



Council of the
European Union

106540/EU XXVII. GP
Eingelangt am 28/06/22

Brussels, 28 June 2022
(OR. en)

10737/22

AGRI 295
DELECT 103

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	27 June 2022
To:	General Secretariat of the Council
No. Cion doc.:	C(2022) 4275 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 27.6.2022 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the use of non organic protein feed for the production of organic livestock due to Russia's invasion of Ukraine

Delegations will find attached document C(2022) 4275 final.

Encl.: C(2022) 4275 final



EUROPEAN
COMMISSION

Brussels, 27.6.2022
C(2022) 4275 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 27.6.2022

supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the use of non organic protein feed for the production of organic livestock due to Russia's invasion of Ukraine

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Russia's invasion of Ukraine on 24 February 2022 is having serious consequences on the supply of organic grains and vegetable oils from Ukraine to several Member States of the Union, leading to the unavailability of organic protein feed. The impact is most acute for livestock farming, in particular for porcine animals and poultry, who, as monogastric animals, need certain amino acids contained only in protein feed to grow and produce.

In order to react efficiently and effectively this delegated act allows Member States where organic protein feed is unavailable to derogate from the obligation to feed 100% organic protein feed to older categories of porcine animals and poultry. That derogation should be limited to the operators of porcine animals or poultry concerned and for a temporary period according to the needs required by the situation and in any case for no longer than one year.

The Member States affected should inform the other Member States that they have granted the derogation to the operators concerned.

Operators in the organic sector concerned will keep their organic certification provided that they respect the conditions of the derogation and that they keep records of using the derogation.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Organic national and European associations, several Member States as well as the feed industry have asked the Commission to take action to address the unavailability of organic protein feed for porcine animals and poultry in several Member States. DG AGRI has carried out an Inter Service Consultation. The technical meeting to discuss the situation with experts from Member States took place on 8 March 2022.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The delegated act is based on Article 22(1) of Regulation (EU) 2018/848 which empowers the Commission to determine specific rules, including possible derogations from this Regulation, on how Member States are to deal with catastrophic circumstances. Article 22(1) of Regulation (EU) 2018/848 also empowers the Commission to set specific rules on monitoring and reporting in such cases.

The delegated act should apply retroactively from 24 February 2022, the date of the Russia's invasion of Ukraine.

COMMISSION DELEGATED REGULATION (EU) .../...

of 27.6.2022

supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the use of non organic protein feed for the production of organic livestock due to Russia's invasion of Ukraine

(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 834/2007¹, and in particular Article 22(1), points (b) and (c) thereof,

Whereas:

- (1) Russia's invasion of Ukraine on 24 February 2022 is having serious consequences on the supply of organic protein feed to several Member States since Ukraine was one of the main suppliers of such feed for organic porcine animals and poultry in those Member States.
- (2) The lack of availability of organic protein feed in those Member States threatens the continuity of the organic production of older organic porcine animals and poultry that are not covered by the derogations provided for in points 1.9.3.1(c) and 1.9.4.2(c) of Part II of Annex II to Regulation (EU) 2018/848 allowing to feed up to 5 % of non-organic protein feed to young animals.
- (3) It is therefore appropriate to allow Member States that have recognised this situation as catastrophic circumstances in accordance with Article 1(1) of Delegated Regulation (EU) 2020/2146² to derogate temporarily from point 1.4.1(b) of Part II of Annex II to Regulation (EU) 2018/848 requiring that organic livestock should be fed with organic or in-conversion feed, by extending the derogations set out in points 1.9.3.1(c) and 1.9.4.2(c) of Part II of Annex II to Regulation (EU) 2018/848 to older categories of porcine animals and poultry.
- (4) For the purpose of transparency and controls, it is necessary that information on the derogations granted is shared in a harmonised way between Member States and the Commission through a computer system.
- (5) It is necessary to ensure that operators to whom such derogations were granted comply with the conditions of those derogations.
- (6) For the purpose of controls, operators should keep documentary evidence proving that they were granted those derogations and that they comply with the conditions related thereto.

¹ OJ L 150, 14.6.2018, p. 1.

² OJ L 428, 18.12.2020, p. 5.

- (7) This Regulation should apply retroactively from 24 February 2022, the date of the Russia's military aggression against Ukraine,

HAS ADOPTED THIS REGULATION:

Article 1

1. In Member States that have recognised the lack of availability of organic protein feed following Russia's invasion of Ukraine on 24 February 2022 as catastrophic circumstances in accordance with Article 1(1) of Delegated Regulation (EU) 2020/2146, the competent authorities may extend the derogations set out under points 1.9.3.1(c) and 1.9.4.2(c) of Part II of Annex II to Regulation (EU) 2018/848 to categories of porcine animals and poultry older than those referred to in those points, provided that those derogations apply:
 - (a) for a limited period of time and no longer than necessary, and in no case longer than 12 months;
 - (b) to all operators affected that produce organic porcine animals or poultry.
2. The application of the derogations referred to in paragraph 1 shall be without prejudice to the validity of the certificates referred to in Article 35 of Regulation (EU) 2018/848 during the period where the derogations apply, provided that the operators concerned fulfil the conditions under which those derogations were granted.

Article 2

1. Member States shall inform the Commission and the other Member States without delay on the derogations granted by their competent authorities pursuant to Article 1(1) through a computer system made available by the Commission that enables the exchange of electronic documents and information.
2. Any operator to whom the derogations granted apply shall keep documentary evidence of those derogations as well as of the use of those derogations during the period where they apply.
3. The competent authorities, or where appropriate, the control authorities or control bodies of the Member States, shall verify the compliance of the operators with the conditions of the derogations granted.

Article 3

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

It shall apply from 24 February 2022.

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

Done at Brussels, 27.6.2022

For the Commission
The President
Ursula VON DER LEYEN