



CONDITIONS FOR THE USE OF IN CONVERSION AND NON-ORGANIC PLANT REPRODUCTIVE MATERIAL – ART. 12(2)(B) OF REGULATION 2018/848

AGRI B4

GrEx on Organic Production

Bruxelles, 27 September 2018



Article 12 (2)(b)

Plant production rules

- 2. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending:
 -
 - **(b) point 1.8.5 of Part I of Annex II as regards the use of in-conversion and non-organic plant reproductive material;**

Article 45 of Reg. 889/2008 use of seed or vegetative propagating material not obtained by the organic production method vs Annex II Part I point 1.8.5. Use of in-conversion and non-organic plant reproductive material

1. Where the conditions laid down in Article 22(2)(b) of Regulation (EC) No 834/2007 apply, (a) seed and vegetative propagating 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 seed or vegetative propagating material if not available from organic production. However, for the use of non- organic seed and seed potatoes the following paragraphs (2) to (9) apply

22(2)b: necessary to ensure access to seed and vegetative propagating material where such inputs not available on the market in organic form

1.8.5. Use of in-conversion and non-organic plant reproductive material

1.8.5.1. By way of derogation from point 1.8.1, where the data collected in the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2) shows that the qualitative or quantitative needs of the operator regarding relevant organic plant reproductive material, excluding seedlings, are not met, competent authorities may authorise the use of in-conversion or non-organic plant reproductive material under the conditions laid down in points 1.8.5.3, 1.8.5.4 and 1.8.5.5.

Prior to requesting any such derogation, the operator shall consult the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2) in order to verify whether his or her request is justified.



What can be marketed as in conversion PRM?

In compliance with Article 10 of Reg.2018/848 on Conversion :

- *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;***

Article 45 of Reg. 889/2008 use of seed or vegetative propagating material not obtained by the organic production method vs Annex II Part I point 1.8.5. Use of in-conversion and non-organic plant reproductive material

2. Non-organic seed and seed potatoes may be used, provided that the seed or seed potatoes are not treated with plant protection products, other than those authorised for treatment of seed in accordance with Article 5(1), unless chemical treatment is prescribed in accordance with Council Directive 2000/29/EC for phytosanitary purposes by the competent authority of the Member State for all varieties of a given species in the area where the seed or seed potatoes are to be used.

1.8.5.3. Non-organic plant reproductive material shall not be treated with plant protection products other than those authorised for the treatment of seed in accordance with Article 24(1) of this Regulation, unless chemical treatment has been prescribed in accordance with Regulation (EU) 2016/2031 for phytosanitary purposes by the competent authority of the Member State concerned for all varieties of a given species in the area in which the plant reproductive material is to be used.



Article 45 of Reg. 889/2008 use of seed or vegetative propagating material not obtained by the organic production method vs Annex II Part I point 1.8.5. Use of in-conversion and non-organic plant reproductive material

3. Species for which it is established that organically produced seed or seed potatoes are available in sufficient quantities and for a significant number of varieties in all parts of the Community are set out in Annex X. The species listed in Annex X may not be subject of authorisations pursuant to paragraph 1(b), unless these are justified by one of the purposes referred to in paragraph 5(d).

Not implemented

**Article 45 of Reg. 889/2008 use of seed or vegetative propagating material not obtained by the organic production method vs Annex II Part I point 1.8.5.
Use of in-conversion and non-organic plant reproductive material**

4. Member States may delegate the responsibility for granting the authorisation referred to in paragraph 1(b) to another public administration under their supervision or to the control authorities or control bodies referred to in Article 27 of Regulation (EC) No 834/2007.

1.8.5.2. Control authorities or control bodies recognised in accordance with Article 46(1) may authorise operators in third countries to use in-conversion or non-organic plant reproductive material in an organic production unit when organic plant reproductive material is not available in sufficient quality or quantity in the territory of the third country in which the operator is located, under the conditions laid down under points 1.8.5.3, 1.8.5.4 and 1.8.5.5.

Article 40 of Reg.2018/848

- 4. Competent authorities shall not delegate the following official control tasks and tasks related to other official activities to control bodies:
 -
 - (b) the power to grant derogations other than derogations for the use of plant reproductive material not obtained from organic production;

Article 45 of Reg. 889/2008 use of seed or vegetative propagating material not obtained by the organic production method vs Annex II Part I point 1.8.5. Use of in-conversion and non-organic plant reproductive material

5. Authorisation to use seed or seed potatoes not obtained by the organic production method may only be granted in the following cases:

(a) where no variety of the species which the user wants to obtain is registered in the database referred to in Article 48;

(b) where no supplier, meaning an operator who markets seed or seed potatoes to other operators, is able to deliver the seed or seed potatoes before sowing or planting in situations where the user has ordered the seed or seed potatoes in reasonable time;

(c) where the variety which the user wants to obtain is not registered in the database referred to in Article 48, and the user is able to demonstrate that none of the registered alternatives of the same species are appropriate and that the authorisation therefore is significant for his production;

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

See mostly 1.8.5.1. By way of derogation from point 1.8.1, where the data collected in the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2) shows that the qualitative or quantitative needs of the operator regarding relevant organic plant reproductive material, excluding seedlings, are not met, competent authorities may authorise the use of in-conversion or non-organic plant reproductive material under the conditions laid down in points 1.8.5.3, 1.8.5.4 and 1.8.5.5.

Prior to requesting any such derogation, the operator shall consult the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2) in order to verify whether his or her request is justified.

Article 45 of Reg. 889/2008 use of seed or vegetative propagating material not obtained by the organic production method vs Annex II Part I point 1.8.5. Use of in-conversion and non-organic plant reproductive material

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

1.8.5.4. The authorisation to use in-conversion or non-organic plant reproductive material shall be obtained before the sowing of the crop.



Article 45 of Reg. 889/2008 use of seed or vegetative propagating material not obtained by the organic production method vs Annex II Part I point 1.8.5. Use of in-conversion and non-organic plant reproductive material

7. The authorisation shall be granted only to individual users for one season at a time and the authority or body responsible for the authorisations shall register the quantities of seed or seed potatoes authorised.

1.8.5.5. The authorisation to use in-conversion or non-organic plant reproductive material shall be granted only to individual users for one season at a time, and the competent authority responsible for authorisations shall list the quantities of the authorised plant reproductive material.

Article 45 of Reg. 889/2008 use of seed or vegetative propagating material not obtained by the organic production method vs Annex II Part I point 1.8.5. Use of in-conversion and non-organic plant reproductive material

8. By way of derogation from paragraph 7, the competent authority of the Member State may grant to all users a general authorisation: (a) for a given species when and in so far as the condition laid down in paragraph 5(a) is fulfilled; (b) for a given variety when and in so far as the conditions laid down in paragraph 5(c) are fulfilled. The authorisations referred to in the first subparagraph shall be clearly indicated in the database referred to in Article 48.

(... (a) where no variety of the species which the user wants to obtain is registered in the database referred to in Article 48;

(c) where the variety which the user wants to obtain is not registered in the database referred to in Article 48, and the user is able to demonstrate that none of the registered alternatives of the same species are appropriate and that the authorisation therefore is significant for his production)

no more

;

Article 45 of Reg. 889/2008 use of seed or vegetative propagating material not obtained by the organic production method vs Annex II Part I point 1.8.5. Use of in-conversion and non-organic plant reproductive material

9. Authorisation may only be granted during periods for which the database is updated in accordance with Article 49(3).

Art.49(3) Each Member State shall decide in which period of the year the database has to be regularly updated for each species or group of species cultivated on its territory. The database shall hold information with regard to that decision.

1.8.5.1. By way of derogation from point 1.8.1, where the data collected in the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2) shows that the qualitative or quantitative needs of the operator regarding relevant organic plant reproductive material, excluding seedlings, are not met, competent authorities may authorise the use of in-conversion or non-organic plant reproductive material under the conditions laid down in points 1.8.5.3, 1.8.5.4 and 1.8.5.5.

Prior to requesting any such derogation, the operator shall consult the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2) in order to verify whether his or her request is justified.



Database/system

Article 49 of Reg. 889/2008

....
3. Each Member State shall decide in which period of the year the database has to be regularly updated for each species or group of species cultivated on its territory. The database shall hold information with regard to that decision.

Article 26

1. Each Member State shall ensure that a regularly updated database is established for the listing of the organic and in-conversion plant reproductive material, excluding seedlings but including seed potatoes, which is available on its territory

....

4. Operators that opt to include information on plant reproductive material, animals or aquaculture juveniles in the systems referred to in paragraphs 2 and 3 shall ensure that the information is updated regularly, and shall ensure that the information is withdrawn from the lists once the plant reproductive material, animals or aquaculture juveniles are no longer available.



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











Organic Farming

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ORGANIC SEED DATABASES

A fundamental principle in organic farming is the use of seeds produced organically. The member states maintain an online database in order to facilitate the acquisition of such seeds. Suppliers can enter organically produced seeds and seed potatoes that are available for purchase in this list.

- | | |
|--|---|
|  Austria |  Italy |
|  Belgium |  Latvia |
|  Bulgaria |  Luxembourg |
|  Cyprus |  Netherlands |
|  Czech Republic |  Poland |
|  Denmark |  Portugal |
|  Estonia |  Slovak Republic |
|  Finland |  Slovenia |
|  France |  Spain |
|  Germany |  Sweden |
|  Greece |  United Kingdom |
|  Hungary | Nordic countries |
|  Ireland | Several countries |

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