Working document Implementation of EU organic regulations in third countries

		European Union Regulation	Dunnand
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1(3)		Aim and scope 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.	Not applicable for CBs
16(4)		Products and substances used in farming and criteria for their authorisation 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.	Some substances could be allowed for being used in third countries or added to the annexes for use in the EU also (see below table regarding substances). EGTOP could be involved.
	3(2)	The total amount of livestock manure, as defined in Council Directive 91/676/EEC 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	Not applicable for CBs. There are alternatives substances in Annex I.

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		manure and liquid animal excrements.	
	6b	Suitability of aquatic medium and sustainable management plan	Not applicable for CBs
		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.	
		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 being 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.	
	9(4)	Origin of non-organic animals	Decision to be made
		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:	by CBs based on COM guidelines
		(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 and in that case animals of those breeds must not necessarily be nulliparous.	
	12(5)	Specific housing conditions and husbandry practices for poultry	Not applicable for CBs
		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	→ compliance with the listed minimum age at slaughter

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		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.	
	13(2)	Specific requirements and housing conditions in beekeeping	Not applicable for CBs
		2. The Member States may designate regions or areas where beekeeping complying with organic production rules is not practicable.	
	15	Stocking density	Not applicable for CBs
		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).	→ compliance with Annex IV
		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.	
	18(1)	Management of animals	Decision to be made
		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	by CBs based on COM guidelines

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		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.	
	23(5)	Disease prevention	Not applicable for CBs
		5. Buildings shall be emptied of livestock between each batch of poultry reared. The buildings and fittings shall be cleaned and disinfected during this time. 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.	→ fixed value for all CBs
	25c	Simultaneous production of organic and non-organic aquaculture animals	Decision to be made
		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.	by CBs based on COM guidelines
		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.	
		3. Operators shall keep documentary evidence of the use of provisions referred to in this Article	
	25s(3)	General rules on disease prevention	Decision to be made
		3. With regard to fallowing:	by CBs based on COM
		(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	guidelines

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	27(4)	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. Use of certain products and substances in processing of food 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.	Not applicable for CBs
	29(1)	Authorisation of non-organic food ingredients of agricultural origin by Member State 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;	Not applicable for CBs → compliance with Annex IX
		(c) no decision has been taken, in accordance with the provisions of paragraphs 3 or 4 that a granted authorisation with regard to the ingredient concerned shall be withdrawn.	

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		The Member State may prolong the authorisation provided for in point (b) a maximum of three times for 12 months each.	
	36(2)	2. The competent authority may decide to recognise retroactively as being part of the conversion period any previous period in which:	Decision to be made by CBs based on COM
		(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,	guidelines
		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.	
	36(3)	3. The competent authority may decide , in certain cases, where the land had been contaminated with products not authorised for organic production, to extend the conversion period beyond the period referred to in paragraph 1.	Decision to be made by CBs based on COM guidelines
	36(4)	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:	Decision to be made by CBs based on COM guidelines
		(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	

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		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.	
	38a(2)	Aquaculture animal production	Decision to be made
		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.	by CBs based on COM guidelines
	39	Tethering of animals	Not applicable for CBs
		Where the conditions laid down in Article 22(2)(a) of Regulation (EC) No 834/2007 apply, competent authorities may authorise 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.	
	40(1)	Parallel production	(a) Decision to be
		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	made by CBs based on COM guidelines
		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,	(b) Not applicable for CBs

		European Union Regulation	Duamagal
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		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.	
	40(2)	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:	Not applicable for CBs
		(a) appropriate measures, notified in advance to the control authority or control body, have been taken in order to guarantee the permanent separation between	

		European Union Regulation	Duomocal
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		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.	
	42	Use of non-organic animals	Decision to be made
		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 ,	by CBs based on COM guidelines
		(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 2017, 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	
	45	Use of seed or vegetative propagating material not obtained by the organic production method	Decision to be made by CBs based on COM
		1. Where the conditions laid down in Article 22(2)(b) of Regulation (EC) No 834/2007 apply,	guidelines → paragraphs 1 – 2 –
		(a) seed and vegetative propagating material from a production unit in conversion to organic farming may be used,	6 – 7 applicable
		(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	

		European Union Regulation	Dyonosal
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		production. However, for the use of non-organic seed and seed potatoes the following paragraphs (2) to (9) apply.	
		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 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.	
		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).	
		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.	
		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	

		European Union Regulation	Duamanal
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		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.	
		6. The authorisation shall be granted before the sowing of the crop.	
		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.	
		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.	
		9. Authorisation may only be granted during periods for which the database is updated in accordance with Article 49(3).	
	47	Catastrophic circumstances	Decision to be made
		The competent authority may authorise on a temporary basis:	by <u>COM</u> based on reasoned proposal by CB
		(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;	

		European Union Regulation	Duonocal
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		(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.	
		(e) the use of sulphur dioxide up to the maximum content to be fixed in accordance with the Annex I B to Regulation (EC) No 606/2009 if the exceptional climatic conditions of a given harvest year deteriorate the sanitary status of organic grapes in a specific geographical area because of severe bacterial attacks or fungal attacks, which oblige the winemaker to use more sulphur dioxide than in previous years to obtain a comparable final product.	
		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 points (c) and (e) of the first paragraph.	
	48	Seed data base	Not applicable for CBs
	(and up to 56)	Database	
		1. Each Member State shall ensure that a computerised 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.	
		 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. 3. Each Member State shall inform the Commission and the other Member States of 	

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		the authority or private body designated to manage the database.	
	95(5)	Transitional measures	Not applicable for CBs
		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.	
42		Entry into force and application	Not applicable for CBs
		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.	
	Annex I	Fertilisers, soil conditioners and nutrients referred to in Article 3(1)and Article 6d(2)	Not applicable for CBs
		Composted or fermented mixture of household waste Product obtained from source separated household waste, which has been submitted to composting or to anaerobic fermentation for biogas production Only vegetable and animal household waste Only when produced in a closed and monitored collection system, accepted by the Member State Maximum concentrations in mg/kg of dry matter: cadmium: 0,7; copper: 70; nickel: 25; lead: 45; zinc: 200; mercury: 0,4; chromium (total): 70; chromium (VI): not detectable	
	Annex II	Pesticides — plant protection products referred to in Article 5(1)	Decision to be made by CBs based on COM
		6. Other substances from traditional use in organic farming	
		Copper compounds in the form of: copper hydroxide, copper oxychloride, copper oxide, Bordeaux mixture, and tribasic copper sulphate Only uses as bactericide and fungicide up to 6 kg copper per ha per year. For perennial crops, Member States may, by derogation from the first paragraph, provide that the 6 kg copper limit can be exceeded in a given year provided that the average quantity actually used over a	guidelines

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		5-year period consisting of that year and of the four preceding years does not exceed 6 kg. Risk mitigation measures shall be taken to protect water and non-target organisms such as buffer zones. Products as specified in the Annex to Implementing Regulation (EU) No 540/2011 (number 277)	
	Annex IV	Feed additives used in animal nutrition referred to in Article 22(g), Article 24(2) and Article 25m(2) 3. NUTRITIONAL ADDITIVES	Decision to be made by CBs based on COM guidelines
		Vitamins and provitamins — Derived from agricultural products — If derived synthetically, only those identical to vitamins derived from agricultural products may be used for monogastric animals and aquaculture animals. — If derived synthetically, only vitamins A, D and E identical to vitamins derived from agricultural products may be used for ruminants, the use is subject to 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	
	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) E250 Sodium nitrite or E252 Potassium nitrate For meat products 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.	Decision to be made by CBs based on COM guidelines

SUBSTANCES

Control bodies are allowing the use of the following substances in third countries. Some are not listed in the annexes. Some are listed with different descriptions or conditions of use.

<u>Proposal</u>: Some substances could be allowed for being used in third countries or added to the annexes for use also in the EU. EGTOP could be involved.

Annex I	Exceptions are applied by CBs recognised for the purpose of equivalence:	

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	Fertilisers and soil conditioners	 Humic acid – alkali extracted (plant or soil amendment) Vitamin C (plant or soil amendment) 	
	Annex II Plant protection products	 Exceptions are applied by CBs recognised for the purpose of equivalence: Plant oils (no reference to the products in Annex to R. (EU) 540/2001) Vinegar (weed control) Micro-organisms (no restriction to the products in Annex to R. (EU) 540/2011) Pheromones (no restriction to numbers 255, 258 and 259 of Annex to R. (EU) 540/2001) Copper compounds (no reference to number 277 of Annex to R. (EU) 540/2011) Ethylene (enlarged use to degreening tropical fruits) Calcium carbide (pineapple flower induction) Paraffin oil (no restriction to numbers 294 and 295 of Annex to R. (EU) 540/2011) Repellents (no restriction to number 249 of Annex to R. (EU) 540/2011) Chlorine (disinfectant, sanitizer - used preharvest in the field) Elemental sulphur (insecticide, common on a variety of tree fruits as the only material to remove apple scab) Hydrogen peroxide* (plant disease control) 	* not allowed either for conventional production in the EU
	Annex VI Feed additives	 Exceptions are applied by CBs recognised for the purpose of equivalence: Zootechnical additives: Probiotics Restricted to feed for aquaculture: Technological additives - Preservatives: E 282 Calcium propionate Technological additives - Antioxidant substances: 	

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		 E 320 BHA Butyhydroxyanisol E 321 BHT Butyhydroxytoluene (maximum dosage of 0,02% of feedstuff fat content) E 324 Ethoxyquine Total input of antioxydants (E 320, E 321, E 324 used alone or in combination) must not exceed 150 mg/kg of the complete feedstuff. This limit does not include E 306 Tocopherol-rich extracts of natural origin 	
		Sensory additives: Colorants (natural pigments): Carotenoids of natural origin	
		 Nutritional additives: Substances having a similar effect to vitamins: Choline chloride Inositol Betaine 	
		 Nutritional additives – Trace elements – Iodine: Potassium iodide Nutritional additives: Amino acids (non-synthetic): Methionine Lysine Threonine Tryptophan Arginine Histidine 	
	Annex VIII Products and substances for use in	 Exceptions are applied by CBs recognised for the purpose of equivalence: Sodium citrates (also for the preparation of plant origin foodstuff) Beeswax (also for the preparation of animal origin foodstuff) 	

European Union Regulation			Drawage
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	production of processed	Candelilla wax (E 902, only when derived from organic production) Corporate way (also for the proporation of online) origin for details)	
	organic food	Carnauba wax (also for the preparation of animal origin foodstuff)Steviol glycosides (E 960)	
		Sulphuric acid (also for candelilla wax production)	