

- (c) the exclusion of substances and processing methods that might be misleading as regards the true nature of the product;
- (d) the processing of organic feed with care, preferably through the use of biological, mechanical and physical methods.

CHAPTER III

PRODUCTION RULES

Article 9

General production rules

1. Operators shall comply with the general production rules laid down in this Article.
2. The entire holding shall be managed in compliance with the requirements of this Regulation that apply to organic production.
3. For the purposes and uses referred to in Articles 24 and 25 and in Annex II, only products and substances that have been authorised pursuant to those provisions may be used in organic production, provided that their use in non-organic production has also been authorised in accordance with the relevant provisions of Union law and, where applicable, in accordance with national provisions based on Union law.

The following products and substances referred to in Article 2(3) of Regulation (EC) No 1107/2009 shall be allowed for use in organic production, provided that they are authorised pursuant to that Regulation:

- (a) safeners, synergists and co-formulants as components of plant protection products;
- (b) adjuvants that are to be mixed with plant protection products.

The use in organic production of products and substances for purposes other than those covered by this Regulation shall be allowed, provided that their use complies with the principles laid down in Chapter II.

4. Ionising radiation shall not be used in the treatment of organic food or feed, and in the treatment of raw materials used in organic food or feed.
5. The use of animal cloning, and the rearing of artificially induced polyploid animals, shall be prohibited.
6. Preventive and precautionary measures shall be taken, where appropriate, at every stage of production, preparation and distribution.
7. Notwithstanding paragraph 2, a holding may be split into clearly and effectively separated production units for organic, in-conversion and non-organic production, provided that for the non-organic production units:
 - (a) as regards livestock, different species are involved;
 - (b) as regards plants, different varieties that can be easily differentiated are involved.

As regards algae and aquaculture animals, the same species may be involved, provided that there is a clear and effective separation between the production sites or units.

8. By way of derogation from point (b) of paragraph 7, in the case of perennial crops which require a cultivation period of at least three years, different varieties that cannot be easily differentiated, or the same varieties, may be involved, provided that the production in question is within the context of a conversion plan, and provided that the conversion of the last part of the area related to the production in question to organic production begins as soon as possible and is completed within a maximum of five years.

In such cases:

- (a) the farmer shall notify the competent authority, or, where appropriate, the control authority or the control body, of the start of harvest of each of the products concerned at least 48 hours in advance;
 - (b) upon completion of the harvest, the farmer shall inform the competent authority, or, where appropriate, the control authority or the control body, of the exact quantities harvested from the units concerned and of the measures taken to separate the products;
 - (c) the conversion plan and the measures to be taken to ensure the effective and clear separation shall be confirmed each year by the competent authority, or, where appropriate, by the control authority or the control body, after the start of the conversion plan.
9. The requirements concerning different species and varieties, laid down in points (a) and (b) of paragraph 7, shall not apply in the case of research and educational centres, plant nurseries, seed multipliers and breeding operations.

10. Where, in the cases referred to in paragraphs 7, 8 and 9, not all production units of a holding are managed under organic production rules, the operators shall:

- (a) keep the products used for the organic and in-conversion production units separate from those used for the non-organic production units;
- (b) keep the products produced by the organic, in-conversion and non-organic production units separate from each other;
- (c) keep adequate records to show the effective separation of the production units and of the products.

11. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending paragraph 7 of this Article by adding further rules on the splitting of a holding into organic, in-conversion and non-organic production units, in particular in relation to products listed in Annex I, or by amending those added rules.

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.

5. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending point 1.2.2 of Part II of Annex II by adding conversion rules for species other than those regulated in Part II of Annex II on 17 June 2018, or by amending those added rules.

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).

Article 11

Prohibition of the use of GMOs

1. GMOs, products produced from GMOs, and products produced by GMOs shall not be used in food or feed, or as food, feed, processing aids, plant protection products, fertilisers, soil conditioners, plant reproductive material, micro-organisms or animals in organic production.

2. For the purposes of the prohibition laid down in paragraph 1, with regard to GMOs and products produced from GMOs for food and feed, operators may rely on the labels of a product that have been affixed or provided pursuant to Directive 2001/18/EC, Regulation (EC) No 1829/2003 of the European Parliament and of the Council ⁽¹⁾ or Regulation (EC) No 1830/2003 of the European Parliament and of the Council ⁽²⁾ or any accompanying document provided pursuant thereto.

3. Operators may assume that no GMOs and no products produced from GMOs have been used in the manufacture of purchased food and feed where such products do not have a label affixed or provided, or are not accompanied by a document provided, pursuant to the legal acts referred to in paragraph 2, unless they have obtained other information indicating that the labelling of the products concerned is not in conformity with those legal acts.

4. For the purposes of the prohibition laid down in paragraph 1, with regard to products not covered by paragraphs 2 and 3, operators using non-organic products purchased from third parties shall require the vendor to confirm that those products are not produced from GMOs or produced by GMOs.

Article 12

Plant production rules

1. Operators that produce plants or plant products shall comply, in particular, with the detailed rules set out in Part I of Annex II.

2. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending:

- (a) points 1.3 and 1.4 of Part I of Annex II as regards derogations;
- (b) point 1.8.5 of Part I of Annex II as regards the use of in-conversion and non-organic plant reproductive material;
- (c) point 1.9.5 of Part I of Annex II by adding further provisions concerning agreements between operators of agricultural holdings, or by amending those added provisions;
- (d) point 1.10.1 of Part I of Annex II by adding further pest- and weed-management measures, or by amending those added measures;
- (e) Part I of Annex II by adding further detailed rules and cultivation practices for specific plants and plant products, including rules for sprouted seeds, or by amending those added rules.

Article 13

Specific provisions for the marketing of plant reproductive material of organic heterogeneous material

1. Plant reproductive material of organic heterogeneous material may be marketed without complying with the requirements for registration and without complying with the certification categories of pre-basic, basic and certified material or with the requirements for other categories, which are set out in Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 98/56/EC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC or acts adopted pursuant to those Directives.

2. Plant reproductive material of organic heterogeneous material as referred to in paragraph 1 may be marketed following a notification of the organic heterogeneous material by the supplier to the responsible official bodies referred to in Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 98/56/EC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC, made by means of a dossier containing:

- (a) the contact details of the applicant;
- (b) the species and denomination of the organic heterogeneous material;
- (c) the description of the main agronomic and phenotypic characteristics that are common to that plant grouping, including breeding methods, any available results from tests on those characteristics, the country of production and the parental material used;
- (d) a declaration by the applicant concerning the truth of the elements in points (a), (b) and (c); and
- (e) a representative sample.

⁽¹⁾ Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (OJ L 268, 18.10.2003, p. 1).

⁽²⁾ Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC (OJ L 268, 18.10.2003, p. 24).

That notification shall be sent by registered letter, or by any other means of communication accepted by the official bodies, with confirmation of receipt requested.

Three months after the date shown on the return receipt, provided that no additional information was requested or that no formal refusal for reasons of incompleteness of the dossier or non-compliance as defined in Article 3(57) was communicated to the supplier, the responsible official body shall be deemed to have acknowledged the notification and its content.

After having expressly or implicitly acknowledged the notification, the responsible official body may proceed to the listing of the notified organic heterogeneous material. That listing shall be free of charge to the supplier.

The listing of any organic heterogeneous material shall be communicated to the competent authorities of the other Member States and to the Commission.

Such organic heterogeneous material shall fulfil the requirements laid down in the delegated acts adopted in accordance with paragraph 3.

3. The Commission is empowered to adopt delegated acts in accordance with Article 54 supplementing this Regulation by setting out rules governing the production and marketing of plant reproductive material of organic heterogeneous material of particular genera or species, as regards:

- (a) the description of the organic heterogeneous material, including the relevant breeding and production methods and parental material used;
- (b) the minimum quality requirements for seeds lots, including identity, specific purity, germination rates and sanitary quality;
- (c) labelling and packaging;
- (d) information and samples of production to be kept by the professional operators;
- (e) where applicable, maintenance of the organic heterogeneous material.

Article 14

Livestock production rules

1. Livestock operators shall comply, in particular, with the detailed production rules set out in Part II of Annex II and in any implementing acts referred to in paragraph 3 of this Article.

2. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending:

- (a) points 1.3.4.2, 1.3.4.4.2 and 1.3.4.4.3 of Part II of Annex II by reducing the percentages as regards the origin of animals, once sufficient availability on the Union market of organic animals has been established;
- (b) point 1.6.6 of Part II of Annex II as regards the limit on organic nitrogen linked to the total stocking density;
- (c) point 1.9.6.2(b) of Part II of Annex II as regards the feeding of bee colonies;
- (d) points 1.9.6.3(b) and (e) of Part II of Annex II as regards the acceptable treatments for the disinfection of apiaries and the methods and treatments to fight against *Varroa destructor*;
- (e) Part II of Annex II by adding detailed rules on livestock production for species other than species regulated in that Part on 17 June 2018, or by amending those added rules, as regards:
 - (i) derogations as regards the origin of animals;
 - (ii) nutrition;
 - (iii) housing and husbandry practices;
 - (iv) health care;
 - (v) animal welfare.

3. The Commission shall, where appropriate, adopt implementing acts regarding Part II of Annex II providing rules on:

- (a) the minimum period to be complied with for feeding of suckling animals with maternal milk, referred to in point 1.4.1(g);
- (b) the stocking density and the minimum surface for indoor and outdoor areas that are to be complied with for specific livestock species to ensure that the developmental, physiological and ethological needs of animals are met in accordance with points 1.6.3, 1.6.4 and 1.7.2,

- (c) the characteristics of and technical requirements for the minimum surface for indoor and outdoor areas;
- (d) the characteristics of and technical requirements for buildings and pens for all livestock species other than bees, to ensure that the developmental, physiological and ethological needs of animals are met in accordance with point 1.7.2;
- (e) requirements for vegetation and the characteristics of protected facilities and open air areas.

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

Article 15

Production rules for algae and aquaculture animals

1. Operators that produce algae and aquaculture animals shall comply, in particular, with the detailed production rules set out in Part III of Annex II and in any implementing acts referred to in paragraph 3 of this Article.
2. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending:
 - (a) point 3.1.3.3 of Part III of Annex II as regards feed for carnivorous aquaculture animals;
 - (b) point 3.1.3.4 of Part III of Annex II by adding further specific rules on feed for certain aquaculture animals, or by amending those added rules;
 - (c) point 3.1.4.2 of Part III of Annex II as regards veterinary treatments for aquaculture animals;
 - (d) Part III of Annex II by adding further detailed conditions per species for broodstock management, breeding and juvenile production, or by amending those added detailed conditions.
3. The Commission shall, where appropriate, adopt implementing acts laying down detailed rules per species or per group of species on the stocking density, and on the specific characteristics for production systems and containment systems, in order to ensure that the species-specific needs are met.

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

4. For the purpose of this Article and of Part III of Annex II, 'stocking density' means the live weight of aquaculture animals per cubic metre of water at any time during the grow-out phase and, in the case of flatfish and shrimp, the weight per square metre of surface.

Article 16

Production rules for processed food

1. Operators that produce processed food shall comply, in particular, with the detailed production rules set out in Part IV of Annex II and in any implementing acts referred to in paragraph 3 of this Article.
2. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending:
 - (a) point 1.4 of Part IV of Annex II as regards precautionary measures and preventive measures to be taken by operators;
 - (b) point 2.2.2 of Part IV of Annex II as regards the types and composition of products and substances that are allowed for use in processed food, as well as conditions under which they may be used;
 - (c) point 2.2.4 of Part IV of Annex II as regards the calculation of the percentage of agricultural ingredients referred to in points (a)(ii) and (b)(i) of Article 30(5), including the food additives authorised pursuant to Article 24 for use in organic production that are considered as agricultural ingredients for the purpose of such calculations.

Those delegated acts shall not include the possibility of using flavouring substances or flavouring preparations which are neither natural, within the meaning of Article 16(2), (3) and (4) of Regulation (EC) No 1334/2008 of the European Parliament and of the Council ⁽¹⁾, nor organic.

3. The Commission may adopt implementing acts laying down the techniques authorised in the processing of food products.

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

⁽¹⁾ Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (OJ L 354, 31.12.2008, p. 34).

*Article 17***Production rules for processed feed**

1. Operators that produce processed feed shall comply, in particular, with the detailed production rules set out in Part V of Annex II and in any implementing acts referred to in paragraph 3 of this Article.
2. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending point 1.4 of Part V of Annex II by adding further precautionary and preventive measures to be taken by operators, or by amending those added measures.
3. The Commission may adopt implementing acts laying down the techniques authorised for use in the processing of feed products.

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

*Article 18***Production rules for wine**

1. Operators that produce products of the wine sector shall comply, in particular, with the detailed production rules set out in Part VI of Annex II.
2. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending:
 - (a) point 3.2 of Part VI of Annex II by adding further oenological practices, processes and treatments that are prohibited, or by amending those added elements;
 - (b) point 3.3. of Part VI of Annex II.

*Article 19***Production rules for yeast used as food or feed**

1. Operators that produce yeast to be used as food or feed shall comply, in particular, with the detailed production rules set out in Part VII of Annex II.
2. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending point 1.3 of Part VII of Annex II by adding further detailed yeast production rules, or by amending those added rules.

*Article 20***Absence of certain production rules for specific livestock species and species of aquaculture animals**

Pending the adoption of:

- (a) additional general rules for other livestock species than those regulated in point 1.9 of Part II of Annex II in accordance with point (e) of Article 14(2);
- (b) the implementing acts referred to in Article 14(3) for livestock species; or
- (c) the implementing acts referred to in Article 15(3) for species or group of species of aquaculture animals;

a Member State may apply detailed national production rules for specific species or groups of species of animals in relation to the elements to be covered by the measures referred to in points (a), (b) and (c), provided that those national rules are in accordance with this Regulation, and provided that they do not prohibit, restrict or impede the placing on the market of products which have been produced outside its territory and which comply with this Regulation.

*Article 21***Production rules for products not falling within the categories of products referred to in Articles 12 to 19**

1. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending Annex II by adding detailed production rules, as well as rules on the obligation to convert, for products that do not fall within the categories of products referred to in Articles 12 to 19, or by amending those added rules.

Those delegated acts shall be based on the objectives and principles of organic production laid down in Chapter II and shall comply with the general production rules laid down in Articles 9, 10 and 11 as well as existing detailed production rules laid down for similar products in Annex II. They shall lay down requirements concerning, in particular, the treatments, practices and inputs that are allowed or prohibited, or conversion periods for the products concerned.