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**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**laying down certain rules for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States**

(Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007<sup>1</sup>, and in particular Article 10(6), Article 14(3), Article 15(3), Article 16(3), Article 17(3) and Article 26(7)(d) thereof,

Whereas:

- (1) Chapter III of Regulation (EU) 2018/848 lays down general production rules for organic products, while detailed production rules are set out in Annex II to that Regulation. In order to ensure uniform conditions for the implementation of that Regulation, some additional rules should be laid down.
- (2) The conversion to the organic production method requires certain periods of adaptation of all means in use. The required conversion period starts at the earliest after a farmer or an operator that produces algae or aquaculture animals has notified the activity to the competent authorities. As an exception and under certain conditions, a previous period may be retroactively recognised as being part of the conversion period. The documents to be submitted to the competent authorities for the purpose of the retroactive recognition of a previous period should be specified.
- (3) In order to ensure the observance of a high level of animal welfare respecting species-specific needs in organic livestock production, it is necessary to lay down the stocking densities, the minimum surfaces for indoor and outdoor areas and their characteristics, as well as technical requirements and characteristics for buildings and open air areas for bovine animals, ovine animals, caprine animals, equine animals, cervine animals, porcine animals, poultry and rabbits. Additionally, for suckling animals the minimum periods to be complied with for feeding preferably with maternal milk should also be laid down.
- (4) In order to ensure the observance of a high level of animal welfare respecting species-specific needs in organic aquaculture production, it is also necessary to lay down rules per species or per group of species on the stocking densities and the characteristics for production systems and containments systems for aquaculture animals.

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<sup>1</sup> OJ L 150, 14.6.2018, p. 1.

- (5) Processed organic products should be produced using processing methods which guarantee that the organic characteristics and qualities of the products are maintained through all stages of organic production. Considering the great number of techniques used in the processing of food products in organic production, establishing an exhaustive list of all the techniques authorised is not possible. Therefore, as a general rule, techniques complying with the principles and relevant production rules as set out in Regulation (EU) 2018/848 should be considered as authorised in the processing of food products in organic production.
- (6) However, for certain techniques used in the processing of specific organic food products, opinions of Member States may diverge on the compliance of a technique with the principles and relevant production rules as set out in Regulation (EU) 2018/848 for producing specific products. For such cases, it is necessary to lay down rules on how such a technique can be assessed and, if confirmed compliant with those principles and production rules, be authorised by the Commission for producing specific food products, where appropriate under certain conditions.
- (7) Ion exchange and adsorption resin techniques may be needed to produce infant formula and follow-on formula and processed cereal-based food and baby food as referred to in points (a) and (b) of Article 1(1) of Regulation (EU) No 609/2013 of the European Parliament and of the Council<sup>2</sup> in order to meet the compositional requirements laid down in that Regulation and in acts adopted on the basis of Article 11(1) of that Regulation for the products concerned, or in products regulated by Commission Directive 2006/125/EC<sup>3</sup>. It is necessary to authorise the use of ion exchange and adsorption techniques for these categories of products.
- (8) Similarly as for the techniques authorised for use in the processing of food products, techniques that reconstitute properties that are lost in the processing and storage of organic feed, that correct the results of negligence in the processing of organic feed, or that otherwise may be misleading as to the true nature of products intended to be marketed as organic feed, should not be used.
- (9) Considering the great number of techniques used in the processing of specific feed products in organic production, establishing an exhaustive list of all the techniques authorised is not possible. Therefore, as a general rule, techniques complying with the principles and relevant production rules as set out in Regulation (EU) 2018/848 should be authorised in the processing of feed products in organic production.
- (10) However, for certain techniques used in the processing of specific organic feed products, opinions of Member States may diverge on the compliance of a technique with the principles and relevant production rules as set out in Regulation (EU) 2018/848. For such cases, it is necessary to lay down rules on how such a technique can be assessed and, if confirmed compliant with those principles and relevant

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<sup>2</sup> Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013, p. 35).

<sup>3</sup> Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children (OJ L 339, 6.12.2006, p. 16).

production rules, be authorised by the Commission for producing specific feed products, where appropriate under certain conditions.

- (11) Organic plant reproductive material, organic animals and organic aquaculture juveniles should be used in organic production. In order to help organic operators to find information on their availability, each Member State should have in place systems allowing operators that market organic and in-conversion plant reproductive material, organic animals or organic aquaculture juveniles to make information on their supplies publicly available. In particular, detailed information on such species that they are able to supply in sufficient quantities and within a reasonable period should be publicly available. Once a year, Member States should make available to the Commission the synthesis of such information as well as information on derogations granted in case of lack of availability.
- (12) Seedlings are excluded from the collection and exchange of information on organic and in-conversion plant reproductive material. Therefore, to ensure a harmonised approach, it is appropriate to establish a definition of seedlings.
- (13) In order to address the nutritional needs for specific protein compounds of young poultry and porcine animals of up to 35 kg, Member States may authorise the use of non-organic protein feed in poultry and porcine diets under strict conditions and until 31 December 2025. In view of phasing out these respective derogations and for the purposes of Article 53(6)(c) of Regulation (EU) 2018/848, the Commission should monitor their use taking into account the evolution of availability on the market of organic protein feed. For this purpose, a focused questionnaire should be designed by the Commission and Member States should annually submit to the Commission the filled in questionnaire summarising the relevant information collected on the availability of organic protein feed and the authorisations granted to use non-organic protein feed to poultry and porcine animals producers.
- (14) Member States may also set up a similar system of information on availability in relation to breeds and strains adapted to organic production or organic pullets. Considering the possible phasing out of derogations for the use of non-organic animals or pullets, it is important to collect data on the availability of organically reared breeds and strains specifically selected in the respect of organic principles and objectives. Therefore, it is necessary to lay down details for harmonised data to be reported by Member States to the Commission and to the other Member States.
- (15) Operators that have been producing livestock in accordance with Council Regulation (EC) No 834/2007<sup>4</sup> and Commission Regulation (EC) No 889/2008<sup>5</sup> will have to adapt their production systems to comply with the new specific technical requirements laid down in this Regulation affecting the livestock density, the structural characteristics of animals' premises and related equipment, the available spaces and land management and the productive system of the holding in general. These adaptations will require variable periods of time according to the extent of the necessary interventions to comply with the new requirements laid down in this Regulation while taking into account on going productions.

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<sup>4</sup> Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).

<sup>5</sup> Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1).

- (16) In particular, the provisions concerning the stocking density, minimum indoor and outdoor areas for pullets and broiler roosters, the stocking density and increased outdoor areas for female porcine animals, the maximum extension of the open air areas for poultry houses, the maximum number of tiers and the equipment for an efficient system of manure removal in multi-tiered poultry houses may imply tangible works and investments like rebuilding of animals' premises and land acquisitions, or a complete refurbishment of animals' premises for certain holdings or production units that have been producing until now in compliance with Regulations (EC) No 834/2007 and (EC) No 889/2008. Hence, a transitional period of maximum 5 years from 1 January 2021 should be provided for in respect of these holdings or production units in order to permit them to carry out the necessary adaptations to comply with the new requirements.
- (17) The requirement related to porcine animals concerning a minimum percentage of surface of outdoor area consisting of solid construction may imply the rebuilding of external facilities and changes in the system of collection of manure in holdings or production units that have been producing until now in compliance with Regulations (EC) No 834/2007 and (EC) No 889/2008. Hence, a transitional period of maximum 3 years from 1 January 2021 should be provided for in respect of these holdings or production units in order to permit them to carry out the necessary major renovation of animals' external premises or the replacement of the equipment to comply with the new requirements.
- (18) Also the length of pop-holes between the verandas and the indoor part of the poultry house, the requirement on solid partitions for fattening poultry other than *Gallus gallus*, and the specific requirements on perches and raised sitting levels may imply tangible adaptations such as the renovation of part of the animals' premises and purchase of new equipment for holdings that have been producing until now in compliance with Regulations (EC) No 834/2007 and (EC) No 889/2008. Hence, a transitional period of maximum 3 years from 1 January 2021 should be provided for in respect of these holdings or production units to permit them to carry out the necessary adaptations of animals' premises or the replacement of the equipment to comply with the new requirements.
- (19) In the interest of clarity and legal certainty, this Regulation should apply from the date of application of Regulation (EU) 2018/848.
- (20) The measures provided for in this Regulation are in accordance with the opinion of the Organic Production Committee,

HAS ADOPTED THIS REGULATION:

## **CHAPTER I**

### **CONVERSION**

#### *Article 1*

#### *Documents to be supplied for the purpose of the retroactive recognition of a previous period*

1. For the purposes of point (a) of Article 10(3) of Regulation (EU) 2018/848, the operator shall submit to the competent authorities in the Member State in which the

activity is carried out and in which that operator's holding is subject to the control system the official documents from the relevant competent authorities proving that the land parcels for which the retroactive recognition of a previous period is requested were subject to measures which were defined in a programme implemented pursuant to Regulation (EU) No 1305/2013 of the European Parliament and of the Council<sup>6</sup> and that no products or substances other than those authorised for use in organic production have been used on those land parcels.

2. For the purposes of point (b) of Article 10(3) of Regulation (EU) 2018/848, the operator shall submit to the competent authorities in the Member State in which the activity is carried out and in which that operator's holding is subject to the control system the following documents proving 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 in accordance with Regulation (EU) 2018/848:
  - (a) maps identifying clearly each land parcel covered by the request for retroactive recognition and information on the total surface of those land parcels and, if relevant, on the nature and the volume of the on-going production and, where available, their geolocation coordinates;
  - (b) the detailed risk analysis carried out by the control authority or control body to assess whether any land parcel covered by the request for retroactive recognition has been treated with products or substances that are not authorised for use in organic production for a period of at least three years, taking into account in particular the size of the total surface to which the request relates and the agronomic practices carried out during that period on each land parcel subject to the request;
  - (c) the laboratory analyses results from accredited laboratories on soil and/or plant samples taken by the control authority or control body from each land parcel identified as presenting the risk of being contaminated as a result of being treated with products and substances that are not authorised for use in organic production following the detailed risk analysis referred in point (b);
  - (d) an inspection report from the control authority or control body following a physical inspection of the operator for the purpose of verifying the consistency of the information collected on the land parcels covered by the request for retroactive recognition;
  - (e) any other relevant documents deemed necessary by the control authority or control body to assess the request for retroactive recognition;
  - (f) a final written statement of the control authority or control body indicating whether a retroactive recognition of a previous period as being part of the conversion period is justified and indicating the starting period considered as organic for each land parcel concerned as well as the total surface of the land parcels benefiting from a retroactive recognition of a period.

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<sup>6</sup> Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

## **CHAPTER II**

### **LIVESTOCK**

#### **SECTION 1**

#### **BOVINE ANIMALS, OVINE ANIMALS, CAPRINE ANIMALS AND EQUINE ANIMALS**

##### *Article 2*

##### *Minimum period for feeding with maternal milk*

The minimum period referred to in point 1.4.1.(g) of Part II of Annex II to Regulation (EU) 2018/848 for feeding suckling animals preferably with maternal milk shall be:

- (a) 90 days after birth for bovine animals and equine animals;
- (b) 45 days after birth for ovine animals and caprine animals.

##### *Article 3*

##### *Stocking density and minimum surface for indoor and outdoor areas*

For bovine animals, ovine animals, caprine animals and equine animals, the stocking density and the minimum surface for indoor and outdoor areas shall be as set out in Part I of Annex I.

##### *Article 4*

##### *Characteristics of and technical requirements for the minimum surface for the indoor area*

At least half of the minimum surface of the indoor area laid down in Part I of Annex I for bovine animals, ovine animals, caprine animals and equine animals shall consist of a solid construction, that is to say, not of a slatted or grid construction.

#### **SECTION 2**

#### **CERVINE ANIMALS**

##### *Article 5*

##### *Minimum period for feeding with maternal milk*

The minimum period referred to in point 1.4.1.(g) of Part II of Annex II to Regulation (EU) 2018/848 for feeding suckling cervine animals preferably with maternal milk shall be 90 days after birth.

## *Article 6*

### *Stocking density and minimum surface for outdoor areas*

For cervine animals, the stocking density and the minimum surface for outdoor areas shall be as set out in Part II of Annex I.

## *Article 7*

### *Characteristics of and technical requirements for outdoor enclosures or pens*

1. Cervine animals shall be kept in outdoor enclosures or pens providing pastures whenever conditions allow.
2. The outdoor enclosures or pens shall be constructed in such a way that the different species of cervine animals can be separated if needed.
3. Each outdoor enclosure or pen shall be either dividable into two areas or adjacent to another outdoor enclosure or pen so that maintenance measures can be carried out on each area or each outdoor enclosure or pen successively.

## *Article 8*

### *Requirements for vegetation and characteristics of protected facilities and open air areas*

1. Visual and weather protection facilities shall be provided to cervine animals preferably by natural shelters like inclusion of groups of trees and shrubs, parts of forests or skirts of woods into the outdoor enclosure or pen; if this is not feasible to a sufficient extent the whole year, roofed artificial shelters shall be provided.
2. Outdoor enclosures or pens for cervine animals shall be equipped with facilities or be covered with vegetation that allow animals to rub off velvet from their antlers.
3. In the late stage of pregnancy and two weeks after birth, female cervine animals shall have access to areas covered with vegetation that allows hiding their calves.
4. Fences around outdoor enclosures or pens shall be constructed in such a way that cervine animals cannot escape.

## **SECTION 3**

### **PORCINE ANIMALS**

## *Article 9*

### *Minimum period for feeding with maternal milk*

The minimum period referred to in point 1.4.1.(g) of Part II of Annex II to Regulation (EU) 2018/848 for feeding suckling porcine animals preferably with maternal milk shall be 40 days after birth.

#### *Article 10*

##### *Stocking density and minimum surface for indoor and outdoor areas*

For porcine animals, the stocking density and the minimum surface for indoor and outdoor areas shall be as set out in Part III of Annex I.

#### *Article 11*

##### *Characteristics of and technical requirements for the minimum surface for indoor and outdoor areas*

At least half of the minimum surface of both the indoor area and the outdoor area laid down in Part III of Annex I shall consist of a solid construction, that is to say, not of a slatted or grid construction.

#### *Article 12*

##### *Requirements for vegetation and characteristics of open air areas*

1. Open air areas shall be attractive to porcine animals. Where possible, preference shall be given to fields with trees or forests.
2. Open air areas shall provide outdoor climate as well as access to shelters and means allowing the regulation of body temperature of porcine animals.

### **SECTION 4**

### **POULTRY**

#### *Article 13*

##### *Definitions*

For the purposes of this Section, the following definitions shall apply:

- (a) 'fattening poultry' means poultry intended for meat production;
- (b) 'flock' in the context of compartments in poultry houses means a group of birds that are kept together not mixing with other poultry species, and with their own dedicated indoor and outdoor areas;
- (c) 'brother rooster' means male chicken of laying hen strains intended for meat production;
- (d) 'poularde' means female *Gallus gallus* intended for meat production and slaughtered at the minimum age of 120 days.

#### Article 14

##### *Stocking density and minimum surface for indoor and outdoor areas*

For poultry, the stocking density and the minimum surface for indoor and outdoor areas shall be set out in Part IV of Annex I.

#### Article 15

##### *Characteristics of and technical requirements for poultry houses*

1. Poultry houses shall be constructed in a manner allowing all birds easy access to open air areas. For this purpose, the following rules shall apply:
  - (a) the external boundary of the poultry house shall have exit/entry pop-holes giving direct access to open air areas;
  - (b) every single exit/entry pop-hole shall be of a size adequate for the birds;
  - (c) birds shall be able to access pop-holes without any obstacle;
  - (d) pop-holes from the external boundary of the poultry house shall have a combined length of at least 4 m per 100 m<sup>2</sup> of the usable area of the minimum surface of the indoor area of the poultry house;
  - (e) where pop-holes are raised, a ramp shall be provided.
2. For poultry houses with verandas, the following rules shall apply:
  - (a) the external boundary both from the indoor house to the veranda and from the veranda to the open air area shall have exit/entry pop-holes allowing easy access respectively to the veranda or to the open air area;
  - (b) pop-holes from the indoor house to the veranda shall have a combined length of at least 2 m per 100 m<sup>2</sup> of the usable area of the minimum surface of the indoor area of the poultry house and pop-holes from the veranda to the open air area shall have a combined length of at least 4 m per 100 m<sup>2</sup> of the usable area of the minimum indoor surface of the poultry house;
  - (c) the usable area of the veranda shall not be taken into account for the calculation of the stocking density and the minimum surface of the indoor and outdoor areas as set out in Part IV of Annex I;
  - (d) the usable area of the veranda shall not be included in the total usable area of poultry houses for fattening poultry as referred to in point 1.9.4.4.(m) of Part II of Annex II to Regulation (EU) 2018/848.
3. For poultry houses subdivided into separate compartments in order to house multiple flocks:
  - (a) compartments shall ensure that contact with other flocks is restricted and that birds from different flocks cannot mix in the poultry house;
  - (b) the following maximum flock sizes in a single compartment of a poultry house shall apply:
    - (i) 3 000 parents *Gallus gallus*;
    - (ii) 10 000 pullets;

- (iii) 4 800 fattening poultry *Gallus gallus*;
  - (iv) 2 500 capons;
  - (v) 4 000 poulardes;
  - (vi) 2 500 turkeys;
  - (vii) 2 500 geese;
  - (viii) 3 200 male Peking ducks or 4 000 female Peking ducks;
  - (ix) 3 200 male Muscovy ducks or 4 000 female Muscovy ducks;
  - (x) 3 200 male Mulard ducks or 4 000 female Mulard ducks;
  - (xi) 5 200 Guinea fowls;
- (c) compartments shall be separated by solid partitions for fattening poultry other than *Gallus Gallus*; such solid partition shall ensure a complete physical separation from the floor to the roof of the building of each compartment of the poultry house;
- (d) compartments shall be separated by solid partitions or semi-closed partitions or nets or meshes for parents *Gallus gallus*, laying hens, pullets and fattening poultry *Gallus gallus*.
4. Multi-tiered systems may be used in poultry houses. Where multi-tiered systems are used, the following rules shall apply:
- (a) multi-tiered systems may only be used for parents *Gallus gallus*, laying hens, pullets for future egg production, pullets for future parents and brother roosters;
  - (b) multi-tiered systems shall have no more than three tiers of usable area including the ground floor;
  - (c) the elevated tiers shall be constructed in such a way as to prevent droppings falling on the birds below and shall be equipped with an efficient system of manure removal;
  - (d) all tiers shall allow for easy inspection of the birds;
  - (e) multi-tiered systems shall ensure that all birds can move freely and easily to the different levels or intermediate areas;
  - (f) multi-tiered systems shall be constructed in such a way as to provide easy equal access to open air areas to all birds.
5. Poultry houses shall be equipped with perches or raised sitting levels or both. Perches or raised sitting levels or both shall be provided to the birds from a young age in dimensions or proportions commensurate with the size of the group and of the birds as laid down in Part IV of Annex I.
6. Mobile poultry houses may be used for poultry provided that they are moved regularly during the production cycle in order to ensure the availability of vegetation to the birds and at least between each batch of poultry. The stocking density for fattening poultry laid down in Sections 4 to 11 of Part IV of Annex I may be increased to a maximum of 30 kg live weight/m<sup>2</sup> provided the surface of the ground floor of the mobile house does not exceed 150 m<sup>2</sup>.

## Article 16

### *Requirements for vegetation and characteristics of open air areas*

1. Open air areas for poultry shall be attractive to the birds and shall be fully accessible to all birds.
2. For poultry houses subdivided into separate compartments in order to house multiple flocks, the open air areas corresponding to each single compartment shall be separated in order to ensure that contact with other flocks is restricted and that birds from different flocks cannot mix.
3. Open air areas for poultry shall be mainly covered with vegetation composed of a diverse range of plants.
4. Open air areas shall provide to the birds a sufficient number of protective facilities or shelters or shrubs or trees distributed throughout the entire open air areas in order to ensure that the birds are using the whole open air area in a balanced way.
5. The vegetation on the open air area shall be maintained regularly to reduce the potential for nutrient surpluses.
6. The open air areas shall not extend beyond the radius of 150 m from the nearest exit/entry pop-hole of the poultry house. However, an extension of up to 350 m from the nearest pop-hole of the building is permissible provided that a sufficient number of shelters from inclement weather and predators are evenly distributed throughout the whole open air area with at least four shelters per hectare. For geese, the open air area shall allow the birds to satisfy their needs to eat grass.

## SECTION 5

## RABBITS

### Article 17

#### *Minimum period for feeding with maternal milk*

The minimum period referred to in point 1.4.1.(g) of Part II of Annex II to Regulation (EU) 2018/848 for feeding suckling rabbits preferably with maternal milk shall be 42 days after birth.

### Article 18

#### *Stocking density and minimum surface for indoor and outdoor areas*

For rabbits, the stocking density and the minimum surface for indoor and outdoor areas shall be as set out in Part V of Annex I.

## Article 19

### *Characteristics of and technical requirements for mobile or fixed housing*

1. During the grazing season, rabbits shall be kept in mobile housing on pastures or in fixed housing with access to pasture.
2. Outside the grazing season, rabbits may be kept in fixed housing with access to an outdoor run with vegetation, preferably pasture.
3. Mobile housing on pastures shall be moved as often as possible to ensure the maximum use of grazing pasture and shall be constructed in such a way that it is possible for rabbits to graze the pasture on the floor.

## Article 20

### *Characteristics of and technical requirements for indoor and outdoor areas*

1. The indoor area in fixed and mobile housing shall be constructed in such a way that:
  - (a) its height is sufficient to allow all rabbits to stand with ears erect;
  - (b) it can accommodate different groups of rabbits and allow the preservation of the broods' integrity upon transfer to the fattening phase;
  - (c) it is possible for bucks and pregnant and reproductive does to be separated from the group for specific animal welfare reasons and for a limited period provided they can keep eye contact with other rabbits;
  - (d) it is possible for the doe to move away from the nest and return in the nest for nursing the kits;
  - (e) it provides:
    - (i) covered shelter including dark hiding places in sufficient number for all categories of rabbits;
    - (ii) access to nests for all does at least one week before the expected date of birth and at least till the end of the nursing period of the kits;
    - (iii) access to nests for kits in sufficient number with a minimum of one nest per nursing doe with kits;
    - (iv) materials to allow rabbits to gnaw.
2. The outdoor area in facilities with fixed housing shall be constructed in such a way that:
  - (a) it has raised platforms in sufficient number and evenly distributed on its minimum surface;
  - (b) it is surrounded by fences that are high and deep enough to prevent flight either by jumping or digging;
  - (c) if it has a concrete outside area, there is an easy access to the part of the outdoor run with vegetation. Without such easy access, the surface of the concrete area may not be included in the calculation of the minimum surface of the outdoor area;
  - (d) it provides:

- (i) covered shelter including dark hiding places in sufficient number for all categories of rabbits;
- (ii) materials to allow rabbits to gnaw.

#### *Article 21*

##### *Requirements for vegetation and characteristics and open air areas*

1. The vegetation of the outdoor runs shall be maintained regularly and in such a way that it is attractive to rabbits.
2. During the grazing season, pastures shall be rotated regularly and managed in such a way that the grazing of rabbits is optimised.

### **CHAPTER III**

## **AQUACULTURE ANIMALS**

#### *Article 22*

##### *Detailed rules for aquaculture animals per species or group of species*

Operators that produce aquaculture animals shall comply with the detailed rules per species or per group of species set out in Annex II with respect to the stocking density and the specific characteristics of production systems and containment systems.

### **CHAPTER IV**

## **PROCESSED FOOD AND FEED**

#### *Article 23*

##### *Techniques authorised in the processing of food products*

1. Only techniques complying with the principles laid down in Chapter II of Regulation (EU) 2018/848, in particular the relevant specific principles applicable to the processing of organic food laid down in Article 7, with the relevant rules of Chapter III of that Regulation and with the detailed production rules set out in Part IV of Annex II thereto are authorised in the processing of food products in organic production.
2. Ion exchange and adsorption resin techniques are authorised when used for the preparation of organic raw materials:
  - (a) for products referred to in points (a) and (b), respectively, of Article 1(1) of Regulation (EU) No 609/2013, provided that using those techniques is necessary to meet the requirements of that Regulation and acts adopted on the basis of Article 11(1) of that Regulation for the products concerned; or
  - (b) for products regulated by Directive 2006/125/EC, provided that using those techniques is necessary to meet the requirements of that Directive.

3. Where a Member State considers that a specific technique should be assessed as regards compliance with the principles and rules referred to in paragraph 1 or that certain specific conditions for use of that technique should be included in this Regulation, it may request the Commission to carry out such assessment. For that purpose, it shall notify the Commission and the other Member States of a dossier giving the reasons for such compliance or those specific conditions and shall ensure that the dossier is made publicly available subject to Union and national legislation on data protection.

The Commission shall regularly publish any request referred to in the first subparagraph.

4. The Commission shall analyse the dossier referred to in paragraph 3. If the analysis conducted by the Commission concludes that the technique described in the dossier complies with the principles and rules referred to in paragraph 1, the Commission shall amend this Regulation for the purpose of explicitly authorising the technique referred to in the dossier or including its specific conditions for use in this Regulation.
5. The Commission shall review the authorisation of the techniques for the processing of organic food, including their description and conditions for use whenever new evidence becomes available or is provided by a Member State.

#### *Article 24*

##### *Techniques authorised for use in the processing of feed products*

1. Only techniques complying with the principles laid down in Chapter II of Regulation (EU) 2018/848, in particular the relevant specific principles applicable to the processing of organic feed laid down in Article 8, with the relevant rules of Chapter III to that Regulation and with the detailed production rules set out in Part V of Annex II thereto and that do not reconstitute properties that are lost in the processing and storage of organic feed, that do not correct the results of negligence in the processing or that otherwise may be misleading as to the true nature of these products are authorised in the processing of feed products in organic production.
2. Where a Member State considers that a specific technique should be assessed as regards compliance with the principles and rules referred to in paragraph 1 or that certain specific conditions for use of that technique should be included in this Regulation, it may request the Commission to carry out such assessment. For that purpose, it shall notify the Commission and the other Member States of a dossier giving the reasons for such compliance or those specific conditions and shall ensure that the dossier is made publically available subject to Union and national legislation on data protection.  
The Commission shall publish any request referred to in the first subparagraph.
3. The Commission shall analyse the dossier referred to in paragraph 2. If the analysis conducted by the Commission concludes that the technique described in the dossier complies with the principles and rules referred to in paragraph 1, the Commission shall amend this Regulation for the purpose of explicitly authorising the technique referred to in the dossier or including its specific conditions for use in this Regulation.
4. The Commission shall review the authorisation of the techniques for the processing of organic feed, including their description and conditions for use whenever new evidence becomes available or is provided by a Member State.

## CHAPTER V

# INFORMATION CONCERNING THE AVAILABILITY ON THE MARKET OF ORGANIC AND IN-CONVERSION PLANT REPRODUCTIVE MATERIAL, ORGANIC ANIMALS AND ORGANIC AQUACULTURE JUVENILES

### *Article 25*

#### *Information to be provided by Member States*

1. Member States shall provide the information to be made available pursuant to point (a) of Article 53(6) of Regulation (EU) 2018/848 from the database referred to in Article 26(1) and the systems referred to in Article 26(2) and, where applicable, in Article 26(3) of that Regulation in accordance with the specifications set out in Part I of Annex III to this Regulation.
2. Member States shall provide the information to be made available pursuant to point (b) of Article 53(6) of Regulation (EU) 2018/848 concerning the derogations granted in accordance with point 1.8.5. of Part I of Annex II to that Regulation and points 1.3.4.3. and 1.3.4.4. of Part II of that Annex in accordance with the specifications set out in Part II of Annex III to this Regulation.
3. Member States shall provide the information to be made available pursuant to point (c) of Article 53(6) of Regulation (EU) 2018/848 concerning the availability on the Union market of organic protein feed for poultry and porcine animals and on the authorisation granted in accordance with points 1.9.3.1.(c) and 1.9.4.2.(c) of Part II of Annex II to that Regulation in reply to a questionnaire submitted annually to Member States by the Commission.
4. The information referred to in paragraphs 1, 2 and 3 shall be provided in the format and via the system made available by the Commission. That information shall be provided each year by 30 June and for the first time by 30 June 2022 concerning the year 2021.
5. The information received from Member States pursuant to Article 53(6) of Regulation (EU) 2018/848 shall be included in the database referred to in Article 26(1) and the systems referred to in Article 26(2) and, where applicable, in Article 26(3) of that Regulation.

## CHAPTER VI

### FINAL AND TRANSITIONAL PROVISIONS

#### *Article 26*

##### *Transitional provisions*

1. By way of derogation from Section 3 of Chapter II of this Regulation, holdings or production units with porcine animals in facilities built, refurbished or brought into use before the date of entry into application of this Regulation in compliance with Regulations (EC) No 834/2007 and (EC) No 889/2008 and for which major reconstruction of external facilities is necessary to comply with the requirement on at least half of the surface of the outdoor area consisting of solid construction as laid down in Article 11 of this Regulation, shall comply with that Article as from 1 January 2024 at the latest.
2. By way of derogation from Section 4 of Chapter II of this Regulation, holdings or production units with poultry houses that were built, refurbished or brought into use before the date of entry into application of this Regulation in compliance with Regulations (EC) No 834/2007 and (EC) No 889/2008 and for which a renovation of the animals' premises is necessary to comply with the requirement on the combined length for pop-holes from the indoor house to the veranda laid down in point (b) of Article 15(2) of this Regulation, shall comply with that point as from 1 January 2024 at the latest.
3. By way of derogation from Section 4 of Chapter II of this Regulation, holdings or production units with poultry houses that were built, refurbished or brought into use before the date of entry into application of this Regulation in compliance with Regulations (EC) No 834/2007 and (EC) No 889/2008 and for which a renovation of animals' premises or a replacement of the equipment is necessary to comply with the requirements on solid partition laid down in point (c) of Article 15(3) or with the requirement on perches or raised sitting levels laid down in Article 15(5) of this Regulation, shall comply with those provisions as from 1 January 2024 at the latest.
4. By way of derogation from Section 4 of Chapter II of this Regulation, holdings or production units with multi-tiered poultry houses that were built, refurbished or brought into use before the date of entry into application of this Regulation in compliance with Regulations (EC) No 834/2007 and (EC) No 889/2008 and for which a major refurbishment of animals' premises or a replacement of the equipment are necessary to comply with the requirements on the maximum number of tiers and on the system for manure removal laid down respectively in points (b) and (c) of Article 15(4) of this Regulation, shall comply with those points as from 1 January 2026 at the latest.
5. By way of derogation from Section 4 of Chapter II of this Regulation, holdings or production units with poultry houses that have open air areas extending beyond a radius of 150 m from the nearest exit/entry pop-hole of the poultry house built, refurbished or brought into use before the date of entry into application of this Regulation in compliance with Regulations (EC) No 834/2007 and (EC) No 889/2008 and for which major adaptations of the structure of the facilities or additional land acquisition are necessary to comply with the requirement on the

maximum radius laid down in Article 16(6) of this Regulation, shall comply with that provision as from 1 January 2026 at the latest.

6. By way of derogation from Part III of Annex I to this Regulation, for holdings or production units producing porcine animals in facilities built, refurbished or brought into use before the date of entry into application of this Regulation in compliance with Regulations (EC) No 834/2007 and (EC) No 889/2008 and for which major adaptations of the structure of the facilities or additional land acquisition are necessary to comply with the rules of Part III of Annex I to this Regulation, shall comply with the stocking density and the minimum surface of the outdoor area for farrowing sows with piglets until weaning, female brood porcine animals and dry pregnant sows laid down in Part III of Annex I to this Regulation as from 1 January 2026 at the latest.

Holdings or production units making use of the derogation provided in the first subparagraph shall continue to comply with Annex III to Regulation (EC) No 889/2008 during the period in which they make use of the derogation.

7. By way of derogation from Section 2 of Part IV of Annex I to this Regulation, for holdings or production units producing pullets in poultry facilities built, refurbished or brought into use before the date of entry into application of this Regulation in compliance with Regulations (EC) No 834/2007 and (EC) No 889/2008 and for which major adaptations of the structure of the poultry houses or additional land acquisition are necessary to comply with the rules of Section 2 of Part IV of Annex I to this Regulation, shall comply with the stocking density and the minimum surface of indoor and outdoor areas for pullets and brother roosters laid down in Section 2 of Part IV of Annex I to this Regulation as from 1 January 2026 at the latest.

## *Article 27*

### *Entry into force and application*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
[\[...\]](#)