

# **Production rules Conversion**

**Documents to be supplied for  
the purpose of the retroactive  
recognition**

**COP**

**28 November 2018**

# NEW ORGANIC REGULATION 2018/848

## *Recital*

*(21) When the entire holding or parts of the holding are intended to produce organic products, they should be subject to a conversion period during which they are managed under organic production rules, but cannot produce organic products. Products should only be allowed to be placed on the market as organic products once the conversion period has elapsed. That period should not start before the farmer or operator producing algae or aquaculture animals has notified that conversion to organic production to the competent authorities of the Member State where the holding is situated, and is therefore subject to the control system that is to be set up by Member States in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council ( 2 ) and this Regulation. **Competent authorities should only be able retroactively to recognise periods before the date of notification as conversion periods where the holding or the relevant parts thereof have been subject to agri- environmental measures supported by Union funds or are natural or agricultural areas which for a period of at least three years have not been treated with products or substances not authorised for use in organic production.***

# NEW ORGANIC REGULATION 2018/848

## *Recital*

*(25) **Products produced during the conversion period should not be placed on the market as organic products.** To avoid the risk of confusing and misleading consumers, those products also should not be marketed as in-conversion products, except in the cases of plant reproductive material, food products of plant origin and feed products of plant origin that have only one agricultural crop ingredient, in all cases subject to the condition that a conversion period of at least 12 months before the harvest has been complied with.*

# NEW ORGANIC REGULATION 2018/848

## Article 10

### Conversion

1. *Farmers and operators that produce algae or aquaculture animals shall comply with a conversion period. During the whole conversion period they shall apply all rules on organic production laid down in this Regulation, in particular the applicable rules on conversion set out in this Article and in Annex II.*
2. *The conversion period shall start at the earliest when the farmer or the operator that produces algae or aquaculture animals has notified the activity to the competent authorities, in accordance with Article 34(1), in the Member State in which the activity is carried out and in which that farmer or operator's holding is subject to the control system.*
3. **No previous period may be retroactively recognised as being part of the conversion period, except where:**
  - a) **the operator's land parcels were subject to measures which were defined in a programme implemented pursuant to Regulation (EU) No 1305/2013 for the purpose of ensuring that no products or substances other than those authorised for use in organic production have been used on those land parcels; or**
  - b) **the operator can provide proof that the land parcels were natural or agricultural areas that, for a period of at least three years, have not been treated with products or substances that are not authorised for use in organic production.**
4. *Products produced during the conversion period shall not be marketed as organic products or as in-conversion products.*

*However, the following products produced during the conversion period and in compliance with paragraph 1 may be marketed as in-conversion products:*

- a) *plant reproductive material, provided that a conversion period of at least 12 months has been complied with;*
- b) *food products of plant origin and feed products of plant origin, provided that the product contains only one agricultural crop ingredient, and provided that a conversion period of at least 12 months before the harvest has been complied with.*

# NEW ORGANIC REGULATION 2018/848

## EMPOWERMENT

Article 10

### **Conversion**

6. The Commission shall, where appropriate, adopt implementing acts **specifying the documents to be supplied** for the purpose of the retroactive recognition of a previous period in accordance with paragraph 3 of this Article.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).

# NEW ORGANIC REGULATION 2018/848

## *Article 38*

### ***Additional rules on official controls and on action to be taken by the competent authorities***

- 1. Official controls performed in accordance with Article 9 of Regulation (EU) 2017/625 for the verification of compliance with this Regulation shall include, in particular:*

*(...)*

- b) where the holding includes non-organic or in-conversion production units, the verification of the records and of the measures or procedures or arrangements in place to ensure the clear and effective separation between organic, in- conversion and non-organic production units as well as between the respective products produced by those units, and of the substances and products used for organic, in-conversion and non-organic production units; **such verification shall include checks on parcels for which a previous period was recognised retroactively as part of the conversion period**, and checks on the non-organic production units;**

*(...)*

# **National legislation or specific solutions already applied by MSs**



# Basis for technical discussion

- 2 cases when retroactive recognition possible
- 2 lists of required documents appropriate for the situation?

**Documents to be supplied for the purpose of the retroactive recognition in case where the the operator's land parcels were subject to measures which were defined in a programme implemented pursuant to Regulation (EU) No 1305/2013 for the purpose of ensuring that no products or substances other than those authorised for use in organic production have been used on those land parcels.**

**At least?:**

1. ?

2. ?

3. ?

4. ?

5. ?

**Documents to be supplied for the purpose of the retroactive recognition in case where the operator can provide proof that the land parcels were natural or agricultural areas that, for a period of at least three years, have not been treated with products or substances that are not authorised for use in organic production.**

**At least?:**

1. ?

2. ?

3. ?

4. ?

5. ?