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NOTE

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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council [Official controls Regulation] and repealing Council Regulation (EC) No 834/2007 – <i>General approach</i>

The SCA on 4 May 2015 examined a Presidency compromise text (see document 8322/15; this document is available in all languages) in view of reaching a general approach at the "Agriculture and Fisheries" Council on 11 May 2015. During that meeting, the Presidency announced that it would introduce some slight changes in the text (Annex).

The Presidency has examined carefully all the comments provided by delegations and has done its utmost to incorporate the suggestions that could be acceptable to the majority. The Presidency is of the view that a delicate balance has now been reached on the most sensitive issues to accommodate the majority of delegations.

Therefore, the Presidency invites the Council to approve its compromise text as it stands in document 8322/15 (Annex I), including the changes mentioned in the Annex to the present note.

Recitals

- (11) In order to take into account new production methods or material or international commitments, the power to adopt certain acts should be delegated to the Commission in **respect view** of **the supplementing amendment of** the list of other products falling within the scope of this Regulation. Only products which are closely linked to agricultural products should be eligible for inclusion in that list.

*Article 2***Scope**

- 5. In order to take into account new information on production methods or material or international commitments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 supplementing amending the list of products set out in Annex I. Only products which are closely linked to agricultural products shall be eligible for inclusion in that list.**

*Article 3***Definitions**

- (28) — ‘catastrophic circumstances’ means circumstances deriving from an ‘adverse climatic event’, animal disease, an ‘environmental incident’, a ‘natural disaster’ or a ‘catastrophic event’ as defined respectively in points (h), (i), (j), (k) and (l) of Article 2(1) of Regulation (EU) No 1305/2013;**

Article 8

Conversion

2. The conversion period shall start at the earliest when the farmer or the operator producing seaweed algae or aquaculture animals has notified his activity to the competent authorities ~~in accordance as referred to in article 24(1) and his holding is submitted to the organic certification and control system.~~ ~~the competent authorities, control authorities or control bodies have verified the compliance of the activity~~ with this Regulation.

Article 16

Absence of specific pProduction rules ~~for other products~~

1. In the absence of specific production rules for plants, livestock, algae and aquaculture animals, operators shall comply with the principles laid down in Articles 4 to 6, with the general production rules laid down in Articles 7 to 9 and with the relevant requirements laid down in Parts I to III of Annex II.

Until the implementing acts referred to in Article 10.4(a), and Article 11.2b and Article 12.3a are adopted, Member States may apply national rules provided that these rules comply with this Regulation and in particular with Article 32. Notably, Member States shall not prohibit or restrict the marketing of organic products produced outside the territory of the Member State concerned.

Article 17

Adoption of exceptional production rules

~~In order~~ **To** allow organic production to continue or recommence in the event of catastrophic circumstances **as defined deriving from an ‘adverse climatic event’, animal disease, an ‘environmental incident’, a ‘natural disaster’ or a ‘catastrophic event’ as defined respectively in points (h), (i), (j), (k) and (l) of Article 2(1) of Regulation (EU) No 1305/2013 in Article 3(28)** and subject to the principles laid down in Chapter II, the Commission ~~shall be empowered to~~ **may** adopt ~~delegated~~ **implementing** acts ~~in accordance with Article 36 providing for the criteria to qualify such situations as catastrophic and~~ laying down specific rules on how to deal with ~~them such situations,~~ **and** on monitoring and ~~on~~ reporting requirements. **Those implementing acts may provide exceptions to the productions rules set out in this Regulation, for a limited period of time.**

Article 19

Authorisation of products and substances used in organic production

1. The Commission **may shall** authorise certain products and substances for use in organic production and include them in restricted lists, for the following purposes:
 - (a) as plant protection products;
 - (b) as fertilisers, soil conditioners and nutrients;
 - (c) as feed materials, **including non-organic feed material of plant, or animal origin, or feed material of mineral origin;**
 - (d) as feed additives and processing aids;
 - (e) as products for cleaning and disinfection of ponds, cages, tanks, raceways, buildings and installations used for animal production;
 - (f) as products for cleaning and disinfection of buildings and installations used for plant production, including storage on an agricultural holding.

Article 22

Compulsory indications

The indication 'EU' or 'non-EU' may be replaced or supplemented by the name of a country if all agricultural raw materials of which the product is composed have been farmed in that country.

For the indication 'EU' or 'non-EU' **or of the name of the country as referred to in subparagraph 3**, small quantities by weight of ingredients may be disregarded provided that the total quantity of the disregarded ingredients does not exceed 25% of the total quantity by weight of agricultural raw materials.

Article 24

Organic certification system

1. Operators or groups of operators that produce, prepare, **distribute** or store organic products, who import such products from a third country or export such products to a third country or who place such products on the market shall, prior to the placing on the market as organic or prior to **the start of the conversion period**, notify their activity to the competent authorities of the Member State(s) where the activity is carried out **and submit their holding to the organic certification and control system**. ~~so that the competent authorities verify the compliance with this Regulation with the view to provide the organic certificate referred to in Article 25(0a).~~

Article 26c

- 1a. The competent authorities shall not delegate to control bodies the competence to grant exceptions **except for the use of plant reproductive material not obtained from organic production.**

ANNEX I

OTHER PRODUCTS REFERRED TO IN ARTICLE 2(1)

- **sea-salt for food and feed purposes,**

ANNEX II

Part II: Livestock production rules

1.4.1a. Grazing on organic land

Organic animals shall graze on organic land. However, non-organic animals may use organic pasturage for a limited period of time each year, provided that such animals are derived from a farming system equivalent to one of those provided for in Articles 28 and 30 of Regulation (EU) No 1305/2013 and that organic animals are not present at the same time on that pasture.
