

ORGANIC REFORM

CATASTROPHIC CIRCUMSTANCES

Art. 22(1) of Regulation 2018/848

AGRI B4

GrEx on Organic Production

29 November 2018

New organic Regulation - Recital

(60) *Exceptions from organic production rules should be provided for only in the event of **catastrophic circumstances**. In order to allow organic production to continue or recommence in such cases, the power to adopt certain acts should be delegated to the Commission in respect of laying down the criteria to determine whether a situation qualifies as catastrophic circumstances as well as **specific rules**, including possible derogation from this Regulation, on how Member States are to deal with such catastrophic circumstances and on the necessary monitoring and reporting requirements in such cases.*

Article 22

Adoption of exceptional production rules

1. The Commission is empowered to adopt **delegated acts** in accordance with Article 54 supplementing this Regulation by laying down:
 - (a) the **criteria** to determine whether a situation qualifies as catastrophic circumstances deriving from an 'adverse climatic event', 'animal diseases', an 'environmental incident', a 'natural disaster' or a 'catastrophic event', as defined in points (h), (i), (j), (k) and (l) of Article 2(1) of Regulation (EU) No 1305/2013, respectively, as well as any comparable situation;
 - (b) specific rules, including possible derogations from this Regulation, on **how Member States are to deal with such catastrophic circumstances** if they decide to apply this Article; and
 - (c) specific rules on **monitoring and reporting** in such cases. Those criteria and rules shall be subject to the principles of organic production laid down in Chapter II.
2. Where a **Member State** has **formally recognised** an event as a **natural disaster** as referred to in Article 18(3) or Article 24(3) of Regulation (EU) No 1305/2013, and that event makes it impossible to comply with the production rules laid down in this Regulation, that Member State **may grant derogations** from the production rules for a limited period until organic production can be re-established, subject to the principles laid down in Chapter II and to any delegated act adopted in accordance with paragraph 1.
3. Member States may adopt measures in accordance with the delegated act referred to in paragraph 1 to allow organic production to continue or recommence in the event of catastrophic circumstances.



Article 45

Import of organic and in-conversion products

*3. When providing for the criteria for determining whether a situation qualifies as catastrophic circumstances, and when laying down specific rules on how to deal with such circumstances in accordance with Article 22, **the Commission shall take into account differences in the ecological balance, climate and local conditions in third countries and in the outermost regions of the Union***

➤ Provision in point 2 of art. 22 on exceptional production rules defines how MSs can react to **NATURAL DISASTER**

2. Where a **Member State** has **formally recognised** an event as a **natural disaster** as referred to in Article 18(3) or Article 24(3) of Regulation (EU) No 1305/2013, and that event makes it impossible to comply with the production rules laid down in this Regulation, that Member State **may grant derogations** from the production rules **for a limited period** until organic production can be re-established, subject to the principles laid down in Chapter II and to any delegated act adopted in accordance with paragraph 1.

➤ EU rules on support for rural development define what is a **natural disaster** and when it is **eligible**

REGULATION (EU) No 1305/2013

- (k) "**natural disaster**": means a naturally occurring event of a biotic or abiotic nature that leads to important disturbances in agricultural production systems or forest structures, eventually causing important economic damage to the farming or forestry sectors;

REGULATION (EU) No 1305/2013 Article 18(3)

Restoring agricultural production potential damaged by natural disasters and catastrophic events and introduction of appropriate prevention actions

3. Support under point (b) of paragraph 1 shall be subject to the **formal recognition** by the competent public authorities of Member States that a natural disaster has occurred and that this disaster or measures adopted in accordance with Council Directive 2000/29/EC to eradicate or contain a plant disease or pest have caused the **destruction of at least 30 % of the relevant agricultural potential.**

REGULATION (EU) No 1305/2013 Article 24(3)

Prevention and restoration of damage to forests from forest fires and natural disasters and catastrophic events

3. Support under point (d) of paragraph 1 shall be subject to the **formal recognition** by the competent public authorities of Member States that a natural disaster has occurred and that that disaster, or measures adopted in accordance with Directive 2000/29/EC to eradicate or contain a plant disease or pest has caused the **destruction of at least 20 % of the relevant forest potential.**

➤ Provision in point 1 of art. 22 on exceptional production rules indicates from what kind of situations catastrophic circumstances can origin

1. The Commission is empowered to adopt **delegated acts** in accordance with Article 54 supplementing this Regulation by laying down:
 - (a) the **criteria** to determine whether a situation qualifies as catastrophic circumstances **deriving from an 'adverse climatic event', 'animal diseases', an 'environmental incident', a 'natural disaster' or a 'catastrophic event'**, as defined in points (h), (i), (j), (k) and (l) of Article 2(1) of Regulation (EU) No 1305/2013, respectively, **as well as any comparable situation**;
 - (b) specific rules, including possible derogations from this Regulation, on **how Member States are to deal with such catastrophic circumstances** if they decide to apply this Article; and
 - (c) specific rules on **monitoring and reporting** in such cases. Those criteria and rules shall be subject to the principles of organic production laid down in Chapter II.

➤ EU rules on support for rural development provide definitions for all the above mentioned in R. 1305/2013

- (h) "**adverse climatic event**" means weather conditions, such as frost, storms and hail, ice, heavy rain or severe drought, which can be assimilated to a natural disaster;
- (i) "**animal diseases**" means diseases mentioned in the list of animal diseases established by the World Organisation for Animal Health or in the Annex to Council Decision 2009/470/EC;
- (j) "**environmental incident**" means a specific occurrence of pollution, contamination or degradation in the quality of the environment which is related to a specific event and is of limited geographical scope; but does not cover general environmental risks not connected with a specific event, such as climate change or atmospheric pollution;
- (k) "**natural disaster**": means a naturally occurring event of a biotic or abiotic nature that leads to important disturbances in agricultural production systems or forest structures, eventually causing important economic damage to the farming or forestry sectors;
- (l) "**catastrophic event**": means an unforeseen event of a biotic or abiotic nature caused by human action that leads to important disturbances in agricultural production systems or forest structures, eventually causing important economic damage to the farming or forestry sectors;

EU rules on expenditure in the veterinary field + international rules

Animal diseases – list

- *Established by the World Organisation for Animal Health - [link](#)*
- *Annex to Council Decision 2009/470/EC - [link](#)*

Main changes

- *Link between EU organic legislation and rural development legislation*
- *Clear indication from what situations catastrophic circumstances can be derived - definitions more precise*
- *Formal recognition of natural disaster required as defined in EU legislation on support for rural development*
- *Eligibility of natural disaster defined in rural development legislation would apply also to organics*
- *No rules for catastrophic circumstances derived from situation other than natural disaster*
- *No details in the new basic act that are currently defined in R.889:*
 - *no specific cases when, how and under which conditions exceptional production rules may apply*
 - *no specific rules for operator*
 - *no specific rules for competent authority*
- *Obligation to take into account differences in the ecological balance, climate and local conditions in third countries and in the outermost regions of the Union*

Technical issues to discuss

- *Criteria*
- *List of possible derogations and conditions of their use*
- *How MSs should manage derogations*
- *Obligations of operators*
- *Specific rules on monitoring and reporting*
- *Differences in the ecological balance, climate and local conditions in third countries – how to take them into account*

Basis for technical discussions (1):

➤ Criteria to determine whether a situation qualifies as catastrophic circumstances:

- ❑ Catastrophic circumstances is **formally recognised by the competent public authorities of Member States** (Member States may, where appropriate, establish in advance criteria on the basis of which the formal recognition shall be deemed to be granted) AND
- ❑ Differences in the ecological balance, climate and local conditions in third countries and in the outermost regions of the Union must be taken into account by the competent public authorities of Member States or where relevant authorities of 3rd countries

➤ Specific rules – how MSs can deal with catastrophic circumstances:

- ❑ Derogations granted for a **limited period** and in relation to a specific area by **individual operators**;
- ❑ Derogations granted until organic production can be re-established;
- ❑ **Conversion period should be respected**
- ❑ The operator shall keep documentary evidence of the use of this provision
- ❑ Ex-post evaluation/assessment if operator respected all conditions as defined in the derogation

Basis for technical discussions (2):

➤ ***Specific rules – list of possible derogations for animals***

❑ High mortality of animals

In the case of high mortality of animals caused by catastrophic circumstances, the renewal or reconstitution of the herd or flock with non-organic animals, when organically reared animals are not available and provided that the respective conversion period are applied to the non-organic animals; (R. 2016/673)

❑ Use of non-organic feeding stuff for animals

The use of non-organic feedingstuffs for a limited period and in relation to a specific area by individual operators, when forage production is lost or when restrictions are imposed, in particular as a result of catastrophic circumstances (in particular: exceptional meteorological conditions, the outbreak of infectious diseases, the contamination with toxic substances, or as a consequence of fires); (R. 889/2008)

Basis for technical discussions (3):

➤ ***Specific rules – list of possible derogations for aquaculture animals***

❑ High mortality of aquaculture animals

In the case of high mortality of aquaculture animals caused by circumstances listed in Article 57(1)(a) to (d) of Regulation (EU) No 508/2014 of the European Parliament and of the Council, the renewal or reconstitution of the aquaculture stock with non-organic aquaculture animals, when organically reared animals are not available and provided that at least the latter two thirds of the duration of the production cycle are managed under organic management. (R. 2016/673)

Article 57

Aquaculture stock insurance

1. In order to safeguard the income of aquaculture producers, the EMFF may contribute to an aquaculture stock insurance covering economic losses due to at least one of the following:
 - (a) natural disasters;
 - (b) adverse climatic events;
 - (c) sudden water quality and quantity changes for which the operator is not responsible;
 - (d) diseases in aquaculture, failure or destruction of production facilities for which the operator is not responsible.
2. The occurrence of the circumstances referred to in paragraph 1 in aquaculture shall be formally recognised as such by the Member State concerned.
3. Member States may, where appropriate, establish in advance criteria on the basis of which the formal recognition referred to in paragraph 2 shall be deemed to be granted.
4. Support shall only be granted for aquaculture stock insurance contracts which cover economic losses, as referred to in paragraph 1, exceeding 30 % of the average annual turnover of the aquaculture farmer, calculated on the basis of the average turnover of the aquaculture farmer over the three calendar years preceding the year in which the economic losses occurred.

Basis for technical discussions (4):

➤ *Specific rules – list of possible derogations for bees*

☐ High mortality of bees

In case of high mortality of bees caused by catastrophic circumstances, the reconstitution of the apiaries with non-organic bees, when organic apiaries are not available; (R. 889/2008)

☐ Feeding of bees

The feeding of bees with organic honey, organic sugar or organic sugar syrup in case of catastrophic circumstances, which hamper the nectar or honeydew production; (R. 889/2008)

☐ Management of beekeeping units for the purpose of pollination

In order to ensure that organic production can be initiated or maintained on holdings confronted with catastrophic circumstances, for the purpose of pollination actions an operator may run organic and non-organic beekeeping units on the same holding, provided that all the requirements of the organic production rules are fulfilled, with the exception of the provisions for the siting of the apiaries. In that case the product cannot be sold as organic. (R. 889/2008)

Basis for technical discussions (5):

➤ ***Specific rules – list of possible derogations for making of wine***

- ❑ Organic grapes - severe bacterial or fungal attacks

The use of sulphur dioxide up to the maximum content to be fixed in accordance with the Annex I B to Regulation (EC) No 606/2009 if due to the catastrophic circumstances (exceptional climatic conditions of a given harvest year deteriorate the sanitary status of organic grapes in a specific geographical area because of severe bacterial attacks or fungal attacks), which oblige the winemaker to use more sulphur dioxide than in previous years to obtain a comparable final product;

(R. 2016/673)

<i>ANNEX I B</i>	
THE MAXIMUM SULPHUR DIOXIDE CONTENT OF WINES	
A. THE SULPHUR DIOXIDE CONTENT OF WINES	
1.	The total sulphur dioxide content of wines, other than sparkling wines and liqueur wines, on their release to the market for direct human consumption, may not exceed:
(a)	150 milligrams per litre for red wines;
(b)	200 milligrams per litre for white and rosé wines.
2.	Notwithstanding paragraph 1(a) and (b), the maximum sulphur dioxide content shall be raised, as regards wines with a sugar content, expressed as the sum of glucose and fructose, of not less than five grams per litre, to:
(a)	200 milligrams per litre for red wines;
(b)	250 milligrams per litre for white and rosé wines;
(c)	300 milligrams per litre for:

Basis for technical discussions (5):

➤ *Specific rules – list of possible derogations for plant production*

❑ **Plant production – deaths of plants?**

In the case of high deaths of plants caused by catastrophic circumstances.... ?

(use of non-organic seeds?)

Basis for technical discussions (6):

➤ *Monitoring and reporting*

- ❑ Upon approval by the competent authority, the individual operators shall keep documentary evidence confirming granted exception as well documentary evidence confirming the use of these exceptions.
- ❑ Member States and control bodies/control authorities shall have a system of monitoring of exceptions granted based on catastrophic circumstances with all the details (who, when, for what, details like: quantities, until when and if prolonged)
- ❑ Member States shall inform each other and the Commission on the exceptions they have granted via the OFIS system according to one template (to be created if does not exist yet; the official administration decision to be attached);
- ❑ For derogations granted by compliant CBs in 3rd countries, CBs would also have to notify each granted derogation via OFIS so that this information is available to all MSs and the EC