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In view of the forthcoming Working Party on Foodstuff Quality (Organic Farming) that will take place on 25 October, delegations will find attached the latest developments of the negotiations with the European Parliament and the Commission drafting teams, as well as an explanatory note from the European Parliament regarding plant reproductive material. The document contains the following annexes:

* Annex I: non-paper on plant production rules (page 3)
* Annex II: non-paper on livestock production rules (page 16)
* Annex III: non-paper on aquaculture (page 48)
* Annex IV: non-paper on wine (page 69)
* Annex V: non-paper on databases (for information purposes only) (page 75)
* Annex VI: explanatory note on EP proposals concerning provisions for organic plant reproductive material (provided by the EP; for information purposes only) (page 81)

ANNEX I

**Non-paper on plant production rules**

**Outcome of the drafting group meeting on 14 October**

Article 10

1. Operators producing plants or plant products shall in particular comply with the detailed rules set out in Part I of Annex II [and with the implementing acts referred to in paragraph 5.]

[2. Seeds and reproductive material ]

3. In order to ensure quality, traceability and compliance with this Regulation as regards organic plant production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending the detailed plant production rules set out in Part I of Annex II as regards:

[- derogations 1.1.a and 1.1.b]

[- use of plant reproductive material / use of seed or vegetative material not obtained from organic production as referred to in points 1.4.2 and 1.4.2.1]

4. In order to ensure quality, traceability and compliance with this Regulation as regards organic plant production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending by adding to the detailed plant production rules set out in Part I of Annex II as regards

- the provisions concerning agreements with other agricultural holdings (point 1.5.5.)

- the measures related to pest and weed management as referred to in point 1.6.1

- detailed rules and cultivation practices for specific plants and plant production, including rules for sprouted seeds.

5. The Commission shall adopt implementing acts laying down rules on:

[- Technical details for the establishment of the database referred to in point 1.4.1 (will be covered by Article on databases)]

- [the application of point 1.4.2, including the list of varieties or species for which point 1.4.2 cannot apply]

**ANNEX II, PART I: Plant production rules**

In addition to the production rules laid down in Articles 7 to 10, the rules set out in this Part shall apply to organic plant production.

**1. General requirements**

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

[1.1.a By way of derogation from point 1.1, growing plants in pots as an exception to soil-bound plant production as defined in point (e)(ii) of Article 4 shall only be allowed for seedlings or for the production of ornamentals and herbs if the ornamentals and herbs in question are sold in pots to the final consumer.

*Additional EP proposal (17/03) related to soil-bound principle*

"1.1.b By way of derogation from point 1.1, growing plants in demarcated beds shall be allowed, in that part of the territory of Member States which lies to the north of the 56 degree latitude north, on grounds of local, climatic, traditional and environmental specificities and historical developments and approaches."

Only existing organic greenhouses certified by [31st December 2012] in that part of the territory of Member States which lies to the north of the 56 degree latitude north, using demarcated beds shall be allowed to continue the existing practice.

Only mixtures of fertilisers or soil conditioners which are approved for use in organic farming shall be allowed]

1.2 All plant production techniques used shall prevent or minimise any contribution to the contamination of the environment.

1.3 Conversion

1.3.1. For plants and plant products to be considered organic, the production rules laid down in 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 organic feed, or, in the case of perennial crops other than forage, at least three years before the first harvest of organic products.

1.3.2 The competent authority may decide, in the cases where the land has been contaminated with products not authorised for organic production, to extend the conversion period beyond the period referred to in point 1.3.1.

[1.3.3 In the case of treatment with a product not authorised for organic production, the competent authority shall require a new conversion period in accordance with point 1.3.1.]*(EP acceptance subject to compromise in amendment 278 to be dealt with Art 20)*

That period may be shortened in the following two cases:

(a) treatment with a product not authorised for organic production as part of a compulsory control measure for pests or weeds, including quarantine organisms or invasive species, imposed by the competent authority of the Member State;

(b) treatment with a product not authorised for organic production as part of scientific tests approved by the competent authority of the Member State.

1.3.4 In the cases referred to in points 1.3.2. and 1.3.3., the length of the conversion period shall be fixed taking into account 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 as organic or as in-conversion products.

1.3.4.(1)(a) Member States shall inform the Commission and the other Member States of any decision taken by them which lays down compulsory measures related to treatment with a product non-authorised for organic production; (*EP Amendment 283, EP alternative text (21/03)*

1.3.4.(1)(b) In the case of treatments with a product which is not authorised for organic production, the provisions of point 1.3.5.2 shall not apply. (*EP Amendment 283)*

1.3.5 The specific conversion rules for land associated with organic livestock production should be as follows:

1.3.5.1 The conversion rules shall apply to the whole area of the production unit on which animal feed is produced.

[1.3.5.2 Notwithstanding point 1.3.5.1., the conversion period may be reduced to one year for pasturages and open air areas used by non-herbivore species.] *(COM proposal + GA) (or,)*

[1.3.5.2 Notwithstanding point 1.3.5.1, the conversion period may be reduced to one year for pasturages and open air areas used by non-herbivore species and may be further reduced to six months in cases where no treatment with products not authorised for organic farming has been applied during the previous 18 months.] (*EP Amendment 285, EP alternative (13/10)*

1.4 Origin of plants including plant reproductive material

[1.4.1 For the production of plants and plant products other than plant reproductive material, only organically produced plant reproductive material shall be used. To this end, the plant intended for plant reproductive material production and, where relevant, the mother plant shall have been produced in accordance with the requirements applicable to organic production units for at least one generation, or, in the case of perennial crops, for at least one generation during two growing seasons. *(Alternative COM proposal (2/06)*

By way of derogation tofrom the first sub paragraph, plant reproductive material coming during the second year of conversion from a production unit which is run in accordance with this Regulation may be used for the production of organic plants and organic plant products

Operators may, in order to foster genetic resources adapted to the special conditions of organic production, use traditional crop varieties obtained from their own farm (to be moved to objectives/principles). (EP AM 285)

1.4.1a. Varieties bred shall be used in accordance with the breeding rules laid down in this Regulation except in the event that the requisite plant reproductive material is not available.

Plant reproductive material selected for its ability to meet the specific needs and aims of organic agriculture shall be increasingly used and may include local breeds or varieties of population or open pollinated varieties, namely material not obtained by controlled pollination or by the hybridisation of inbred lines. (*to be seen in conjunction with the article on database*)

1.4.1b. For the production of organically bred varieties, the varieties in question shall be bred and selected under organic conditions that comply with the requirements of this Regulation. All multiplication practices except meristem culture shall be under certified organic management. (EP AM 286)].

1.4.2. Use of plant reproductive material not obtained from organic production units

[By way of derogation from point 1.4.1, for a limited period of time, plant reproductive material not obtained from an organic production unit may be used,

(i) when it comes from an in-conversion production unit or;

(ii) where it is justified for use in research, test in small-scale field trials or for genetic resources conservation purposes agreed by the competent authority of the Member State.

Where plant reproductive material from an in-conversion production unit is not available, Member States competent authorities shall authorise the use of non-organic plant reproductive material, except for seedlings. However, for the use of such non-organic material, points 1.4.2.1 to 1.4.2.7 apply. ] (*alternative COM proposal 10/09/2016*) (– See also new paragraph 1.4.2ab in non-paper on databases)

*(or,)*

[1.4.2. Use of [plant reproductive material/ seed or vegetative propagating material] not obtained from organic production

By way of derogation from point 1.4.1., for a limited period of time, where plant reproductive material is not available on the market in organic form,

(a) plant reproductive 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 plant reproductive material, except for seedlings. However, for the use of such non-organic material, points 1.4.2.1 to 1.4.2.7 apply. (*GA*)

[ex1.4.2.1 EP. In order to ensure access to seed and vegetative propagating material where such organic inputs are not available, Member States may authorise the use of non-organic seed or vegetative propagating material. In that case, points 1.4.2.2 to 1.4.2.8 shall apply.]

1.4.2.1. [Non-organic plant reproductive material / Non-organic seed and seed potatoes] may be used, provided that the [plant reproductive material/ seed or seed potatoes ] is not 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)/ 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 [plant reproductive material/ seed or seed potatoes] [is/are] to be used. (*GA/EP*)

1.4.2.2.Member States may confer the responsibility for granting the authorisation referred to in point [1.4.2.(b) / 1.4.2.1 (cross check)] to control authorities or delegate it to another public administration under their supervision or to control bodies.

1.4.2.3. Authorisation to use [plant reproductive material/ seed or vegetative propagating material or plants] not obtained by the organic production method may only be granted in the following cases:

(i) where no variety of the species which the user wants to obtain is listed in the database referred to in Article [10];

(ii) where no supplier, meaning an operator who markets [plant reproductive material/ seed or vegetative propagating material or plants] to other operators, is [able/in a position] to deliver the [plant reproductive material/ seed or vegetative propagating material or plants] before sowing or planting in situations where the user has placed the order in reasonable time;

(iii) where the variety which the user wants to obtain is not listed in the database referred to in Article [10], and the user is able to demonstrate that none of the listed varieties of the same species are appropriate and that the authorisation therefore is significant for his production;

(iv) 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. (*covered in the alternativeCOM text in point 1.4.2 (ii*))

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

1.4.2.5. 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/ seed or vegetative propagating material or plants] authorised.

[1.4.2.6. By way of derogation from point 1.4.2.5., the competent authority of the Member State may grant to all users a general authorisation:

(i) for a given species when and in so far as the condition laid down in point 1.4.2.3.(i) is fulfilled;

(ii) for a given variety when and in so far as the conditions laid down in point 1.4.2.3.(iii) are fulfilled.

The authorisations referred to in the first subparagraph shall be clearly indicated in the database referred to in Article [10].]

1.4.2.7. Authorisation [may/can] only be granted during periods for which the database referred to in Article XX, is up to date.] *(Council GA ;) to be checked with the article dealing with the database]*

[1.4.2.8. In order to improve the use of organic seed within the Union, each Member State shall publish in the database referred to in Article [10] a national list of seeds and vegetative propagating material and plants that can only be used in organic form. That list must specify the species and subspecies for which it is established that the seed and propagating material or plants obtained from organic production are available in sufficient quantities and are therefore to be used only in organic form.] (*EP Amendment 287)*

1.5 Soil management and fertilisation

1.5.1 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.

1.5.2. The fertility and biological activity of the soil shall be maintained and increased:

(i) in the case of grassland or perennial forage by multiannual crop rotation including mandatory leguminous crops as the main or cover crop for rotating crops and other green manure crops, and

(ii) in the case of greenhouses or perennial crops other than forage, by short term green manure crops and legumes as well as the use of plant diversity and

(iii) in all cases by the application of livestock manure or organic matter, both preferably composted, from organic production. *(Alternative non paper proposed by COM (2/06)*

1.5.3. Where the nutritional needs of plants cannot be met by measures provided for in points 1.5.1. and 1.5.2. only fertilisers and soil conditioners authorised for use in organic production pursuant to Article 19 may be used and only to the extent necessary. Operators shall keep records of the use of these products.

1.5.4 The total amount of livestock manure, as defined in Council Directive 91/676/EEC, applied on the agricultural holding, shall not exceed 170 kg of nitrogen per year/hectare of agricultural area used. That 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.

1.5.5. Agricultural holdings may establish written cooperation agreements exclusively with other agricultural holdings and enterprises which comply with the organic production rules, with the intention of spreading surplus manure from organic production units. The maximum limit as referred to in point 1.5.4., shall be calculated on the basis of all of the organic production units involved in such cooperation.

1.5.6. 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.

1.5.7 For compost activation appropriate plant-based preparations or preparations of micro-organisms may be used.

1.5.8 Mineral nitrogen fertilisers shall not be used.

1.5.8a. Biodynamic preparations may be used

[1.5.8b. The use of ferti-irrigation is prohibited.] (*EP amendment 292)*

[PM ‘Ferti-irrigation’ is the application of a fertiliser, soil amendment, or reclaimed water from food processing and waste water treatment facilities with irrigation water.]

1.6 Pest and weed management

1.6.1 The prevention of damage caused by pests and weeds shall rely primarily on the protection by:

- natural enemies,

[- the choice of species, varieties and heterogeneous material] (COM proposal)

(or,)

[the choice of species, varieties and populations,] *(Council GA)*

- crop rotation,

- cultivation techniques such as biofumigation, mechanical and physical methods, and

- thermal processes such as solarisation and, in the case of protected crops, shallow steam treatment of the soil (to a maximum depth of 10 cm)." (*COM alternative (2/06)*

1.6.2 Where plants cannot be protected adequately from pests by measures provided for in point 1.6.1. or in the case of an established threat to a crop, only products authorised for use in organic production pursuant to Articles 7 and 19 may be used and only to the extent necessary. (*COM alternative (19/07*). Operators shall keep documentation proving the need for the use of such products. (EP Amendment 295)

1.6.3. In relation to products used in traps or dispensers of products other than pheromones, the traps and/or dispensers shall prevent the substances from being released into the environment and shall prevent contact between the substances and the crops being cultivated. All traps including pheromone traps shall be collected after use and safely disposed of.

1.7 Products used for cleaning and disinfection

With regard to cleaning and disinfection, only the products for cleaning and disinfection in plant production authorised for use in organic production pursuant to Article 19 shall be used.

1.7a Record keeping obligation

Operators shall keep documentation on the parcels concerned and on the amount of the harvest (*EP AM 298*)

[1.8. Preparation of unprocessed products

If preparation operations, other than processing, are carried out on plants, the general requirements laid down in points 1.2., 1.3, 1.4., 1.5 of Part IV shall apply *mutatis mutandis* to such prepared products. *(to be discussed with art 13)]*

**2. Detailed rules and cultivation practices for plants and plant production**

2.1 Rules on mushroom production

For the 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 organic production units or from in-conversion units in their second year of conversion; or

(ii) referred to in point 1.5.3., only when the product referred to in point (i) is not available, provided that these farmyard manure and animal excrements 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 organic production units; (*Alternative COM (2/06)*

(c) peat not chemically treated;

(d) wood, not treated with chemical products after felling;

(e) mineral products referred to in point 1.5.3., water and soil.

2.2 Rules concerning the collection of wild plants

The collection of wild plants and parts thereof, growing naturally in natural areas, forests and agricultural areas is considered as organic production 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 pursuant to [Articles 7] and 19; (Alternative COM proposal (19/07)).

(b) the collection does not affect the stability of the natural habitat or the maintenance of the species in the collection area.

ANNEX II

**Non-paper on livestock production rules**

**From doc. ST 12712/16**

# Articles 3, 8, 11 + Part II of Annex II

**State of play, following trilogue on 28/09 and drafting group on 29/09**

Article 3

*Definitions*

"…"

(xxx) a pen shall mean an enclosure that must include a part where animals are provided with protection from the weather;

Article 8

*Conversion*

"…"

In order to ensure quality, traceability and compliance with this Regulation as regards organic production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending by adding to the rules set out in point 1.2.2 of Annex II, part II as regards conversion for species other than those regulated in Part II of Annex II [article 8 (6) COM non-paper 9/02]

Article 11

*Livestock production rules*

* + 1. Livestock operators shall in particular comply with the detailed production rules set out in Part II of Annex II and in the implementing acts referred to in paragraph 4.

[1a. Amendment 142 on reporting: taken up in substance in Article on reporting.]

* + 1. (list of empowerments for which rules in the basic act are included and for which flexibility is needed).In order to ensure quality, traceability and compliance with this Regulation as regards organic livestock production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending the detailed livestock production rules set out in Part II of Annex II as regards:
* the reduction of percentages and the phasing out of the derogations as regards the origin of animals as laid down in points 1.3.5.1 to 1.3.5.5. for specific livestock species when organic livestock is available in sufficient quantities on the EU market;
* acceptable treatments for disinfection of apiaries and for the fight against Varroa destructor as referred to in points ex 2.5.4 (b) and (e)
* the limit of organic nitrogen linked to the total stocking density as referred to in point 1.6.6;
* [animal welfare rules as referred to in point 1.7 and 1.8.6.4.];
* feeding of bee colonies as referred to in point ex 2.5.3 (b)

*-[if EP amendment 317 is accepted: acceptable feed materials and substances –– linked to Article 19].*

*[COM also considers that amendments of rules on nutrition and housing conditions and husbandry practices for* ***specific livestock species*** *regulated in Annex II (ex .2.1.2 (a-c), ex 2.2.2(a-b), ex 2.3.3 (ba)-(e), ex 2.4.4 (b), +similar rules for rabbits / deer are necessary to ensure sufficient flexibility, as well as amendment for specific rules on practices in beekeeping]*

* + 1. *(list of empowerments for which rules will need to be laid down in future for new species other than those already regulated in Annex II, part II: this can be done by adding these rules in the basic act ("amending by adding ").*

In order to ensure quality, traceability and compliance with this Regulation as regards organic livestock production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending by adding to the detailed livestock production rules set out in Part II of Annex II as regards:

* derogations as regards the origin of animals for species other than those regulated in Annex II, part II;- nutrition for species other than those regulated in Part II of Annex II;
* housing conditions and husbandry practices for species other than those regulated in Part II of Annex II;
* health care for species other than those regulated in Part II of Annex II;
* animal welfare for species other than those regulated in Part II of Annex II;
  + 1. The Commission shall adopt implementing acts laying down rules on:
* the minimum period referred to in point 1.4.1. (g) to be respected for feeding of suckling animals with maternal milk;
* the stocking density and minimum surface for indoor and outdoor areas to be respected for specific livestock species to ensure, in accordance with points 1.6.3a and 1.7.2, that the developmental, physiological and ethological needs of animals are met;
* housing conditions for poultry as regards characteristics of buildings to ensure, in accordance with point 1.7.2., that the developmental, physiological and ethological needs of animals are met. (ex 2.4.4e and 2.4.4 g (2nd part)- to be checked for the other animals)
* access to open air as regard vegetation and protected facilities for poultry (ex 24.6(b) . to be checked for other animals)

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

**ANNEX II,** **PART II: Livestock production rules**

In addition to the production rules laid down in Articles 7, 8, 9 and 11, the rules laid down in this Part shall apply to livestock production.

**General requirements**

1.1 Except in the case of beekeeping, landless livestock production shall be prohibited, where the farmer intending to produce organic livestock does not manage agricultural land and has not established a written cooperation agreement with a farmer as regards the use of organic production units or in-conversion production units for that livestock.

1.2 Conversion

1.2.1. deleted

1.2.2. Conversion periods specific to the type of animal production are set out as follows (ex Annex II - Part II - 1.2.2: GA):

* + - 1. 12 months in the case of bovine and equine animals for meat production, and in any case at least three quarters of their lifetime;
      2. six months in the case of ovine, caprine and porcine animals and animals for milk production;
      3. 10 weeks for poultry for meat production, except for Peking ducks, brought in before they are three days old;
      4. Seven weeks for Peking ducks, brought in before they are three days old;(Comment: change proposed by COM to be coherent with slaughter age).
      5. six weeks in the case of poultry for egg production, brought in before they are three days old;
      6. 12 months for bees.

During the conversion period, the wax shall be replaced with wax coming from organic beekeeping.

However, non-organic beeswax may be used:

(i) where beeswax from organic beekeeping is not available on the market;

(ii) where it is proven free of contamination by products or substances not authorised for organic production; and

(iii) provided that it comes from the cap

* + - 1. three months for rabbits (ex Annex II - Part II - 2.2 a.1: EP Amendment 336)
      2. twelve months for cervine animals (ex Annex II - Part II - 2.5 a): EP AM 357)

1.2.3. deleted

1.2.4. *Heading to be prepared*

***In the case of*** simultaneous conversion of the ***whole*** production unit, including livestock, pasturage or any land used for animal feed, ***the total combined conversion period for both existing animals and their offspring, and for pasturage and/or any land used for animal feed, may be reduced to 24 months if the animals are fed with products from organic or in-conversion production units*** ***coming mainly from the holding itself.*** (ex Annex II - Part II - 1.2.4 EP(AM 302))

1.3 Origin of animals

1.3.1. Without prejudice to the rules on conversion, organic livestock shall be born or hatched and raised on organic production units. (ex Annex II - Part II - 1.3.1 EP(AM 303))

**1.3.2** Animals existing on the agricultural holding at the beginning of the conversion period and their products may be deemed organic after compliance with the applicable conversion period referred to in point ***1.2.2*** ***and the provision in point 1.2.4.*** (ex Annex II - Part II - 1.3.2 CLS)

1.3.3 With regard to the breeding of organic animals:

(a) reproduction shall use natural methods; however, artificial insemination shall be allowed;

(b) reproduction shall not be induced or impeded by treatment with hormones or other substances with a similar effect, unless as a form of veterinary therapeutic treatment in case of an individual animal;

(c) other forms of artificial reproduction, such as cloning and embryo transfer, shall not be used;

(d) the choice of breeds shall be appropriate, shall ensure a high standard of animal welfare and shall contribute to the prevention of any suffering and to avoiding the need for the mutilation of animals.

1.3.4 In the choice of breeds or strains, account shall be taken of the capacity of animals to adapt to local conditions, without impairment of their welfare, their vitality and their resistance to disease. In addition, [organic] 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, pale-soft-exudative (PSE) syndrome, sudden death, spontaneous abortion and difficult births requiring caesarean operations. Preference shall be given to indigenous breeds and strains.

[1.3.4a. Average growth and production rates shall be determined by the Commission in accordance with Article 11(2) for all fattening animals, including broilers and turkeys. Indicators shall be used where appropriate to assess and affirm the robustness and suitability of breeds in organic farming. Such indicators shall include average growth rates for all breeds and average production rates for all egg- and milk-producing breeds that are compatible with farming duration rules for each species (i.e. days until slaughter for poultry).] (ex Annex II - Part II - 1.3.4 a) EP(AM 305)) *(COM comment: not feasible, requires academic research. Currently done by MS. A provision to this effect should be in the Article not here in the Annex. EP ready to withdraw its request for growth rate if minimum age at slaughter stays in basic act and solution is found on data for slow growing strains in 1.3.5.5))*

*[poss. recital 22 replacing 1.3.4(c), part of AM 305]* As livestock production naturally involves the management of agricultural land, where the manure is used to nourish crop production, landless livestock production should be prohibited. The choice of breeds should **aim at enhancing/widening genetic/biologic diversity while relying on the natural reproductive ability of the animals. It should** take account of their capacity to adapt to **climatic, natural and local** conditions, their longevity, vitality and their resistance to disease, **and should promote local/indigenous and slow growth breeds and strains where relevant**. **If appropriate, support to the proper application and enforcement of those breeding selection criteria should be envisaged under a future Action Plan on organic production.] NP(06.09) from EP**

1.3.5a Use of non-organic animals

1.3.5 For breeding purposes, non-organically raised animals may be brought onto an agricultural holding when breeds are in danger of being lost to farming 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.

1.3.5.1 By way of derogation from points 1.3.1 and 1.3.5, non-organic animals may be brought onto a holding for breeding purposes only when organic animals are not available in sufficient numbers, and subject to the conditions set out below.

1.3.5.1.1 Non-organic young animals, 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 those animals enter the herd or flock :

(a) bovine and equine animals shall be less than six months old;

(b) ovine and caprine animals shall be less than 60 days old;

(c ) cervine animal shall be less than [90] days old

(d) porcine animals shall weigh less than 35 kg.

(e) rabbits shall be less than [ 4] months old;

1.3.5.1.2 Non-organic adult male and nulliparous female animals shall, for the renewal of a herd or flock, 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 rabbits and cervine ] and 20 % of [the] adult porcine, ovine and caprine animals;

(b) for units with fewer than 10 equine or bovine animals, 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.

1.3.5.4 With regard to the provisions laid down in Article 11(1), when a flock is constituted for the first time, renewed or reconstituted and the competent authority has confirmed that 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.

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 be considered as organic provided that the conversion period specified in point 1.2 of Part II of this Annex is respected.]

*(PM : compromise proposal : preparation of an article for a database for availability and 'rendez-vous' clause for ending the derogations)*

1.4 Nutrition

1.4.1 General nutrition requirements

With regard to nutrition the following rules shall apply:

(a) feed for livestock shall be obtained primarily from the agricultural holding where the animals are kept or from organic or in-conversion production units of other holdings in the same region;

(b) without prejudice to points 1.4.2.1, 1.4.2.2 and 1.4.3 *(ref to points to be checked)*, livestock shall be fed with organic or in-conversion feed that meets the animal's nutritional requirements at the various stages of its development. Restricted feeding shall not be permitted in livestock production;

(c) the keeping of livestock in conditions, or on a diet which may encourage anaemia, shall be prohibited;

(d) fattening practices shall always respect the normal nutrition patterns for each species and animals' welfare at any stage of the rearing process. Force-feeding is forbidden;

(e) with the exception of bees, livestock shall have permanent access to pasture whenever conditions allow or to roughage;

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

(g) suckling animals shall be fed in preference on maternal milk for a minimum period laid down by the Commission in accordance with Article 11; Milk replacers containing chemically synthesised or components of plant origin shall not be used during this period.

[(h) feed materials of 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 pursuant to Article 19.] (*Comment: GA*) or

[(ha) non-organic feed materials of plant origin, feed materials of 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 pursuant to Article 19 and in duly justified cases.] *(Comment: EP Amendment 309. No agreement. to be seen in conjunction with Article 19*.)

[Only organic feed materials of plant and animal origin, feed materials of invertebrate origin and fermentative products of organic origin, as well as feed materials and feed additives authorised for use in organic production pursuant to Article 19 may be used in the processing of organic feed and in the feeding of organic animals.]*(Comment: EP NP of 6/9 for amendment 317 – to be discussed – to be seen in conjunction with Article 19)*

1.4.1a Grazing

With regard to grazing, the following rules shall apply:

1.4.1a.1.Grazing on organic land

Without prejudice to point 1.4.1a.2., organic animals shall graze on organic land. However, non-organic animals may use organic pasturage for a limited period of time each year, provided that such animals have been raised in an environmental friendly way supported under Articles 23, 25, 28, 30, 31 and 34 of Regulation (EC) No 1305/2013 and that non-organic animals are not present on the organic land at the same time as organic animals.

1.4.1a.2 Grazing on common land and transhumance

1.4.1a.2.1. Organic animals may graze on common land, provided that:

(a) 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; (*Comment : EP proposal at T10*).]

(b) any non-organic animals which use the land concerned that have been raised in an environmental friendly way supported under Articles 23, 25, 28, 30, 31 and 34 of Regulation (EU) No 1305/2013;

(c) any livestock products from organic animals, whilst using this land, are not regarded as organic products, unless adequate segregation from non-organic animals can be proved.

1.4.1a.2.2 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. During that period, organic livestock shall be kept separate from other livestock. The uptake of non-organic feed, in the form of grass and other vegetation on which the animals graze, shall be allowed:

(a) for a maximum of 35 days covering both the outward and return journeys; or

(b) for a maximum of 10% of the total feed ration per year calculated as percentage of the dry matter of feeding stuffs from agricultural origin.

(Addition of point 2.5a (2) (f)(ii)),

*[1.4.2 Heading to be prepared)*

[1.4.2.1 With regard to the provisions laid down in Article 11(1), where farmers are unable to obtain spices, herbs and [molasses] exclusively from organic production and the competent authority has confirmed that organic spices, herbs and molasses are not available in sufficient quantity, non-organic spices, herbs and molasses may be used, provided that the following conditions are fulfilled:

(i) they are not available in organic form;

(ii) they are produced or prepared without chemical solvents; and

(iii) their use is limited to 1 % of the feed ration of a given species, calculated annually as a percentage of the dry matter of feed from agricultural origin. (ex Annex II - Part II - 1.4.4 (1) EP(AM317)).

In order to phase out the derogation hereby provided for, when a sufficient quantity of organic spices, herbs and [molasses] is available, the Commission is empowered to adopt delegated acts in accordance with Article 36 deleting the present point 1.4.4.2.

1.4.2.2 *With regard to the provisions laid down in Article 11(1), where farmers are unable to obtain products from sustainable fisheries exclusively from organic production and the competent authority has confirmed that organic products from sustainable fisheries are not available in sufficient quantity, non-organic products from sustainable fisheries may be used, provided that the following conditions are fulfilled:*

*(i) they are produced or prepared without chemical solvents;*

*(ii) their use is restricted to non-herbivores; and*

*(iii) the use of fish protein hydrolysate is restricted solely to young animals; (ex Annex II - Part II - 1.4.4 (1) EP(AM317)).*

*In order to phase out the derogation hereby provided for, when a sufficient quantity of organic products from sustainable fisheries is available, the Commission is empowered to adopt delegated acts in accordance with Article 36 deleting the present point 1.4.4.3.] (Non paper from EP on 6/09:] (COM Comment: link with Article 19)*

1.4.3 In-conversion feed

1.4.3.1. For in-conversion livestock production units, up to 20% of the total average amount of feed 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 feed from parcels in their first and second year of conversion are being used for feeding, the total combined percentage of such feed shall not exceed the maximum percentages fixed in point 1.4.3.2.

1.4.3.2. For organic livestock production units, up to 25 % on average of the feed formula of rations may comprise feed from the second year of conversion. When this feed comes from the holding where the livestock is kept, this percentage may be increased to 100.

1.4.3.3 The figures in points 1.4.3.1. and 1.4.3.2. shall be calculated annually as a percentage of the dry matter of feed of plant origin.

1.4.4 Use of certain feed materials and substances in feed

[1.4.4.1. Only organic feed materials, as well as feed materials and feed additives authorised for use in organic production pursuant to Article 19 and to point 3 of part IV of Annex II may be used in the processing of organic feed and in the feeding of organic animals.] *(Comment: GA)*

[Only organic feed materials of plant and animal origin, feed materials of invertebrate origin and fermentative products of organic origin, as well as feed materials and feed additives authorised for use in organic production pursuant to Article 19 may be used in the processing of organic feed and in the feeding of organic animals.] *(EP alternative text,1.4.4(1)),*

1.5 Health care

1.5.1 Disease prevention

1.5.1.1. 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.

1.5.1.2 The use of immunological veterinary medicinal products shall be allowed.

1.5.1.3. The use of chemically synthesised allopathic veterinary medicinal products, including bolus of synthesised allopathic chemical molecules, or antibiotics for preventive treatment shall be prohibited.

1.5.1.4 The use of substances to promote growth or production (including antibiotics, coccidiostatics 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), shall be prohibited.

1.5.1.5 Where livestock is obtained from non-organic production units, special measures such as screening tests or quarantine periods shall apply, depending on local circumstances.

1.5.1.6 With regard to cleaning and disinfection, only the products for cleaning and disinfection in livestock buildings and installations authorised for use in organic production pursuant to Article 19 shall be used.

1.5.1.7 Housing, pens, equipment and utensils shall be properly cleaned and disinfected to prevent cross-infection and the build-up of disease carrying organisms. Faeces, urine and uneaten or spilt feed shall be removed as often as necessary to minimise smell and to avoid attracting insects or rodents. Rodenticides (to be used only in traps), and the products authorised for use in organic production pursuant to [Articles 7] and 19 may be used for the elimination of insects and other pests in buildings and other installations where livestock is kept. (Comment: Alternative COM text. To be discussed)

1.5.2 Veterinary treatment

1.5.2.1 Where despite preventive measures to ensure animal health animals become sick or injured they shall be treated immediately.

1.5.2.2 Disease shall be treated immediately to avoid suffering of the animal; chemically synthesised allopathic veterinary medicinal products including antibiotics may be used where necessary and under strict conditions and under the responsibility of a veterinarian, 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.

1.5.2.3 Feed materials of mineral origin and nutritional additives authorised for use in organic production pursuant to Article 19 and phytotherapeutic and homeopathic products shall be used in preference to chemically-synthesised allopathic veterinary treatment including antibiotics, provided that their therapeutic effect is effective for the species of animal, and the condition for which the treatment is intended.

1.5.2.4. 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 including 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, shall not be sold as organic products, and the livestock shall undergo the conversion periods referred to in points 1.2.

1.5.2.5. The withdrawal period between the last administration of a chemically synthesised allopathic veterinary medicinal product and antibiotics to an animal under normal conditions of use, and the production of organically produced foodstuffs from such animals, shall be twice the withdrawal period referred to in Article 11 of Directive 2001/82/EC and at least 48 hours.

1.5.2.6 Treatments related to the protection of human and animal health imposed on the basis of Union legislation shall be allowed.

1.6 Housing conditions and husbandry practices

1.6.1 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 ensure the well-being of the animals. The building shall permit plentiful natural ventilation and light to enter.

1.6.2. Housing for livestock shall not be mandatory in areas with appropriate climatic conditions to enable animals to live outdoors. Animals shall have access to shelters or shady areas to protect them from adverse weather conditions.

1.6.3 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, move, lie down easily, turn round, groom themselves, assume all natural postures and make all natural movements such as stretching and wing flapping.

1.6.4 The minimum surfaces for indoor and outdoor areas, and the technical details relating to housing, as laid down by the Commission in accordance with Article 11, shall be respected. (2.1.4., 2.2.4., 2.3.4. and 2.4.5) (points to be checked)

1.6.5 Open air areas may be partially covered. Verandas shall not be considered as open air areas.

1.6.6 The total stocking density shall not exceed the limit of 170 kg of organic nitrogen per year and hectare of agricultural area.

1.6.7 To determine the appropriate density of livestock referred to in point 1.6.5, the competent authority shall set out the livestock units equivalent to the limit referred to in point 1.6.5., following the figures laid down in each of the specific requirement by animal production.

1.6.7a The use of cages [/boxes/ flat deck?]to raise livestock shall not be permitted for any livestock species.

(a) housing shall have smooth, but not slippery floors. (Addition of ex point 2.1.3, 2.2.3, 2.3.3, 2.2a.3 (EP(AM 336) merged)

(b) 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. (ex2.1.3b; ex2.2.3b, ex2.3.3b, ex2.4.4e(i))

(ca) when livestock is treated individually for veterinary reasons, it shall be kept in spaces that have a solid floor and must be provided with straw or appropriate bedding. The animal shall be able to turn around easily and to lie down comfortably at full length. (ex Annex II - Part II - 2.1.3 c) EP(AM 332))

[Organic livestock rearing in a pen on very wet or marshy soil shall not be allowed;] (ex Annex II - Part II - ex2.5.a. (i) EP(AM 357)) (EP Amendment 357).

1.7 Animal welfare

1.7.1 All persons involved in keeping animals and in handling animals during transport and slaughter shall possess the necessary basic knowledge and skills as regards the health and the welfare needs of the animals and shall have followed adequate training as required in particular in Council Regulation (EC) 1/2005 and Council Regulation (EC) 1099/2009, to ensure proper application of the rules set out in this Regulation.

1.7.2 Husbandry practices, including stocking densities and housing conditions shall ensure that the developmental, physiological and ethological needs of animals are met.

1.7.3 Livestock shall have permanent access to open air areas allowing the animals to exercise, preferably pasture, whenever weather and seasonal 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 Union legislation.

1.7.4 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.

[1.7.6 . 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 veterinary reasons. Isolation of livestock may be authorised, for a limited period of time, only when workers safety is compromised and for animal welfare reasons. Competent authorities may authorise cattle in farms with a maximum of 50 animals (excluding young stock) 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, and at least twice a week access to open air areas when grazing is not possible].(GA)

or

[1.7.6. 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 veterinary reasons. Isolation of livestock may be authorised, for a limited period of time, only when workers safety is compromised and for animal welfare reasons. In areas as defined in Article 32 (1)(a) and (b) of Regulation (EU) No 1305/2013, competent authorities may authorise cattle in farms with a maximum of 50 animals (including young stock) 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, and at least twice a week access to open air areas when grazing is not possible.] (EP non paper on 6/09

*(At T10 PRES tentatively agreed to replace 'excluding' by 'including' under the condition that a solution is found to the issue related to the mountain area)*

1.7.7 Duration of transport of livestock shall be minimised.

[1.7.8. Any suffering shall be kept to a minimum during the entire life of the animal, including at the time of slaughter.] *(Comment: COM original proposal)* or

[1.7.8. When organic production is carried out in accordance with this Regulation, its effect on animal welfare, understood in the light of Article 13 of the Treaty on the Functioning of the European Union, should be considered in order to spare the animals any avoidable pain, distress or suffering. Animal welfare legislation such as Council Regulation (EC) No 1/2005 and Council Regulation (EC) No 1099/2009 should necessarily continue to apply and be properly implemented. The rules contained in this Regulation should not duplicate or overlap with them.] *(Comment: EP Amendment 325. COM will make a proposal (to complete COM text with some elements from EP AM) and EP will propose a recital.)*

[1.7.9. Mutilation of animals shall be prohibited. However, disbudding of young mammals may be authorised by a competent authority only on a case-by-case basis when workers' or livestock's safety is compromised, only under the conditions set out in point 1.7.10.] (*Comment: Alternative COM text. to replace AM 327 and 1.7.9a of GA). or*

[1.7.9. *Compromise text between EP/PRES at T10* : Tail-docking, beak trimming when undertaken in the first three days of life, and dehorning, including disbudding may be allowed only on a case-by-case basis when they improve the health, welfare or hygiene of the livestock or when workers safety is compromised. These operations shall be authorised by a competent authority and carried out by qualified personnel.] (*Comment : COM does not support this compromise*)

1.7.10. Any suffering to the animals shall be reduced to a minimum by applying adequate anaesthesia and/or analgesia and by carrying out **any** operation only at the most appropriate age by qualified personnel.

1.7.11. Physical castration shall be allowed in order to maintain the quality of products and traditional production practices but only under the conditions set out in 1.7.10.

1.7.12. Loading and unloading of animals shall be carried out without the use of any type of electrical or other painful stimulation to coerce the animals. The use of allopathic tranquillisers, prior to or during transport, shall be prohibited.

[point 1.8a (new) If preparation operations, other than processing, are carried out on livestock, the general requirements laid down in points 1.2., 1.3, 1.4., 1.5 of Part IV shall apply *mutatis mutandis* to such prepared products.] *(Comment: new text proposed by COM. To be discussed in conjunction with definition of processed products).*

1.8. Additional general rules

1.8.1. For bovine, ovine, caprine and equine animals

1.8.1.1. Nutrition

At least [70%/60%] of the feed shall come from the farm itself or, in case this is not available/feasible be produced in cooperation with other organic or in-conversion production units in the same region. [ex Annex II - Part II - 2.1.2 a) / 2.2.2] *(Comment : EP is ready to give up on the definition of region if 70 % is accepted*)

[Local production of organic feed shall be encouraged]. To that end, Member States may increase, for domestic production, those percentages depending on the availability of organic feed in the farms and the region;(to be put to art 11?), (Annex II - Part II - 2.1.2 (d) (EP AM 330))

(a) animals shall have access to pasturage for grazing whenever conditions allow; (ex Annex II - Part II - 2.1.2 a) / 2.2.2 a) COM)

(b) notwithstanding point (a), male bovine animals over one year old shall have access to pasturage or an open air area; (ex Annex II - Part II - 2.1.2 b): COM)

(b) in cases where animals 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;

(c) rearing systems shall 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 bovine, ovine and caprine, equine animals, 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 shall be allowed.

1.8.2. For cervine animals

1.8.2.1. Nutrition

At least [70%/60%] of the feed shall come from the farm itself or, in case this is not available/feasible be produced in cooperation with other organic or in-conversion production units in the same region. (*Comment : EP is ready to give up on the definition of region if 70 % is accepted*)

[Local production of organic feed shall be encouraged]. To that end, Member States may increase, for domestic production, those percentages depending on the availability of organic feed in the farms and the region;(to be put to art 11?, EP AM 330]

(a) animals shall have access to pasturage for grazing whenever conditions allow;

(b) in cases where animals 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;

(c) rearing systems shall be based on maximum use of grazing pasturage according to the availability of pastures in the different periods of the year;

(d) rearing systems shall 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 cervine animals, shall consist of roughage, fresh or dried fodder, or silage. A reduction to 50% for cervine animals in dairy production for a maximum period of three months in early lactation shall be allowed.

(e) for cervine animals, natural grazing must be ensured in a pen during the period of vegetation. Pens that cannot provide feed by grazing during the period of vegetation shall not be allowed; (ex point 2.2a.2. (a) to (c)]

(f) for cervine animals, feeding shall only be allowed in the event of a shortage of grazing due to poor weather conditions; (ex point 2.5a.2 (xi) and (xii),)

(g) for cervine animals, farmed animals in a pen must be provided with [clean and] fresh water. If a natural source of water that is easily accessible to animals is not available, watering places must be provided.

1.8.2.2. Veterinary treatment

[Cervine animals must be provided with a natural method of hoof treatment. If this is not adequate due to the composition of the soil, adequacy must be ensured through other appropriate measures (e.g. by consolidating the soil around feeding sites);] (Comment: EP Amendment 357. To be discussed) (ex point 2.5a.2 (iv))

1.8.2.3. Housing and husbandry practices

[(a) cervine animals must be provided with hiding places and shelters;

(b) in red deer pens, animals must be able to roll in the mud to ensure skin grooming and body temperature regulation;

(c) for cervine animals, feeding places must be installed in areas protected from the weather and accessible both to animals and to persons attending to them. The soil where feeding places are located must be consolidated, and the feeding apparatus must be equipped with a roof;]

(d) for cervine animals, if permanent access to feed cannot be ensured, the feeding places must be designed so that all animals can feed at the same time;

(e) for cervine animals, the outer and inner fences must be clearly visible to animals so that they cannot be harmed. The fence must not have sharp edges.] (Addition of ex point 2.5a.2 (iii), (v), (vi), (vii) and (viii))

1.8.3. For porcine animals

1.8.3.1. Nutrition

At least 30% of the feed shall come from the farm itself or, in case this is not available/feasible be produced in cooperation with other organic or in-conversion production units in the same region.

[Local production of organic feed shall be encouraged]. To that end, Member States may increase, for domestic production, those percentages depending on the availability of organic feed in the farms and the region;(to be put to art 11?, EP AM 330] (ex Annex II - Part II - 2.3.2(a))

(dc) for porcine animals, roughage, fresh or dried fodder, or silage shall be added to the daily ration. (Addition of ex point 2.3.2 (c))

[With regard to the provisions laid down in Article 11(1), where farmers are unable to obtain protein feed exclusively from organic production for porcine animals and the competent authority has confirmed that organic protein feed is not available in sufficient quantity, non-organic protein feed may be used, provided that the following conditions are fulfilled:

(i) it is not available in organic form;

(ii) it is produced or prepared without chemical solvents; and

(iii) its use is limited to piglets up to 35kg and specific protein compounds

(iv) the maximum percentage authorised per period of 12 months for those animals shall not exceed 5 %. The percentage of the dry matter of feed from agricultural origin shall be calculated.] (Non paper from EP on 6/09, 1.4.4.1)

In order to phase out the derogation hereby provided for, when a sufficient quantity of organic protein feed is available, the Commission is empowered to adopt delegated acts in accordance with Article 36 deleting the present point 1.4.4.1.](COM Comment: linked with Article 19)

1.8.3.2. Housing and husbandry practices

(ba) there shall always be a straw bed [made of straw or other suitable/similar material] large enough to ensure that all pigs in a pen can lie down at the same time in the most space-consuming way;] (ex point 2.3.3 (ba) - EP amendment 339)

(c) sows shall be kept in groups, except in the last stages of pregnancy and during the suckling period, during which time the sow shall be able to move freely in her pen and shall only be tethered for short times. (ex point 2.3.3 (c) - EP amendment 339)

Without prejudice to any additional requirements for straw, a few days before expected farrowing, sows must be provided with a quantity of straw or other suitable natural material sufficient to enable them to build nests; (Addition of ex point 2.3.3. (c) – EP amendment 340)

(d) exercise areas shall permit dunging and rooting by porcine animals. For the purposes of rooting different substrates can be used. (Addition of ex point 2.3.3. (e))

[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].(ex point 2.3.4. (1) (a) new – EP Amendment 341)

1.8.4 . For poultry

1.8.4.1. Origin of animals

[Poultry shall either be reared until they reach a minimum age or else shall come from slow-growing poultry strains adapted to outdoor rearing, as defined by the competent authority.] (ex point 2.4.2)

Poultry shall come from slow-growing poultry strains which meet limited daily growth rates [established by the Competent authority] that are compatible with the minimum rearing ages for each species.

[Where slow-growing poultry is not available, competent authorities shall, by way of exception, authorise the use of poultry reared until they reach a minimum age]. (ex Annex II - Part II - 2.4.2 EP(AM 343))

Where slow-growing poultry strains are not used by the farmer the minimum age at slaughter shall be as follows: (ex 2.4.2)

(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.

1.8.4.2. Nutrition

At least 30% of the feed shall come from the farm itself or, in case this is not available/feasible be produced in cooperation with other organic or in-conversion production units in the same region.

[Local production of organic feed shall be encouraged]. To that end, Member States may increase, for domestic production, those percentages depending on the availability of organic feed in the farms and the region;(to be put to art 11?, EP AM 347)

For poultry, roughage, fresh or dried fodder, or silage shall be added to the daily ration.

[1.4.4.1 With regard to the provisions laid down in Article 11(1), where farmers are unable to obtain protein feed exclusively from organic production for poultry species and the competent authority has confirmed that organic protein feed is not available in sufficient quantity, non-organic protein feed may be used, provided that the following conditions are fulfilled:(ex Annex II - Part II - 2.4.4 (1): EP(AM 317))

(i) it is not available in organic form;

(ii) it is produced or prepared without chemical solvents; and

(iii) its use is limited to young poultry and specific protein compounds

(iv) the maximum percentage authorised per period of 12 months for those animals shall not exceed 5 %. The percentage of the dry matter of feed from agricultural origin shall be calculated.] (Non paper from EP on 6/09

In order to phase out the derogation hereby provided for, when a sufficient quantity of organic protein feed is available, the Commission is empowered to adopt delegated acts in accordance with Article 36 deleting the present point 1.4.4.1.] (*COM comment: link with Article 19*)

1.8.4.3. Animal welfare

Live plucking of poultry shall be prohibited.

1.8.4.4. Housing and husbandry practices

Laying hens and finisher poultry shall have access to an open air area for at least one third of their life, except in the case of temporary restrictions imposed on the basis of Union legislation;(ex2.4.6a, EP AM 355).

Open air areas for poultry shall be mainly covered with vegetation (ex 2.4.6(b). 1st sentence COM)

By way of derogation from point 1.6.5, in the case of breeding birds and pullets aged under 18 weeks and when the conditions specified in point 1.7.3 as regards restrictions and obligations related to the protection of human and animal health imposed on the basis of Union legislation are met and prevent breeding birds and pullets aged under 18 weeks from having access to open air areas, verandas shall be considered as open air areas and in such cases shall have a wire mesh barrier to keep other birds out (COM non paper from 02/06) (ex Annex II - Part II - 2.4.6 a) COM)

Under conditions where feed availability from the range area is limited, due for instance to long term snow cover or arid weather conditions, supplementary feeding of roughage must be included as part of poultry diets; (ex 2.4.6(c ) COM)

Where poultry are kept indoors due to restrictions or obligations imposed on the basis of Union legislation, they shall permanently have access to sufficient quantities of roughage and suitable material in order to meet their ethological needs. (ex 2.4.6(d) COM)

[(b) 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; when weather conditions do not permit, they shall have access to water which enables them to dip their head therein so as to clean plumage;] (ex Annex II - Part II - 2.4.4 b) COM)

[(da) the total usable surface area of poultry buildings for fattening poultry of any production unit shall not exceed 1 600 m²;] (Comment: EP Amendment 349. To be discussed) (ex point 2.4.4.(da) and (db) new)

[(db) the total number of laying hens shall not exceed 12 000 hens in a production unit. Not more than 3 000 laying hens shall be allowed in one poultry house. For young poultry, specific rules shall apply;] (EP Amendment 350.)

(c) 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;(ex 2.4.4 f)

(d ) buildings shall be emptied of livestock between each batch of poultry reared. The buildings and fittings shall be cleaned and disinfected during this time (ex 2.4.4 g (1st part)

1.8.5. For rabbits

1.8.5.1. Nutrition

At least 70% of the feed shall come from the farm itself or, in case this is not available/feasible be produced in cooperation with other organic or in-conversion production units in the same region.

[Local production of organic feed shall be encouraged]. To that end, Member States may increase, for domestic production, those percentages depending on the availability of organic feed in the farms and the region;(to be put to art 11?, EP AM 330)

(a) rabbits shall have access to pasturage for grazing whenever conditions allow;

(b) rearing systems shall be based on maximum use of grazing pasturage according to the availability of pastures in the different periods of the year;

(c) for rabbits, fibrous food such as straw and/or hay must be provided when grass is not sufficient. Forage shall comprise at least 60% of the diet; (ex Annex II - Part II - 2.2a1. Housing and husbandry practices (Addition of ex point 2.2a.3)

(d) all rabbits shall be kept in groups.

(e) [rabbits] farms shall use robust breeds adapted to outdoor conditions;

(f) all rabbits shall have access to:

(i) covered shelter including dark hiding places;

(ii) an outdoor run with vegetation, preferably pasture,

(iii) a raised platform on which they can sit, either inside or out;

(iv) nesting material for all nursing does.

1.8.6. For bees

1.8.6.1. Origin of animals

For beekeeping, preference shall be given to the use of Apis mellifera and their local ecotypes. (ex Annex II - Part II - 2.5.2 COM)

1.8.6.2. Nutrition

(a) at the end of the production season hives shall be left with sufficient reserves of honey and pollen to survive the winter;

(b) the feeding of bee colonies shall only be permitted where the survival of the hives is endangered due to climatic conditions. Feeding shall be with organic honey, organic sugar syrups, or organic sugar. (ex point 2.5.3 on bees)

1.8.6.3. Health care

[[(a) For the purposes of protecting frames, hives and combs, in particular from pests, only rodenticides (to be used only in traps), and appropriate products authorised for use in organic production pursuant to Articles 7 and 19 shall be permitted;] (Addition of ex point 2.5.4 (b))

(b) Physical treatments for disinfection of apiaries such as steam or direct flame shall be permitted.

(c) the practice of destroying the male brood shall be permitted only to isolate the infestation of Varroa destructor;

(d) if despite all preventive measures, the colonies become sick or infested, they shall be treated immediately and, if necessary, the colonies may be placed in isolation apiaries;

(e) 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;

(f) if a treatment is applied with chemically synthesised 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 point 2.5.1. shall apply to those colonies;

(g) point (f) shall not apply to products authorised for use in organic production pursuant to [Article 7] and Article 19.]

1.8.6.4. Animal welfare

[With regard to beekeeping, the following additional general rules shall apply:

(a) the destruction of bees in the combs as a method associated with the harvesting of beekeeping products shall be prohibited;

(b) mutilation such as clipping the wings of queen bees shall be prohibited.(ex point 2.5.7)]

1.8.6.5. Housing and husbandry practices

[With regard to the housing conditions the following rules shall apply:

(a) 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;

(b) 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;

(c) 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 or spontaneous vegetation or crops treated with low environmental impact methods equivalent to those as provided for in Articles 28 and 30 of Regulation (EU) No 1305/2013 which cannot affect the qualification of beekeeping production as being organic. These requirements do not apply where flowering is not taking place, or the hives are dormant;

(d) the hives and materials used in beekeeping shall be made basically of natural materials presenting no risk of contamination to the environment or the apiculture products;](addition

With regard to beekeeping practices, the following rules shall apply: (ex Annex II - Part II - 2.5.6)

(a) the beeswax for new foundations shall come from organic production units;

(b) only natural products such as propolis, wax and plant oils may be used in the hives;

(c) the use of chemical synthetic repellents shall be prohibited during honey extraction operations;

(d) the use of brood combs shall be prohibited for honey extraction;

(e) beekeeping shall not be considered as organic when practiced in regions or areas designated by Member States as regions or areas where organic beekeeping is not practicable.]

ANNEX III

**Non-paper on aquaculture**

**Outcome of the drafting group meeting on 14 October**

* **Article 12 - Production rules for algae and aquaculture animals**

1. Operators producing algae and aquaculture animals shall in particular comply with the detailed production rules set out in Part III of Annex II and in the implementing acts referred to in paragraph 4.

2. In order to ensure quality, traceability and compliance with this Regulation as regards organic algae and aquaculture animals production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending the production rules for algae and aquaculture animals as regards:

(a) feed for carnivorous animals as referred to in Annex II, Part III, point 4.1.3.3;

(b) veterinary treatments for aquaculture animals as referred to in Annex II, Part III, point 4.1.4.2.

3. In order to ensure quality, traceability and compliance with this Regulation as regards organic algae and aquaculture animals production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending by adding to the production rules for algae and aquaculture animals as regards:

(a) detailed conditions per species for broodstock management, breeding and juvenile production;

(b) feed for certain aquaculture animals as referred to in Annex II, Part III, point 4.1.3.4.

4. The Commission shall adopt implementing acts laying down detailed rules per species or group of species on the stocking density and on the specific characteristics for production and/or containment systems to ensure the species specific needs.

**ANNEX II, PART III: Production rules for algae and aquaculture animals**

***(1. Definitions moved to art. 7)***

**2 General requirements**

2.1 Operations shall be situated in locations that are not subject to contamination by products or substances not authorised for use in organic production, or pollutants that would compromise the organic nature of the products.

2.2. Organic and non-organic production units shall be separated adequately and in accordance with the minimum separation distances set by Member States, where such minimum separation distances have been set. 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. Algae and aquaculture production shall not be considered as organic when practiced at locations or in areas designated by Member State authorities as locations or areas which are unsuitable for such activities.

2.3. 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 authority or control body. The content of the environmental assessment shall be based on Annex IV to Directive 2011/92/EU of the European Parliament and of the Council**[[1]](#footnote-1)**. If the production unit has already been subject to an equivalent assessment, then its use shall be permitted for this purpose.

2.3a For organic aquaculture production, mangrove destruction shall not be permitted.

2.4. The operator shall provide a sustainable management plan proportionate to the production unit for aquaculture and algae harvesting.

2.5 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.

2.5a. Defensive and preventive measures taken against predators according to Council Directive 92/43/EEC and national rules shall be recorded in the sustainable management plan.

2.5b. Where applicable, coordination shall take place with the neighbouring operators in drawing up the management plan.

2.6. Aquaculture and algae business operators 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.

*[*2.7. If preparation operations, other than processing, are carried out on algae or aquaculture animals, the general requirements laid down in points 1.2., 1.3, 1.4., 1.5 of Part IV shall apply *mutatis mutandis* to such prepared products. *[To be discussed]]*

**3. Requirements for algae**

In addition to the general production rules laid down in Articles 7, 8, 9 and 12, and where relevant in Section 2, the rules laid down in this Section 3 shall apply to the collection and production of algae. Those rules shall apply *mutatis mutandis* to the production of phytoplankton.

3.1 Conversion

3.1.1. The conversion period for a production unit for algae harvesting shall be six months.

3.1.2. The conversion period for a production unit for algae cultivation shall be a period of six months or one full production cycle, whichever is the longer. *(drafting change to clearly distinguish between algae harvesting and algae cultivation and to ensure consistency with articles 7 and 8)*

3.2. Production rules for algae

3.2.1. The collection of wild algae and parts thereof is considered as organic production provided that:

(a) the growing areas are of high ecological status as defined by Directive 2000/60/EC[[2]](#footnote-2), or have a quality equivalent to the production zones classed as A and B in Regulation (EC) No 854/2004[[3]](#footnote-3) and are not unsuitable from a health point of view;

(b) the collection does not affect significantly the stability of the natural ecosystem or the maintenance of the species in the collection area.

3.2.2. The cultivation of algae shall take place in areas with environmental and health characteristics at least equivalent to those outlined in point 3.2.1(a) in order to be considered organic. In addition the following production rules shall apply:

(a) sustainable practices shall be used in all stages of production, from collection of juvenile algae to harvesting;

(b) to ensure that a wide gene-pool is maintained, the collection of juvenile algae in the wild shall take place on a regular basis so as to maintain and increase the diversity of 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 pursuant to Article 19.

3.3 Algae cultivation

3.3.1 Algae 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.

3.3.2 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 authorised for use in organic production pursuant to Article 19 may be used.

3.3.3 Culture density or operational intensity shall be recorded and shall maintain the integrity of the aquatic environment by ensuring that the maximum quantity of algae which can be supported without negative effects on the environment is not exceeded.

3.3.4 Ropes and other equipment used for growing algae shall be re-used or recycled where possible.

3.4 Sustainable harvesting of wild algae

3.4.1 A once-off biomass estimate shall be undertaken at the outset of alge harvesting

3.4.2 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 algae produced in accordance with this Regulation.

3.4.3 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 algae can regenerate and by-catches are prevented, such as harvest technique, minimum sizes, ages, reproductive cycles or size of remaining algae.

3.4.4. If algae is harvested from a shared or common harvest area, documentary evidence produced by the competent authority designated by the Member State concerned shall be available, showing that the total harvest complies with this Regulation.

**4 Requirements for aquaculture animals**

In addition to the general production rules laid down in Article 7, 8, 9 and 12, and where relevant in point 2 of part III of Annex II, the rules laid down in this point 4 shall apply to fish,crustaceans, echinoderms and molluscs.

Those rules also shall apply *mutatis mutandis* to zooplankton, micro-crustaceans, rotifers, worms and other aquatic feed animals.

4.1 General requirements

4.1.1 Conversion

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 producing bivalve molluscs, a conversion period of three months.

4.1.2 Origin of aquaculture animals

4.1.2.1 With regard to the origin of the aquaculture animals the following rules shall apply:

(a) organic aquaculture shall be based on the rearing of young stock originating from organic broodstock, and organic production units.

(b) locally grown species shall be used and breeding shall aim to give strains which are more adapted to production conditions, ensuring good animal health and welfare and good utilisation of feed resources. Documentary evidence of their origin and treatment shall be provided for the control authority or control body;

(c) species shall be chosen which are robust and can be produced without causing significant damage to wild stocks;

(d) for breeding purposes, wild caught or non-organic aquaculture animals may be brought into a holding only in duly justified cases where no organic breed is available or where new genetic stock for breeding purposes is brought into the production unit after an authorisation has been granted by the competent authority, with a view to improving the suitability of genetic stock. Such animals shall be kept under organic management for at least three months before they may be used for breeding. For animals that are on the IUCN Red List of endangered species, the authorisation to use wild caught specimens may only be granted in the context of conservation programmes recognised by the relevant public authority in charge of the conservation effort.

(da) for on growing purposes the collection of wild aquaculture juveniles is specifically restricted to the following cases:

(i) natural influx of fish or crustacean larvae and juveniles when filling ponds, containment systems and enclosures;

(ii) restocking of wild fry or crustacean larvae of species that are not on the IUCN Red List of endangered species in extensive aquaculture farming inside wetlands, such as brackish water ponds, tidal areas and costal lagoons, provided that:

- the restocking is in line with management measures approved by the relevant authorities to ensure the sustainable exploitation of the species concerned, and

- the animals are fed exclusively with feed naturally available in the environment.

[(db) for on-growing purposes and when organic aquaculture juvenile animals are not available, Member States may authorize the use of non-organic juveniles, provided that at least the latter two thirds of the duration of the production cycle is managed under organic management.]

4.1.2.2 The following rules shall apply with regard to breeding:

(a) the use of hormones and hormone derivates shall be prohibited;

(b) artificial production of monosex strains, except by hand sorting, induction of polyploidy, artificial hybridisation and cloning shall not be used;

(c) the appropriate strains shall be chosen;

4.1.3 Nutrition

4.1.3.1 With regard to feed for fish and crustaceans and echinoderms: the following rules shall apply:

(a) animals shall be fed with feed that meets the animal's nutritional requirements at the various stages of its development;

(b) feeding regimes shall be designed with the following priorities:

(i) animal health and welfare;

(ii) high product quality, including the nutritional composition which shall ensure high quality of the final edible product;

(iii) low environmental impact;

(c) the plant fraction of feed shall be organic and the feed fraction derived from aquatic animals shall originate from organic aquaculture or from fisheries certified as sustainable under a scheme recognised by the competent authority in line with the principles laid down in Regulation (EU) No 1380/2013 of the European Parliament and of the Council;

(d) 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 this Regulation; (*COM to check if ref to art 19 needed*)

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

(g) only feed additives, certain products used in animal nutrition and processing aids as referred to in point 1.4.4. of Part II may be used in organic aquaculture.

4.1.3.2 The following rules shall apply with regard to bivalve molluscs and other species which are not fed by man but feed on natural plankton:

(a) such filter-feeding animals shall receive all their nutritional requirements from nature except in the case of juveniles reared in hatcheries and nurseries;

(b) the growing areas shall be of high ecological status as defined by Directive 2000/60/EC, or of good environmental status, as defined by Directive 2008/56/EC. *(from EP AM 366, ref to "natural heritage" to be inserted in art 6 on principles)*

4.1.3.3 Specific rules on feed for carnivorous aquaculture animals

Feed for carnivorous aquaculture animals shall be sourced with the following priorities:

(a) organic feed of aquaculture origin;

(b) fish meal and fish oil from organic aquaculture trimmings sourced from fish, crustaceans or molluscs;

(c) fish meal and fish oil and ingredients of fish origin derived from trimmings of fish, crustaceans or molluscs already caught for human consumption in sustainable fisheries;

(d) fish meal and fish oil and ingredients of fish origin derived from whole fish, crustaceans or molluscs caught in sustainable fisheries and not used for human consumption;

(e) organic feed materials of plant or animal origin; plant material shall not exceed 60% of total ingredients.

*[EP am 368 new point 4.3.3.3 (ea) on astaxanthin to be discussed in conjunction with Art 19]*

4.1.3.4 Specific rules on feed for certain aquaculture animals

*In the grow-out phase,*fish in inland waters, penaeid shrimps and freshwater prawns and tropical freshwater fish shall be fed as follows: (*new text to clarify that these rules refer to adult animals, not to the early life stages in hatcheries and nurseries, in line with latest EGTOP report)*

(a) they shall be fed with feed naturally available in ponds and lakes;

(b) where natural feed is not available in sufficient quantities as referred to in point (a), organic feed of plant origin, preferably grown on the farm itself or algae may be used. Operators shall keep documentary evidence of the need to use additional feed;

(c) where natural feed is supplemented in accordance with point (b):

(i) the feed ration of shrimps and freshwater prawns (*Macrobrachium* spp.) may comprise a maximum of 25 % fishmeal and 10 % fish oil derived from sustainable fisheries.

(ii) the feed ration of siamese catfish (*Pangasius* spp.) may comprise a maximum of 10 % fishmeal or fish oil derived from sustainable fisheries

*(new text to reflect deletion of 4.1.5.10 and current rules on the diet of shrimp in Reg. 889/2008 art. 25l)*

4.1.4 Health care

4.1.4.1 Disease prevention

With regard to disease prevention the following rules shall apply:

(a) disease prevention shall be based on keeping the animals in optimal conditions by appropriate siting, taking into account, inter alia, the species’ requirements as to good water quality, flow and exchange rate, 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;

(b) the use of immunological veterinary medicines is allowed;

(c) an animal health management plan 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;

(d) holding systems, equipment and utensils shall be properly cleaned and disinfected;

(e) 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;

(f) only substances for cleaning and disinfection of equipment and facilities authorised for use in organic production pursuant to Article 19 may be used.

(g) with regard to fallowing the following rules shall apply:

(i) 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;

(ii) it shall not be mandatory for bivalve mollusc cultivation;

(iii) during fallowing the cage or other structure used for aquaculture animal production is emptied, disinfected and left empty before being used again;

(h) 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, minimise disease risks, and to avoid attracting insects or rodents;

(i) ultraviolet light and ozone may be used only in hatcheries and nurseries;

(j) for biological control of ectoparasites preference shall be given to the use of cleaner fish and to the use of freshwater, marine water and sodium chloride solutions.

4.1.4.2 Veterinary treatments

The following rules shall apply with regard to veterinary treatments:

(a) disease shall be treated immediately to avoid suffering to the animal; chemically synthesised allopathic veterinary medicinal products including antibiotics may be used where necessary, under strict conditions and under the responsibility of a veterinarian, when the use of phytotherapeutic, homeopathic and other products is inappropriate. Where appropriate, restrictions with respect to courses of treatment and withdrawal periods shall be defined;

(b) treatments related to the protection of human and animal health imposed on the basis of Union legislation shall be allowed;

(c) when despite preventive measures to ensure animal health, according to point 4.1.4.1., a health problem arises, veterinary treatments may be used in the following order of preference:

(i) substances from plants, animals or minerals in a homoeopathic dilution;

(ii) plants and their extracts not having anaesthetic effects; and

(iii) substances such as trace elements, metals, natural immunostimulants or authorised probiotics;

(d) the use of allopathic treatments shall be 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 indicated limits for allopathic treatments are exceeded the aquaculture animals concerned shall not be sold as organic products;

(e) 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;

(f) the withdrawal period for allopathic veterinary treatments and parasite treatments in accordance with point (d), including treatments under compulsory control and eradication schemes, shall be twice the withdrawal period as referred to in Article 11 of Directive 2001/82/EC or, in a case in which this period in not specified, 48 hours;

(g) whenever veterinary medicinal products are used, such use shall be declared to the control authority or the control body before the animals are marketed as organic. Treated stock shall be clearly identifiable.

4.1.5 Housing conditions and husbandry practices

4.1.5.1 Closed recirculation aquaculture animal production facilities shall be prohibited, with the exception of hatcheries and nurseries or for the production of species used for organic feed organisms.

4.1.5.2 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.

4.1.5.3 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 and have the relevant stocking density as laid down in the implementing acts referred to in Article 12(4);

(b) be kept in water of good quality with, *inter alia*, an adequate flow and exchange rate, sufficient oxygen levels and keeping a low level of metabolites;

(c) be kept in temperature and light conditions in accordance with the requirements of the species and having regard to the geographic location.

In considering the effects of the stocking density on the welfare of produced 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 and taken account of.

In the case of freshwater fish, the bottom type shall be as close as possible to natural conditions.

In the case of carp and similar species:

- the bottom shall be natural earth;

- organic and mineral fertilisation of the ponds and lakes shall be carried out with only fertilisers and soil conditioners authorised for use in organic production pursuant to Article 19 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 shall be prohibited.

4.1.5.4 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.

The specific characteristics for production and/or containment systems for species or group of species as laid down in the implementing acts referred to in Article 12(4) have to be respected.

4.1.5.5 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 10 % of the perimeter (‘land-water interface') area shall have natural vegetation.

4.1.5.6 Containment systems at sea shall meet the following conditions:

(a) they shall be located where water flow, depth and water-body exchange rates are adequate to minimise the impact on the seabed and the surrounding water body;

(b) they shall have suitable cage design, construction and maintenance with regard to their exposure to the operating environment.

4.1.5.7 Containment systems shall be designed, located and operated to minimise the risk of escape incidents.

4.1.5.8 If fish or crustaceans escape, appropriate action shall be taken to reduce the impact on the local ecosystem, including recapture, where appropriate. Documentary evidence shall be maintained.

4.1.5.9 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 algae 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.

4.1.6 Animal welfare

4.1.6.1 All persons involved in keeping aquaculture animals shall possess the necessary basic knowledge and skills as regards the health and the welfare needs of the animals.

4.1.6.2 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 minimise physical damage and stress and under anaesthesia where appropriate. Grading operations shall be kept to a minimum and as required to ensure fish welfare.

4.1.6.3 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 produced animals, this maximum shall not exceed **[12/16]** 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.

4.1.6.4 Aeration is permitted to ensure animal welfare and health, under the condition that mechanical aerators are preferably powered by renewable energy sources.

4.1.6.5 The use of oxygen is only permitted for uses linked to animal health and welfare 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.

4.1.6.6 Appropriate measures shall be taken to keep the duration of transport of aquaculture animals to a minimum.

4.1.6.7 Any suffering shall be kept to a minimum during the entire life of the animal, including at the time of slaughter.

4.1.6.7a Eyestalk ablation, including all similar practices such as ligation, incision and pinching, is prohibited.

4.1.6.8 Slaughter techniques shall render fish immediately unconscious and insensible to pain. Handling prior to slaughter shall be performed in a way that avoids injuries while keeping suffering and stress at a minimum. Differences in harvesting sizes, species, and production sites must be taken into account when considering optimal slaughtering methods.

4.2 Detailed rules for molluscs

4.2.1 Origin of seed

With regard to the origin of seed the following rules shall apply:

(a) wild seed from outside the boundaries of the production unit may be used in the case of bivalve shellfish, provided that there is no significant damage to the environment, it is permitted by local legislation and the wild seed comes from:

(i) settlement beds which are unlikely to survive winter weather or are surplus to requirements; or

(ii) natural settlement of shellfish seed on collectors;

(b) for the cupped oyster, *Crassostrea gigas*, preference shall be given to stock which is selectively bred to reduce spawning in the wild;

(c) records shall be kept of how, where and when wild seed was collected to allow traceability back to the collection area. Wild seed may be collected only after the authorisation has been granted by the competent authority.

4.2.2 Housing conditions and husbandry practices

With regard to the housing conditions and husbandry practices the following rules shall apply:

(a) production may be carried out in the same area of water as organic finfish and algae production 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;

(b) 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;

(c) 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.

4.2.3 Cultivation -

With regard to cultivation the following rules shall apply:

(a) cultivation on mussel ropes and other methods listed in the implementing acts referred to in Article 12(4) may be eligible for organic production;

***[(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.]*** *(new drafting suggestion following discussion at the latest Drafting Group)*

4.2.4 Management

With regard to management the following rules shall apply:

(a) production shall use a stocking density not in excess of that used for non-organic molluscs 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;

(b) biofouling organisms shall be removed by physical means or by hand and where appropriate returned to the sea away from mollusc farms. Molluscs may be treated once during the production cycle with a lime solution to control competing fouling organisms.

4.2.5 Specific cultivation rules for oysters

Cultivation in bags on trestles shall be 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 requirements set out in the implementing acts as referred to in Article 12(4)

**Overview of information provided by MS on the main organic aquaculture species (Spring 2015)**

*Source: information provided informally by Member States in the context of discussions at the Committee on Organic Production in 2015. Please note that these are not official statistics; information has not been further verified or updated and is likely to be incomplete.*

**Atlantic salmon – total production 13.912 tonnes**

* 12 hatcheries selling organic juveniles to farms for on-growing (approx. 12 million ova per year).
* At least 3 companies (one of which comprising 9 farm units) with an integrated system (hatchery+farm), producing their own organic juveniles and using them for on-growing, thus producing approx. 9.122 tonnes organic salmon.
* 15 farms buying approx. 9 million juveniles for on-growing and producing around 4.790 tonnes organic salmon

**Mussels – total production 5.037 tonnes**

* 10 farms in IT, SE and SI and an unspecified number in DK, producing a total of approx. 5.000 tonnes.
* Seed is collected from the wild in accordance with the provisions of Reg. 889/2008, so there is no issue with the use of non-organic juveniles.

**Rainbow trout – total production 3.795 tonnes**

* 9 hatcheries, currently selling more than 12 million eggs each year; current production capacity of more than 24 million eggs
* 17 farms with an integrated system (hatchery+farm), producing approx. 660 tonnes
* 40 farms buying approx. 4.5 million juveniles to produce approx. 3.140 tonnes

**Common carp – total production 2.596 tonnes**

* 57 hatcheries selling juveniles
* 9 farms with integrated systems, producing approx. 1.296 tonnes/year
* 75 farms buying juveniles to produce approx. 1.292 tonnes/year
* In extensive carp farms, fish are left to reproduce naturally in the pond, so producers indicate that the availability of organic juveniles is not an issue

**Sea bass – total production 1.456 tonnes** (please also see update below)

* 3 hatcheries selling 750.000 eggs/juveniles; production capacity of at least 1.6 million
* 2 farms with integrated systems, producing approx. 346 tonnes
* 7 farms buying approx. 4M juveniles to produce approx. 1.085 tonnes
* 3 farms based on natural influx in lagoons, producing approx. 24 tonnes

**Seabream – total production 1.189 tonnes** (please also see update below)

* 3 hatcheries selling more than 1 million eggs/juveniles; production capacity of at least 1.2 M juveniles
* 2 farms with integrated systems, producing approx. 408 tonnes
* 7 farms buying approx. 2M juveniles to produce approx. 724 tonnes
* 3 farms based on natural influx in lagoons, producing approx. 57 tonnes

**Update**: for sea bass and seabream, Greece recently (10/2016) reported that their main organic hatchery has a production capacity of 7M organic juveniles (greater than the total demand for organic juveniles of these two species reported across the EU in 2015)

ANNEX IV

**Non-paper on wine**

**Draft compromise on Article 14 + Part V of Annex II**

Article 14

*Production rules for wine*

1. Operators producing products of the wine sector shall in particular comply with the detailed production rules set out in Part V of Annex II.*(Comment: GA deletes the word "specific")*

2. In order to ensure quality, traceability and compliance with this Regulation as regards organic wine production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 supplementing the specific wine production rules as regards oenological practices and restrictions, **as laid down in points 3.2, 3.3, 3.4 and 3.5 of Part V of Annex II.** *(Comment: "in bold" EP amendment 178)*

or

2. Amongst the oenological practices, processes and treatments provided for in Regulations (EU) No.1308/2013 and 606/2009, the Commission shall by way of implementing acts, identify:

- the oenological practices, processes and treatments prohibited in the production of products of the wine sector;

- the oenological practices, processes and treatments permitted in the production of products of the wine sector, and the conditions of and restrictions to their use.

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

*Alternative COM proposal – To be discussed*

*(COM Comment: DA amending needed to be able to change the regulatory references throughout the wine rules and to phase out the practices as referred to in the Annex)*

2. In order to ensure quality, traceability and compliance with this Regulation as regards organic wine production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36

- amending the wine production rules in order to change/update the regulatory references to the Union's relevant wine legislation;

- amending by adding to the wine production rules as regards oenological practices and restrictions, **as laid down in points 3.2, 3.3, 3.4 and 3.5 of Part V of Annex II and**

**- amending the wine production rules by phasing out the practices referred to in points 3.4. (a), (b) and (c) before 31 December 2018.** *(COM Comment: this deadline is foreseen under current legislation. If the review is not adopted/in force before this date, this phasing out will have already taken place and this final empowerment will no longer be needed )*

*Alternative COM proposal grouping these points under a single paragraph)*

2. In order to ensure quality, traceability and compliance with this Regulation as regards organic wine production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36:

- amending points 1.2.etc **…**of Part V of Annex I *(COM comment: in order to update the relevant regulatory references);*

- amending point 3.4. of Part V of Annex II to phase out the practices, processes and treatments referred to in these points before 31 December 2018; *(COM Comment: this deadline is foreseen under current legislation. If the review is not adopted/in force before this date, this phasing out will have already taken place and this empowerment will no longer be needed)*

- and amending by adding to the wine production rules as regards oenological practices and restrictions as laid down in points 3.2, 3.3, 3.4 and 3.5 of Part V of Annex II.

**ANNEX II, PART V: Wine**

**1. Scope**

1.1. In addition to the general production rules laid down in Articles 7, 8, 9, 13 and 14, the rules laid down in this Part shall apply to the organic production of the products of the wine sector as referred to in point (l) of Article 1(2) of Regulation (EU) No 1308/2013. *(Comment: COM alternative text. Seems to be acceptable for PRES/EP (reference should be made to processed food in the compromise text, i.e. to art 13 (processed food) and not art 13a new (processed feed). EP Amendment 391 had put "13a". Text of alternative COM proposal was to be confirmed at T10)*

1.2. Commission Regulations (EC) No 606/2009 and (EC) No 607/2009 shall apply, save as explicitly provided otherwise in this Part. *(Comment: COM text agreed at T6)*

**2. Use of certain products and substances**

2.1 Products of the wine sector shall be produced from organic raw material. *(Comment: COM text agreed at T6)*

2.2 Only products and substances authorised for use in organic production pursuant to Article 19 may be used for the making of products of the wine sector, including during the processes and oenological practices, subject to the conditions and restrictions laid down in Regulation (EU) No 1308/2013 and Regulation (EC) No 606/2009 and in particular in Annex I A to that Regulation. *(Comment: COM text agreed at T6)*

**3. Oenological practices and restrictions**

3.1 Without prejudice to Sections 1. and 2. and to specific prohibitions and restrictions provided for in points 3.2 to 3.5, only oenological practices, processes and treatments, including the restrictions provided for in Article 80 and 83(2) of Regulation (EU) No 1308/2013, and in Article 3, Articles 5 to 9 and Articles 11 to 14 of Regulation (EC) No 606/2009, and in the Annexes to those Regulations, used before 1 August 2010, shall be permitted. *(COM proposal)* or

3.1. ***Only*** oenological practices, processes and treatments, including the restrictions provided for in Article 80 and 83(2) of Regulation (EU) No 1308/2013, and in Article 3, Articles 5 to 9 and Articles 11 to 14 of Regulation (EC) No 606/2009, and in the Annexes to those Regulations, used before 1 August 2010, shall be permitted. *(Comment: EP amendment 392-* *GA deleted this provision because wants oenological practices to be in an IA. To be discussed)*

*Comment: Both co-legislators agree to delete point 3.2., However, Council proposes an IA on* oenological practices

3.3 The use of the following oenological practices, processes and treatments is permitted under the following conditions:

(a) for heat treatments according to point 2 of Annex I A to Regulation (EC) No 606/2009, the temperature shall not exceed [75] °C; *(Comment: COM had put 70°C = SQ; GA deleted this provision because wants oenological practices to be in an IA)*

(b) for centrifuging and filtration with or without an inert filtering agent according to point 3 of Annex I A to Regulation (EC) No 606/2009, the size of the pores shall be not smaller than 0,2 micrometer. *(Comment: GA deleted this provision because wants oenological practices to be in an IA)*

3.4 The use of the following oenological practices, processes and treatments shall be re-examined by the Commission before 1 August 2015 with a view to phase out or to further restrict those practices: *(Comment: COM proposal accepted by EP. GA deletes this provision* *because wants oenological practices to be in an IA )*

Or

3.4. The use of the following oenological practices, processes and treatments shall be re-examined by the Commission before 1 August **~~2015~~** **2018 (we need to adapt the date in relation to entry into force)** with a view to phase out or to further restrict those practices: *(Comment: Alternative COM proposal. COM comment: Regulation (EU) 2016/673 postpones this date to 2018)*

(a) heat treatments as referred to in point 2 of Annex I A to Regulation (EC) No 606/2009;

(b) use of ion exchange resins as referred to in point 20 of Annex I A to Regulation (EC) No 606/2009;

(c) reverse osmosis according to point (b) of Section B.1 of Part I of Annex VIII to Regulation (EU) No 1308/2013. *(Comment: these three points are COM proposal, accepted in EP Amendment 394. GA deletes them)*

3.5 Any amendment introduced after 1 August 2010, as regards the oenological practice, processes and treatments provided for in Regulation (EC) No 1234/2007 or Regulation (EC) No 606/2009, may be applicable in the organic production of wine only after the adoption of the measures necessary for the implementation of the production rules provided for in this Section 3 and, if required, an evaluation according to Article 19 of this Regulation. *(Comment: COM proposal accepted by EP. GA deletes this provision because wants oenological practices to be in an IA)*

ANNEX V

**Non-paper on databases**

**Outcome of the drafting group meeting on 14 October**

***In order to solve the problem between CSL/EP/COM about the phasing out of the derogations regarding the use of non organic livestock and plant reproductive material, the following text provides a possible approach by linking the end of the derogation to availability on the market. This availability is monitored by databases. The original COM proposal included end dates for the derogations.***

**[Article X (to be seen if to put) after art 19 (new)**

1. 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 ensure that regularly updated computerised databases are established for the listing of:

(a) the organic plant reproductive material except seedlings, [including /such as] heterogeneous material, [seeds from open pollination / open pollinated varieties], organic varieties and hybrids, and for which organic seeds, including seed potatoes, are available on its territory; including the quantity in weight of those materials, the period of the year of its availability and the name and contact details of the provider of such material. The material shall be listed using at least the Latin scientific name;

(b) the breeds and strains adapted to organic farming in accordance with point 1.3.4 of Part II of Annex II available on its territory; including the landraces, parentage line, the age of the animals, the number of breeding animals categorised by sex and the name and contact details of the provider of such animals

(c) 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, the number of animals categorised by sex and the name and contact details of the provider of such animals; and

(d) certified holdings producing organic aquaculture juveniles available on its territory, including the production capacity of these holdings for each aquaculture species and their health status in accordance with Council Directive 2006/88/EC[[4]](#footnote-4) ;

1. Each Member State shall have a procedure in place that allows operators who market organic plant reproductive material, breeds and strains adapted to organic farming in accordance with point 1.3.4 of Part II of Annex II, organic animals or organic aquaculture juveniles, and who are able to supply those materials or animals in sufficient quantities and within a reasonable time period, to register, [themselves and free of charge], these material or animals together with the quantities of these products available for marketing, in the lists referred to in paragraph 1.
2. The Commission shall make public the link to each of the national databases in a Commission dedicated website. [thus allowing users to have access to consolidated data throughout the Union]
3. The Commission shall adopt implementing acts to provide technical details for establishing and maintaining the databases referred to in paragraph 1 and the frequency for their regular update by Member States.

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

1. [In order to ensure the efficiency of the database and to support the use of organic plant reproductive material, organic animals, breeds adapted to organic farming and of organic aquaculture juveniles, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending point (a) to (d) of paragraph 1 as regards the elements that shall be listed in the database.]

***Empowerment to be changed in Articles11 (2) as regards the phasing out of derogations related to use of non-organic animals (and similar empowerment to be added to plant provisions for seeds)***

[2. *(list of empowerments for which rules in the basic act are included and for which flexibility is needed).*In order to ensure quality, traceability and compliance with this Regulation as regards organic livestock production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending the detailed livestock production rules set out in Part II of Annex II as regards:

- - the reduction of percentages and the phasing out of the derogations as regards the origin of animals as laid down in points 1.3.5.1, 1.3.5.2., 1.3.5.3., 1.3.5.4. and 1.3.5.4a once the sufficient availability on the EU market of organic animals will have been established;

Similar approach to be foreseen for plant reproductive material (related to the issue on seed legislation).

Livestock (only rules related to the database):

Annex II - Part II - point 1.3.4 to 1.3.4 (c) (new)

1.3.4 In the choice of breeds or strains, account shall be taken of the capacity of animals to adapt to local conditions, without impairment of their welfare, their vitality and their resistance to disease. In addition, [organic] 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, pale-soft-exudative (PSE) syndrome, sudden death, spontaneous abortion and difficult births requiring caesarean operations. Preference shall be given to indigenous breeds and strains.

To choose the breeds and strains in accordance withthe first subparagraph, operators shall use the information available in the database referred to in point (b) of paragraph 1 of Article X (on databases).

1.3.5 Use of non-organic animals

Points 1.3.5.1 to 1.3.5.4a. (*Comment: content to be discussed)*

1.3.5.a Where the database referred to in point (b) of paragraph (1) of Article X (on databases) shows that relevant organic breeds, strains or landraces that the farmer wants to use are not available or do not exist in sufficient quantities on the market of his or her Member State and that no alternative is available, competent authorities of his or her Member State shall authorise, (by way of derogation to point 1.3.1. and 1.3.5), the introduction of non-organic animals onto an organic agricultural holding, subject to the following conditions:

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 and equine animals shall be less than six months old;

(b) ovine and caprine animals shall be less than 60 days old;

(c ) cervine animal shall be less than [90] days old

(d) porcine animals shall weigh less than 35 kg.

(e) rabbits shall be less than [ 4] 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 rabbits and cervine ] and 20 % of [the] adult porcine, ovine and caprine animals;

(b) for units with fewer than 10 equine or bovine animals, 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.

1.3.5.4 When a flock is constituted for the first time, 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 be considered as organic provided that the conversion period specified in point 1.2 of Part II of this Annex is respected.] *(PM : compromise proposal : preparation of an article for a database for availability and 'rendez-vous' clause for ending the derogations)]*

ANNEX VI

**Explanatory note on EP proposals concerning provisions for organic plant reproductive material**

**14.10.2016**

**Background of EP proposals to support better access of plant reproductive material which is fit for organic production onto the EU market.**

In 2013 the EP has rejected the proposal of the European Commission on new seed legislation with a broad majority. The main reason was that the EP was of the opinion that the draft legislative text did not sufficiently take into account the need to enhance the sustainable use and development of genetic diversity in agricultural practices. Shrinking genetic diversity in seeds comes with negative influence on food security and the choice of food for consumers. The EP also pointed at the importance of change needed in the seed legislation in order to provide farmers practising organic farming with seeds which are fit for purpose.

**Context of the proposal – general motivation**

The current access to the market within the EU for seed which is fit for organic production is very limited. The system of the “Official Catalogue” only allows varieties on the market which meet criteria which have been developed for conventional farming and which are genetically and phenotypically homogeneous. This level of homogeneity allows for standardised production but is not adequate for organic production.

Organic agriculture is currently forced to deal mostly with varieties that have been bred for the specific needs and technical conditions of conventional agriculture. Seeds of these varieties are currently multiplied under organic management during one generation only. This multiplication process happens when the breeding program is already over. The genetics of these plants is therefore not adapted to organic agriculture, and yields are consequently much lower, on average, in organic farms than in conventional holdings. However, “cornerstone” organic breeding programs, conducted mostly in public research stations in different countries of Europe, have demonstrated that plants can be led to be almost as productive in organic conditions as in conventional conditions, if properly bred with that objective. Therefore a new offer of “organic varieties” would definitely represent an important quantitative and qualitative step for organic agriculture. Only well-considered regulatory incentives could trigger the emergence and development of such organic breeding programs. In the same way, registration criteria should be adapted to the characteristics of these new varieties. It is important to note that the existing rules for marketing PRM aim at regulating the competition of established players and often help them to retain their market shares. However, radical innovation like embracing new business models in the seeds sector and focusing on needs other than those of conventional agriculture is at the same time discouraged, as breeding programmes need time and substantial upfront investments. These investments will only be taken by the private sector if their business cases are economically viable and that viability is strongly linked to conditions of market access.

**EP proposals**

The European Parliament proposes to consider three new concepts for plant reproductive material intended to organic agriculture: “heterogeneous material” – also proposed by the Commission in the first place -, “open pollinated varieties” and “organic varieties”.

**1. “Heterogeneous material”**

“Heterogeneous material” is plant reproductive material which does not fit to the requirements of the actual legislation on the marketing of seeds. Indeed, DUS, VCU, certain criteria of the technical certification of seed lots, such as identity and varietal purity, as well as several requirements of the packaging and labelling rules, can simply not apply to it. Therefore, instead of trying to derogate a whole set of legal provisions, and making a rather unreadable framework for that material, the Parliament is of the opinion that it would be more coherent to allow “heterogeneous material” to fully derogate from actual directives on the marketing of seeds and to establish a coherent and proportionate regulatory framework which would be adapted to the characteristics of that material and would guarantee description of the material and minimum quality standards of corresponding seeds lots (identity, specific purity, germination rates and sanitary quality), taking as example the directive governing the marketing of PRM for ornamental plants

Concerning registration of “heterogeneous material”, the Parliament is of the opinion that it would represent a non-proportional undertaking, since that material is extremely numerous in Europe. Requiring private operators to do it, although the material belongs to the public domain and no exclusive marketing rights are attached to registration, would be both unfair and very burdensome. If required, public authorities should take over registration task or make it voluntary and free of charge. Otherwise, such heavy bureaucracy should be abandoned for “heterogeneous material”, by recognising, as it is the case for ornamental plants, that the market is actually sufficiently transparent (all commercial catalogues are openly displayed on the Internet) in order for a farmer to get an idea of what is available on the market.

**2. “Open pollinated varieties”**

“Open pollinated varieties” fundamentally differ from registered hybrid varieties because of their lower level of homogeneity, which is due to the natural method used for their reproduction (open pollination by wind or insects). However, today they have to be homogenised (effectively reducing genetic diversity which is the essential asset of these type of varieties) to meet the same standards than hybrid varieties. In consequence, existing marketing rules should be adapted to their characteristics, by allowing these varieties to be registered in the “official catalogue” but to derogate the DUS and VCU registration criteria. This can be done by simple derogation provisions to some chosen articles (generally articles 3 or 4) of applicable directives.

The Commission could be empowered to adopt delegated acts in order to set out proportionate rules only for the description and labelling of “open pollinated varieties”.

**3. “Organic varieties”**

“Organic varieties” as such almost don’t exist today on the market. The “official catalogue” system should also be adapted to their characteristics, so that it allows for more genetic diversity in the fields. “Organic varieties”, therefore, should have access to the “official catalogue” by derogating the DUS and VCU registration criteria. This can be done by simple derogation provisions to some chosen articles (generally articles 3 or 4) of applicable directives.

As a necessary complement, Commission should be empowered to adopt delegated acts in order to set out proportionate rules which encourage and not hinder investments into such breeding programmes, but only for the description and labelling of “organic varieties”, as well as for the conditions in which an “organic variety” is considered to be particularly suited for the specific needs and objectives of organic agriculture within defined geographical regions.

The set of rules concerning databases should also create sensible regulatory incentives so that this new seed offer, implying considerable investments, actually emerge and develop and is widely adopted by organic farmers.

**Common ground of EP and COM concerning recitals**

**Recitals**

1. Research in the Union on plant reproductive material that does not fulfil the variety definition as regards uniformity, shows that there could be benefits of using this diverse material, in particular with regards to organic production for example to reduce the spread of diseases and improve resilience.
2. Therefore, seeds not belonging to a variety, but belonging to a plant grouping within a single botanical taxon with a high level of genetic and phenotypic diversity between individual reproductive units (hereinafter ‘heterogeneous material’), should be available to be used for organic production. Such material, in the form of seeds of agricultural crops (other than seed potatoes) and vegetables, further serves the purpose of increasing biodiversity. For this reason, the applicable certification and marketing rules should be adapted to the characteristics of that material, to which DUS, VCU, certain criteria of the certification scheme, such as identity and varietal purity, and several requirements of the packaging and labelling rules, cannot apply. It should be therefore appropriate that Directives 66/401, 66/402, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/57/EC, 2008/72/EC, and 2008/90/EC do not apply to heterogeneous material, if it is exclusively intended for organic production.
3. [In view of the above derogations, it is appropriate to establish specific rules for the description, production, packaging, labelling and registration of heterogeneous material intended exclusively for organic production. Inspection authorities mentioned in the Directives referred to in point [2] should be responsible for the implementation of those rules, as those authorities are competent, best equipped, and effective for serving that purpose. ] *EP does not share the view that specific rules are necessary for heterogeneous material*
4. It is desirable that organic growers have a wide access to open pollinated varieties. Open pollinated varieties are less uniform and genetically diverse and the seed can be replanted by the grower, maintaining the characteristics of the variety. Open pollinated varieties may have properties that are well suited to organic agriculture as they contain more genetic variation and thus may be more disease tolerant and show more yield stability.
5. Organic plant breeding and variety development is aimed at the development of new varieties which are particularly suited for organic production systems. It involves a holistic approach that respects natural crossing barriers and is based on fertile plants that can establish a viable relationship with the living soil.

1. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1)*.* [↑](#footnote-ref-1)
2. Directive ***2000/60***/EC of the European Parliament and of the Council of ***23 October 2000 establishing a framework for the Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1)***. [↑](#footnote-ref-2)
3. ***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 (OJ L 139, 30.04.2004)***. [↑](#footnote-ref-3)
4. *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)* [↑](#footnote-ref-4)