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[...](2020) **XXX** draft

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

of **XXX**

amending Regulation (EC) No 889/2008 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

(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 Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91¹, and in particular Article 16(1) and (3)(a), Article 21(2) and Article 22(1) thereof,

Whereas:

- (1) Article 42(b) of Commission Regulation (EC) No 889/2008² provides that, when organically reared pullets are not available, non-organically reared pullets for egg production of not more than 18 weeks may be brought into an organic livestock unit under certain conditions until 31 December 2020.
- (2) Organically reared pullets for egg production have not been available in sufficient quality and quantity on the Union market to meet the needs of laying hen farmers. In the meantime, due to the outbreak of the COVID-19 pandemic and the related public health crisis, Regulation (EU) .../... of the European Parliament and of the Council³ postponed the date of application of Regulation (EU) 2018/848 of the European Parliament and of the Council⁴ by one year together with other related dates referred to in Regulation (EU) 2018/848. Consequently, the entry into application of Commission Implementing Regulation (EU) 2020/464⁵ setting, *inter alia*, more detailed provisions for the organic production of pullets will also be deferred to 1 January 2022. Therefore, in order to give more time to develop the production of organic pullets for egg production and to ensure continuity of organic egg production until the new dates of entry into application of Regulation (EU) 2018/848 and

¹ OJ L 189, 20.7.2007, p. 1.

² 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).

³ Regulation (EU) .../... of the European Parliament and of the Council of [...] amending Regulation (EU) 2018/848 as regards its date of application and certain other dates referred to in that Regulation (OJ L [xxx, xx/xx/2020, p. xx]).

⁴ 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 (OJ L 150, 14.6.2018, p. 1.).

⁵ Commission Implementing Regulation (EU) 2020/464 of 26 March 2020 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 (OJ L 98, 31.3.2020, p. 2).

Implementing Regulation (EU) 2020/464, the period of application of the exceptional production rule allowing the use of non-organically reared pullets for egg production of not more than 18 weeks should be extended until 31 December 2021.

- (3) Under Article 43 of Regulation (EC) No 889/2008, where farmers are unable to obtain protein feed exclusively from organic production, a maximum of 5% of non-organic protein feed may be used for porcine and poultry species per period of 12 months for calendar years 2018, 2019 and 2020.
- (4) Organic protein feed has not been available in sufficient quality and quantity on the Union market to meet the nutritional requirements of pigs and poultry raised on organic farms. The production of organic protein crops for feed is still lagging behind demand. It is therefore appropriate to extend the possibility to use a limited proportion of non-organic protein feed with another calendar year until the new date of entry into application of Regulation (EU) 2018/848, in particular for the purposes of the provisions on nutrition of porcine animals and poultry in points 1.9.3.1.(c) and 1.9.4.2.(c) of Part II of Annex II to that Regulation.
- (5) In accordance with Article 16(3)(b) of Regulation (EC) No 834/2007, several Member States have submitted dossiers on certain substances to the Commission and the other Member States, with a view to their authorisation and inclusion in Annexes V and VIII to Regulation (EC) No 889/2008. Those dossiers have been examined by the Expert Group for Technical Advice on Organic Production (EGTOP) and the Commission.
- (6) In its recommendations with regard to feed materials and feed additives⁶ EGTOP concluded that “monoammonium phosphate (ammonium dihydrogen orthophosphate)” used as mineral feed complies with the objectives and principles of organic aquaculture. Therefore, that substance should be included in Section 1 of Annex V to Regulation (EC) No 889/2008, but only for aquaculture. For reasons of clarity, the table in that Section should be replaced in its entirety.
- (7) In its recommendations with regard to food additives and food processing aids⁷ EGTOP concluded that “sodium alginate” used as an additive for skin formation of sausages based meat, “calcium chloride” used as a processing aid for skin formation of sausages based on meat, and “activated carbon” used as a processing aid for food products of animal origin comply with the objectives and principles of organic production. Therefore, those substances should be included in Annex VIII to Regulation (EC) No 889/2008.
- (8) Regulation (EC) No 889/2008 should therefore be amended accordingly.
- (9) In light of the need to immediately ensure legal certainty for the organic sector on the extension of the current derogations for pullets and the use of organic protein feed, this Regulation should enter into force as soon as possible.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Organic Production,

⁶ Final report on Food VI and Feed IV:
https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/co-operation-and-expert-advice/egtop-reports_en.

⁷ Final report on Food VI and Feed IV:
https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/co-operation-and-expert-advice/egtop-reports_en.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 889/2008 is amended as follows:

- (1) in Article 42(b), the date '31 December 2020' is replaced by '31 December 2021';
- (2) in Article 43, the second paragraph is replaced by the following:
'The maximum percentage of non-organic protein feed authorised per period of 12 months for those species shall be 5% for calendar years 2018, 2019, 2020 and 2021';
- (3) Annexes V and VIII are amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN