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From:	General Secretariat of the Council
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No. Cion doc.:	7956/14+ADD
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council [Official controls Regulation] and repealing Council Regulation (EC) No 834/2007 <i>- Request for mandate</i>

In view of the Special Committee on Agriculture (SCA) meeting on 27 February, during which the Presidency will seek to obtain a mandate for the 15th trilogue and following discussions held during the SCA meeting on 20 February, the Presidency has modified the compromise text provided in document 5936/17, as outlined in this addendum.

It is important to note that the Presidency shall be requesting a mandate on the compromise text as outlined in document 5936/16 as a whole including modifications contained in this document. However, mandate shall exclude Articles 26f and 26g, which deal with the empowerments and the alignment to the new Official Controls Regulation.

Delegations are reminded that ***text in bold underlined italics*** is the proposed additional text from the Presidency and words in ~~***bold strikethrough italics***~~ are the deletions suggested by the Presidency.

Article 3 (Definitions) and Article 11 (Livestock production rules)

A number of Delegations expressed concern as regards the definition of ‘poultry house’, provided in Article 3 (43c).

The Presidency therefore proposes to delete this definition. Such definition is to be determined via an implementing act, catered for under Article 11(4) which already provides empowerments regarding, *inter alia*, stocking density.

For that purpose, the second indent of Article 11(4) is modified as follows:

— the stocking density and minimum surface for indoor and outdoor areas to be respected for specific livestock species to ensure, in accordance with points 1.6.3 and 1.7.2, that the developmental, physiological and ethological needs of animals are met, including relevant definitions regarding such areas in respect of poultry;

Article 8 (Conversion) and Article 21 (Use of terms referring to organic production)

The Presidency has taken note of Delegation’s comments concerning the marketing of food of plant origin produced during the conversion period as in-conversion products.

Article 8(4) is therefore modified as follows:

4. ~~[Products produced during the conversion period shall not be marketed as organic or as in-conversion products. However, feed p~~Products] of plant origin produced during the conversion period and in compliance with paragraph 1 may be marketed as in-conversion products provided that a conversion period of at least 12 months before the harvest has been complied with.

Moreover, Article 21(2a) is modified, as follows:

2a. ~~/Feed-~~**Products of plant origin produced during the conversion period in compliance with Article 8(4) may be labelled as in-conversion products, provided that:**

(a) the indication shall appear in a colour, size and style of lettering which is not more prominent than the sales description of the product, the entire indication shall have the same size of letters;

(b) the product contains only one crop ingredient of agricultural origin;

(c) the indication is linked to the code number of the control body or control authority as referred to in Article 22 (1)(a) of this Regulation.

Article 19 (a) new – Databases and systems

The Presidency acknowledges Delegations’ concerns over the setting up and/or adaptation of already existing information systems.

In this respect, the Presidency proposes the addition of a new paragraph 2c, as follows:

2c. The Commission shall provide technical assistance to Member States in the initial setting up of national databases or systems, and in the use of already existing information systems in line with the requirements of this Article.

Article 28 – Import of organic products

The Presidency had initially attempted to remove uncertainty caused by the text “traditional and local conditions” by changing it to “traditions and local conditions”. Owing to the fact that this word still causes uncertainty to Delegations, the Presidency is proposing to delete the word “traditions” in the second subparagraph of Article 28(1)(c). Notwithstanding, Delegations are reminded that the European Parliament is keen on having this reference.

Article 35 (End of derogations and report) and Annex II, Part III (Aquaculture)

In response to the request made by Delegations for the equal treatment of all sectors as regards granting of derogations, the Presidency has modified Article 35 in order to cater for the granting of derogations for aquaculture juveniles, as follows:

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

[This report should contain:

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

1. The derogations to the use of organic plant reproductive material, [*aquaculture juveniles***] and livestock, provided under points 1.4.2.1 of part I of Annex II, [***4.1.2.1(db) of Part III of Annex II***] and 1.3.5.a of part II of Annex II **[shall]** end on 1 January [2030/***15 years after the date of application-at-the-latest***].**

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

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

Moreover, in Annex II, Part III, a new point 4.1.2.1(db), is added:

/(4.1.2.1(db). By way of derogation from paragraph (a) of point 4.1.2.1 in Annex II, Part III, for on-growing purposes and where the data collected according to the system referred to in Article 19(a) new (2) (d) shows that the quantitative needs of the operator regarding organic aquaculture juveniles are not met, Member States may authorise the introduction of a maximum of 50% of non-organic juveniles on an aquaculture holding, provided that at least the latter two thirds of the duration of the production cycle is managed under organic management.)