[This report should contain:

- identification of the causes of limited access to organic plant and animal reproductive material as well as organic input in general on the Union market;
- the availability of young poultry and parent animals for poultry production, including stocking density criteria, feeding, health care, animal welfare and disease management;
- the selection of species and sub-species arising from differences in climate, soil, altitude and geography;

- the situation of organic pig farming and poultry farming, including stocking density criteria, feeding, health care, animal welfare, and disease management;]

1. The derogations to the use of organic plant reproductive material and livestock, provided under points 1.4.2.1 of part I of annex II and 1.3.5.a of part II of Annex II end on 1 January [2030] at the latest.

However, as of 2027, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 to amend this Regulation by ending at an earlier date the derogations referred to in points 1.4.2.1 of part I of annex II and 1.3.5.a of part II of Annex II for the plant reproductive material and livestock for which the report referred to in paragraph 01 shows that sufficient quantities of suitable varieties or breeds are available

2. By the 30th of June of each year, Member States shall make the information related to derogations granted during the previous year available to the Commission and the other Member States.

3. Collection of data concerning the availability on the market of organic livestock, seeds, and juveniles

Article 19a new

Collection of data concerning the availability on the market of organic and in-conversion plant reproductive material, organic animals and organic aquaculture juveniles

1. Each Member State shall ensure that a regularly updated database is established for the listing of the organic or in-conversion plant reproductive material [except seedlings], including seed potatoes which is available on its territory.
2. In order to promote and facilitate the use of organic reproductive material and to improve transparency by providing information on its availability, including its adaptability to local conditions and to organic production, each Member State shall have a systems in place that allow operators who market that organic material and who are able to supply it in sufficient quantities and within a reasonable time period, to make public on a voluntary basis, free of charge, together with their names and contact details, the following data:
 - (a) the organic and in-conversion plant reproductive material except seedlings, such as heterogeneous material, seeds and propagating material suitable for organic production including seed potatoes, which are available; the quantity in weight of those materials and the period of the year of its availability. That organic reproductive material shall be listed using at least the Latin scientific name;

(b) the breeds and strains of [livestock], adapted to organic farming in accordance with point 1.3.4 of Part II of Annex II available; including the landraces, parentage line, the age of the animals, and the number of breeding animals categorised by sex.

(c) the organic animals for the purposes of the application of the derogations provided for in point 1.3.5a.; including information, if relevant to the different species of animals, as regards the breed, the strains or landraces, parentage line, local ecotypes, the age of the animals, and the number of animals categorised by sex

(d) the organic aquaculture juveniles available on its holding and its production capacity for each aquaculture species and their health status in accordance with Council Directive 2006/88/EC¹ ;

Operators including material or animals in the systems referred to in the 1st subparagraph shall ensure that the information is updated regularly and that the information is withdrawn from the lists once the material or animals are no longer available.

2a. Member States may continue to use already existing seeds databases and systems for livestock and aquaculture juveniles.

¹ *Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals* – (OJ EU L328; 24.11.2006, page 14)

2b. The Commission shall make public the link to each of the national databases or systems in a Commission dedicated website, thus allowing users to have access to such a data throughout the Union.

3. The Commission shall adopt implementing acts to provide technical details concerning the collection of data referred to in this Article.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37.

Greenhouses

Article 4 – General principles

Organic production is a sustainable management system for agriculture that is based on the following general principles: [...]

(e) 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 soil-related crop cultivation and land-related livestock production or practice aquaculture which complies with the principle of sustainable exploitation of fisheries; [...]

To be introduced in Annex II, Part I – Plant production rules

1. General requirements

1. Organic crops shall be produced in living soil or in soil mixed or fertilised with materials and products allowed in organic production, in connection with the subsoil and bedrock, in accordance with the principle of soil-related crop cultivation.

2. Hydroponic production, which is a method of growing plants, which are not naturally grown in water, with their roots in a nutrient solution only or in an inert medium to which a nutrient solution is added, is prohibited.

3. The production of sprouts by moistening of seeds shall be allowed.
4. By way of derogation from paragraph 1, the following practices shall be allowed, under the condition that the material where the plant grows is made up of at least 80% of soil obtained from the organic production unit of the holding itself or from the closest organic operators, and/or mixed and/or fertilised with products allowed in organic production, in accordance with Article 19:
- (a) growing plants in pots to be sold together with the pot to the final consumer;
 - (b) growing plants in demarcated beds where specific climatic conditions, such as an average temperature below zero degrees Celsius during winter months, justifies it,
 - (c) growing seedlings or transplants in containers for on-growing purposes.

To be integrated in Article 10

5. The Commission shall adopt delegated acts amending by adding to Annex II specific conditions on the cultivation practices referred to in Annex II, Part I (exact reference corresponding to paragraph 4 to be introduced), in particular, with regard to rules on conversion, preventive measures including crop rotation, soil and crop health, use of energy and natural resources, nutrient and soil fertility management, and the specific climatic conditions justifying the recourse to demarcated beds.

Annex I

Extracts from the 4-column table

Amendment 102			
Article 3 (43) (e) (new)			
		<i>(43e) 'soil-bound crop cultivation' means production in living soil such as mineral soil mixed and/or fertilised with materials and products allowed in organic production, in connection with the subsoil and bedrock;</i>	Compromise proposal: (43e) 'soil-related crop cultivation' means production in living soil or in soil mixed or fertilised with materials and products allowed in organic production, in connection with the subsoil and bedrock;

Seeds

Definitions to be added to Article 3

(xx) "plant reproductive material" means plants as well as all forms of plants at any growth stage including seeds, capable of, and intended for, producing entire plants

(xx) 'heterogeneous material' means plant grouping within a single botanical taxon of the lowest known rank, which:

(i) presents common phenotypic characteristics

(ii) is, however, characterised by a high level of genetic and phenotypic diversity between individual reproductive units, so that this plant grouping is represented by the material as a whole, and not by a small number of units;

(iii) does not meet the definition of variety within the meaning of Article 5(2) of Regulation 2100/94;

(iv) is not a mixture of varieties;

(xx) A plant grouping within a single botanical taxon of the lowest known rank is considered as seed and propagating material suitable for organic production if it:

(i) is characterized by a high level of genetic and, if relevant, phenotypical diversity between individual reproductive units;

- (ii) is not protected by a Union plant variety right, as provided for in Council Regulation (EC) No 2100/94; or by a national plant variety right;
- (iv) results of organic plant breeding and variety development,
- (v) enhances productivity or quality of the products, and
- (vi) is coupled with reliance on natural reproductive ability and restricted within natural crossing barriers.

Article 3a

Objectives

This Article to be completed by the following indents:

- contribution to the development of the offer of plant genetic material adapted to the specific needs and objectives of organic agriculture;
- contribution to a high level of biodiversity, notably by using diverse plant genetic material, such as heterogeneous material and seeds and propagating material suitable for organic production;
- foster the development of organic plant breeding activities in order to favourable economic perspectives of the organic production sector.

Definitions and objectives have been agreed. However no agreement on art Y and Z. In addition a Declaration from the COM will be explored to use the existing implementing power provided in Directives 54/2002, 55/2002, 56/2002, 57/2002 (art 27) in order to promote the marketing of PRM fit to organic production.

[As a new compromise, PRES could support the addition of the article Y only, as follows.

Article y

Specific provisions for the marketing of heterogeneous material intended exclusively for organic production

1. By way of derogation from Directive 2002/53/EC (varietal aspects to be screened), and from:
 - (a) Article 2(1)(B), point (d) of Article 2(3)(A), point (b) of Article 4a(1), point (c) of Article 14(a), Article 17, Article 19(2), Annex I, points (1) and (4), and Annex II of Directive 66/401/EEC;
 - (b) Article 2(1)(B), Article 2(1)(C), Article 2(1)(D), point (d) of Article 2(3)(A) Article 7(1), point (c) of Article 14a, Article 17, Article 19(2), Annex I and Annex II to Directive 66/402/EEC;
 - (c) point (c) of Article 2(1), Article 2(2), point (d) of Article 2(3)(A), point (b) of Article 6(1), Article 9(1), Article 21(c), Article 24, Article 25(2), and Annexes 1, III and IV to Directive 2002/54/EC;
 - (d) points (c), (d) and (e) of Article 2(1), Article 2(3), Article 2(4)(A)(d), Article 3(1), Article 23(1), Article 26(3), Article 35(c), points (a) and (b) of Article 37(1), Article 38, point (b) of Article 39(2), Article 40, Article 41, Article 42, and Annexes I, II, IV and V to Directive 2002/55/EC;

- (e) point (c) of Article 2(1), Article 2(3), point (b) of Article 6(1), Article 9(1), point (a) of Article 12(1), Article 18(c), Article 19a, Article 21, point (b) of Article 22(2), and Annexes I, II, IV and V to Directive 2002/57/EC,
- (f) Directive 68/193 – varietal aspects to be screened
- (g) Directive 2008/90 – varietal aspects to be screened
- (h) Directive 2008/72 – varietal aspects to be screened
- (i) Directive 2002/56 – varietal aspects to be screened

Heterogeneous material may be marketed without belonging to a variety accepted in the Common Catalogues established pursuant to those Directives.

2. Heterogeneous material may only be produced and marketed following the adoption of the delegated act referred to in paragraph 2, and in accordance with the rules set out in that act.
3. The Commission shall be empowered to adopt a delegated act, in accordance with Article 36, setting out proportionate rules concerning the marketing of heterogeneous material of particular genera or species intended exclusively for organic production as regards:
 - (a) the description of the material, including, where applicable, the breeding methods and parental material used;
 - (b) the minimum quality requirements of seed lots (identity, specific purity, germination rates and sanitary quality);
 - [(c) the establishment by the competent authorities of lists for heterogeneous material and professional operators producing that material, modalities for that listing and content of those lists.]

4. The Commission shall adopt implementing acts laying down technical details concerning heterogeneous material as regards:

- (a) labelling and packaging;
- (b) information and samples of production to be kept by the professional operators;
- (c) maintenance of the material.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

EP submitted a counter proposal and submitted new articles Y and Z, as follows

New Article y

Specific provisions for the marketing of heterogeneous material for organic production

1. Heterogeneous material for organic production shall not be subject to the following Directives:

- (a) Council Directive 66/401/EEC;
- (b) Council Directive 66/402/EEC;
- (c) Council Directive 68/193/EEC;
- (d) Council Directive 98/56/EC;
- (e) Council Directive 1999/105/EC;
- (f) Council Directive 2002/53/EC;

- (g) Council Directive 2002/54/EC;
- (h) Council Directive 2002/55/EC;
- (i) Council Directive 2002/56/EC;
- (j) Council Directive 2002/57/EC;
- (k) Council Directive 2008/72/EC;
- (l) Council Directive 2008/90/EC

2. Operators marketing heterogeneous material for organic production shall provide information regarding:

- (a) when the material was harvested
- (b) where the material was harvested
- (c) the origin or development of the material
- (d) the breeding methods used to establish the material
- (e) the composition of the material if applicable

3. When evidence has been established that the provisions of paragraph (1) of this Article led to significant distortions of the market of plant reproductive material for organic production or to a significant degree of persistent user complaints, the Commission shall be empowered to adopt a delegated act, in accordance with Article 36, setting out proportionate rules concerning the marketing of heterogeneous material for organic production as regards:

- (a) the description of the material, including, where applicable, the breeding methods and parental material used;
- (b) the minimum quality requirements of seed lots (identity, specific purity, germination rates and sanitary quality);

New Article Z

Specific provisions for the marketing of seeds and propagating material, other than heterogeneous material, suitable for organic production

For plant reproductive material suitable for use in organic production, the minimum requirements as regards the uniformity, distinctness and stability of a variety, and, where applicable, its value for cultivation and use (VCU), as set out in Directives

- (a) Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed, Articles 3 (1) and 3 (2);
- (b) Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed, Article 3 (1)
- (c) Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine, Article 3 (1);

- (d) Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species, Articles 4 (1) and 4 (2);
- (e) Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed, Article 3 (1);
- (f) Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed, Article 3 (1);
- (g) Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes, Article 3 (1);
- (h) Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants, Articles 3 (1) and 3 (2);
- (i) Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed, Articles 9 (1) and 9 (2);
- (j) Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit propagating material and fruit plants intended for fruit production, Articles 3(1) and 7 (1)

shall not apply.

2. Operators marketing seeds and propagating material, other than heterogeneous material, suitable for organic production shall provide information regarding:

- (a) when the material was harvested
- (b) where the material was harvested
- (c) the origin of the material if applicable

- (d) the breeding methods used to establish the material
- (e) the composition of the material if applicable
- (f) the organic certificate for the seed lot concerned

When evidence has been established that the provisions of paragraph (1) of this Article led to significant distortions of the market of seeds and propagating material, other than heterogeneous material, suitable for organic production or to a significant degree of persistent user complaints, the Commission shall be empowered to adopt a delegated act, in accordance with Article 36, setting out proportionate rules concerning the marketing of heterogeneous material for organic production as regards :

- (a) the description of the seeds and propagating material suitable for organic production, including, where applicable, the description of the breeding methods and parental material used;
- (b) the determination of the conditions in which seeds and propagating material are considered as suitable for organic production within defined geographical regions;]

Precautionary measures

Article XX

Obligations of and actions by the operator in the event of suspicion of non-compliance

Where an operator suspects that a product he has produced, prepared, imported or that he has received from another operator is not in compliance with the requirements of this Regulation, that operator shall:

- (a) separate and identify the product(s) concerned;
- (b) not place the product(s) concerned on the market as organic or in-conversion product(s) and not use it in organic production until the investigation is finalised;
- (c) check whether the suspicion can be substantiated;
- (d) immediately inform the relevant competent authority or, as appropriate, the relevant control authority or control body with, where appropriate, available elements;
- (e) fully cooperate in verifying and identifying the reasons for the suspected non-compliance with the relevant competent authority or, as appropriate, with the relevant control authority or control body.

Article 20a

Precautionary measures and actions to be taken in the event of the presence of non-authorised products or substances

1. In order to avoid contamination with products and substances that are not authorised to be used in organic production in accordance with Article 7(1)(b) first subparagraph, operators shall take the following precautionary measures at all stages of production, preparation and distribution:
 - (a) Put in place and maintain proportionate and appropriate measures to identify risks of contamination of organic production and products with non-authorised products and substances, including systematic identification of critical procedural steps;
 - (b) Put in place and maintain proportionate and appropriate measures to avoid risks of contamination of organic production and products with non-authorised products and substances;
 - (c) Regularly review and adjust such measures; and,
 - (d) Comply with other relevant requirements of this Regulation that ensure the separation of organic and non-organic products.
3. Where an operator suspects the presence of a product or substance that is not authorised in organic production pursuant to Article 7(1)(b), first subparagraph in a product that is intended to be used or marketed as an organic or in-conversion product, that operator shall:
 - (a) separate and identify the product(s) concerned;

- (b) not place the product(s) concerned on the market as an organic or in-conversion product(s) and not use it in organic production until the investigation referred to in paragraph 4 is finalised;
- (c) check whether the suspicion can be substantiated;
- (d) immediately inform the relevant competent authority or, as appropriate, the relevant control authority or control body [with, where appropriate, available elements;
- (e) fully cooperate in verifying and identifying the reasons for the presence of non-authorised products and substances with the relevant competent authority or, as appropriate, the relevant control authority or control body.

4. When a competent authority, or where appropriate, a control authority or control body, receives substantiated information about the presence of products or substances that are not authorised in organic production pursuant to Article 7(1)(b) first subparagraph, or is informed by an operator in accordance with paragraph 3 or detects such products or substances in an organic or an in-conversion product:

- (a) it shall carry out immediately an investigation to be completed as soon as possible, within a reasonable period of time, taking into account the durability of the product and the complexity of the case, with a view to determine the source and the cause of contamination in view of verifying compliance with Article 7(1)(b) and paragraph 2 of this article.
- (b) it shall provisionally prohibit the placing on the market of the products concerned as organic or in conversion products and their use in organic production while expecting the results of the investigation as referred to in (a);

4a. When the competent authority has not established within the reasonable period of time referred to in paragraph 4(a) that the operator concerned:

- has used the products or substances not authorised in organic production pursuant to Article 7(1)(b) first subparagraph or;
- has failed to take the precautionary measures referred to in paragraph 2,

the operator may market the product as an organic or in-conversion product and use it in organic production.

5. When the competent authority has established that the operator concerned:

- (a) has used products or substances not authorised in organic production pursuant to Article 7(1)(b) first subparagraph or:
- (b) has not taken the precautionary measures referred to in paragraph 2; or
- (c) has not taken measures pursuant to relevant previous requests from the competent authorities, control authorities or control bodies,

the product shall not be marketed as an organic or in-conversion product or used in organic production.

6. Where required, the operator concerned shall take the necessary corrective measures to avoid future contamination.

The operator concerned shall be allowed to give his comments on the results of the investigation. The competent authority, or where appropriate, the control authority or control body, shall keep records of the investigation carried out.

[6a. By way of derogation to paragraphs 4a, products in which the presence of more than two products or substances used as plant protection product, but not authorised to be used in organic production pursuant to Article 7(1)(b), is detected above **twice** the limit of determination, shall not be marketed as an organic or in-conversion product or used in organic production.]

7. 2 years after the date of application of this Regulation, the Commission shall present a report to the European Parliament and the Council on the state of play of implementation of this article and on the presence of products and substances not authorised in organic production pursuant to Article 7(1)(b) first subparagraph. This report may be accompanied, if appropriate, by a legislative proposal establishing the levels of unauthorised products or substances not acceptable for organic products and the systems for compensating operators for losses in connection with unavoidable contamination.

Member States that have, on 31 December 2015, rules in place providing that products containing non-authorised products and substances above a certain level cannot be marketed as organic, may continue to apply these rules until 31 December 2024 provided that these rules do not prohibit, restrict or impede the placing on the market as organic of products produced in other Member States in compliance with the requirements of this Regulation. Member States who apply this provision shall inform the Commission without delay.

8. The results of the investigations referred to in paragraph 4 shall be documented by competent authorities together with any measures taken with a view to formulating best practices and further measures to avoid the presence of products and substances not authorised in organic production pursuant to Article 7(1)(b) .

Member States shall make this information available to the other Member States and to the Commission via a computer system enhancing exchanges of documents and information made available by the Commission.

9. Member States may take appropriate measures on their territory to avoid the unintended presence of non-authorised products and substances in organic agriculture. Such measures shall not prohibit, restrict or impede the placing on the market as organic or in-conversion of products produced in other Member States in compliance with the requirement of this Regulation. Member States which apply this provision shall inform the Commission and the other Member States without delay.

10. The Commission may adopt implementing acts laying down uniform rules specifying:

- the methodology on detection and evaluation of the presence of non-authorised products and substances to be applied by control authorities and control bodies;
- the procedural steps to be followed by operators as referred to in paragraph 3 (a) to (e);
- the proportionate and appropriate measures to be adopted and reviewed by operators to identify and avoid risks of contamination as referred to in paragraph 2 (a) to (c) ;

- the details and format of the information to be transmitted by Member States to the Commission and other Member States as referred to in paragraph 9.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

11. By 31 March of each year, Member States shall transmit by electronic way to the Commission the relevant information, including information collected at border control posts, relating to the previous year concerning the nature of contamination detected, and in particular the cause, the source, the level of contamination and the volume and nature of products contaminated. This information on findings of non-authorised products and substances shall be collected by the Commission in the [database/information system] as referred to in Article [26xx] and shall be used to facilitate the formulation of best practices to avoid contamination.

Other political issues

Outcome of the Trilogue on 30 November 2016

1. Article 1: Subject matter

This Regulation establishes the principles of organic production and lays down the rules concerning organic production, processing, distribution, certification the use of indications referring to organic production in labelling and advertising, as well as rules on controls additional to those laid down in the Regulation (EU) XXX on OCR.. **[It shall provide the basis for the sustainable development of organic production and its positive effects on the environment , while ensuring the effective functioning of the internal market and fair competition, thereby helping farmers to achieve a fair income, ensuring consumer confidence and protecting consumer interests.]**

Location to be fixed (art 1 or art 3a)

2. Mass catering

-Article 2 (2)

Mass catering operations carried out by a mass caterer as defined in point (d) of Article 2(2) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council shall not be subject to this Regulation.

This text is agreed. EP AM 67, part 2 is withdrawn

-Article 2 (2) (3)

Member States may apply national rules or, in the absence thereof, private standards on the production, labelling and control of products originating from mass-catering operations. The organic production logo of the European Union shall not be used in the labelling, presentation and advertising of these products or to advertise the mass caterer.

The text from GA seems acceptable

To be put on A list for T14

3. Article 3a: objectives: human health

The organic production shall pursue the following general objectives:

- contribution to protection of the environment, the climate and human health;

This text is agreed. 'Human health' is deleted

4. Article 3a: objectives: short distribution channels + local production

encouragement of short distribution channels and local production in the various areas of the Union;

This text is agreed.

As a consequence, the text which reads 'local production of organic feed shall be encouraged' is deleted from the different sections of the Annexes.

5. Article 4 (gb)

production of a wide variety of high quality food and other agricultural and aquacultural products that respond to consumers' demand for goods produced by the use of processes that do not harm benefit the environment, **human health**, plant health or animal health and welfare;

This text is agreed.

6. Article 7(1) (d) + Article 7 (2): **environnemental performance targets and empowerment**

~~(d) organic operators other than micro-enterprises, farmers and operators producing algae or aquaculture animals, shall improve their environmental performance as regards biodiversity and use of natural resources and energy, by establishing performance targets.~~

~~2. In order to ensure the correct application of the general production rules, the Commission shall be empowered to adopt delegated implementing acts laying down specific rules regarding the criteria to be used by operators to establish environmental performance targets as referred to in point (d) of paragraph 1. Those criteria shall take into account the specificities of small and medium size enterprises.~~

Both paragraphs are deleted. EP has withdrawn AM 121 and 122

7. Livestock - Annex II - Part II: 1.4.2.1a

the common land has not been treated with products not authorised for organic production for at least three years;

~~This condition shall not apply to extensive pastures which are grazed by animals for less than 120 days in a year;~~

The deletion of the second paragraph is agreed

8. Annex II - Part II: 1.8.3.2

~~The size of pig production units shall be limited in all cases to 1 500 slaughter pigs per year or 200 sows or their equivalent in the case of farrowing-fattening units. These maximum figures for each production unit may be exceeded where 100 % of the feed is produced on the holding.~~

The deletion of this text is agreed

9. Annex II - Part II: 1.8.4.4

(da) the total usable surface area of poultry buildings for fattening poultry of any production unit shall not exceed 1 600 m²;

This text is agreed

(db) the total number of laying hens shall not exceed 12 000 hens in an organic or in-conversion production unit. Not more than 3 000 laying hens shall be allowed in one poultry house. ~~For young poultry, specific rules shall apply;~~

This text is agreed subject to the definition of poultry house

To be put to A list for T14

10. Annex II - Part III - 4.2.3 (b): bottom cultivation of molluscs

(b) bottom cultivation of molluscs is only permitted where no significant environmental impact is caused at the collection and growing sites. A survey and report supporting the evidence of minimal environmental impact shall be added as a separate chapter to the sustainable management plan and provided by the operator to the control authority or control body before starting operations.

This text is agreed. As a concession, in Annex II - Part III - point 4.1.6.3 (a), a compromise is also found regarding AM 375. It is agreed that the prolongation of natural day length shall not exceed a maximum of 14 hours.

11. Annex II - Part IV - point 2.2.2 (e)

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.

No agreement

12. Article 19 (2) (3)

The authorisation of the use of **chemically synthesised / products and substances** referred to in paragraphs 1 and 1a shall be strictly limited to cases where the use of external inputs referred to in point (f) of Article 4 would contribute to unacceptable impacts on the environment, ~~animal or human health or product quality~~.

No agreement regarding the terms 'chemically synthesised / products and substances'.

However, it is agreed to delete 'animal or human health or product quality'

13. Article 19 (4): transparency

Where a Member State considers that a product or substance should be added to, or withdrawn from the lists of authorised products and substances referred to in paragraphs 1 and 1a, or that the specifications of use mentioned in the production rules should be amended, the Member State concerned shall ensure that a dossier giving the reasons for the inclusion, withdrawal or amendments is sent officially to the Commission and to the other Member States ~~and is publicly available, subject to legislation on data protection~~.

The dossier in respect of amendment or withdrawal shall be published by the Commission with the consent of the owner of the dossier.

No agreement. COM will prepare a compromise text

14. Article 21 (3) (1) (b)

- (b) only in the list of ingredients, provided that:
 - (i) less than 95% by weight of agricultural ingredients are organic and provided that those ingredients comply with the production rules set out in this Regulation.;
 - (ii) the processed food complies with the production rules set out in points 1.5, 2.1(a), 2.2.1, and 2.1(c) of Part IV of Annex II and with the specific rules laid down in accordance with Article 13(2b);

No agreement.

15. Article 22 (2)

~~With the exception of products from the wine sector as referred to in point (1) of Article 1(2) of Regulation (EU) No 1308/2013, where the organic production logo of the European Union 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:~~

No agreement.

16. Article 22 (2) EP AM 397

The labelling requirements referred to in point 1 shall not apply in the following cases:

- ~~— where the origin of all ingredients is specified in the ingredients list referring to the place of agricultural production;~~
- ~~— where labelling of origin is required by Regulation (EC) No 1269/211, Regulation (EC) No 1580/2007 referring to the place of agricultural production;~~
- ~~— when products are labelled under Regulation (EC) No 510/2006 referring to the place of agricultural production.~~

Deletion of these texts is agreed as a consequence of the withdrawal of AM 397, part 2

17. Article 24a (2): certification system

[Member States may exempt from the notification obligation referred to in paragraph 1 operators who sell up to 500 kilogrammes per year, representing a turnover not exceeding 5000 Euro of unpacked organic products directly to the final consumer or user, provided that they do not produce, prepare, or store other than in connection with the point of sale, do not import such products from a third country or have not subcontracted such activities to a third party.]

No agreement. COM to provide a text

18. Article 28 import of organic products

1. (ca) From [a date to be inserted which corresponds to 5 years following the date of application of this Regulation], the Commission may in accordance with Article 19(5) grant specific authorisations for the use of products and substances in third countries and Outermost regions of the Union, taking into account differences in the ecological balance in plant or animal production, specific climatic conditions, and traditional and local conditions in these areas. Such specific authorisations may be granted for a renewable period of two years and shall be subject to the principles laid down in Chapter II and to the criteria of Article 19 (2) and (3).

When providing for the criteria to qualify as catastrophic circumstances and laying down specific rules on how to deal with them in accordance with Article 17; the Commission shall also take into account differences in the ecological balance, climate and local conditions in third countries and Outermost regions of the Union,

2. The traceability of imported products intended to be placed on the market within the Union as organic and their compliance with this Regulation have to be ensured. The Commission shall by way of [implementing acts] lay down specific rules concerning the content of the certificates referred to in paragraph 1 and the procedure to be followed for their issuance and verification, in particular as regards the role of competent authorities, control authorities and control bodies.

[3. The Commission shall adopt implementing acts granting authorisation of products and substances referred to in paragraphs 1 (ca).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).]

No agreement. Drafting group to provide a text to ensure during the transitional period a level playing field for TC and outermost regions

19. Article 30 - equivalence under a trade agreement

[The Commission shall publish, and shall provide the European Parliament and the Council with, regular status reports on all ongoing negotiations on such trade agreements and a list of differences between the production rules and the control measures in the third country involved compared to the rules and measures that are applied within the Union. The final results of the negotiations shall be presented to the European Parliament and the Council, and shall be published, listing in detail any differences between the production rules and control measures applied in the third country concerned and those applied in the Union.

The Commission shall present a proposal on how to deal with the differences between the third country in question and the European Union when it comes to the production rules and the control measures.

The Commission shall publish a list of the differences between the production and control provisions contained in all existing trade agreements covered by this Article.]

No agreement

21. Annex Va

No agreement

22. Annex Vc - controls arrangements

No agreement
