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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	30 October 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2020) 7397 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 30.10.2020 amending Annex III to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards certain information to be provided on the labelling of organic products

Delegations will find attached document C(2020) 7397 final.

Encl.: C(2020) 7397 final



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

of 30.10.2020

amending Annex III to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards certain information to be provided on the labelling of organic products

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Following the adoption of the new organic regulation, it is necessary to adopt a delegated regulation amending Regulation (EU) 2018/848 on detailed production rules of organic products related to collection, packaging, transport and storage of non-organic feed and of mixtures of fodder plant seeds that may be used in organic production in accordance with Regulation (EU) 2018/848. Producers need to be thoroughly informed on the composition of such products in order to comply with the organic production rules.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The act was discussed thoroughly with Member States at the Group of Experts on Organic Production as well as with the main organisations representing the organic sector, namely IFOAM, COPA-COGECA and EOCC. DG AGRI cooperated closely with other DGs in the field of their specific expertise when drafting these rules. WTO partners were notified and general public consultation was carried out. Following the general public consultation, the act was slightly amended to increase legal certainty with respect to possible uses of seeds mixtures other than for fodder, without prejudice to Directive 66/401/EEC, and to possible alternative use of an accompanying document instead of a label in case of feed.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This delegated act lays down additional rules on packaging and transport of feed products and mixtures of fodder plant seeds to other operators or units.

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

of 30.10.2020

amending Annex III to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards certain information to be provided on the labelling of organic products

(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 23(2)(a) thereof,

Whereas:

- (1) Chapter III of Regulation (EU) 2018/848 lays down production rules applicable to organic production, while Annex III to that Regulation set out rules on, *inter alia*, packaging and transport of organic and in-conversion products. In particular, point 2.1. of that Annex requires certain information to be stated on the label or on an accompanying document.
- (2) The feeding of livestock and aquatic animals with organic feed is one of the principles of organic production. However, the production rules allow, under certain conditions, the use of certain non-organic and in-conversion feed materials.
- (3) In order to comply with organic production rules, the operators should be appropriately informed as regards the feed they use. In particular, they should know whether the feed is authorised in organic production, what is its exact composition and the proportion of organic, in-conversion and non-organic compounds of the feed.
- (4) Plant reproductive material, including seeds, used for the organic production of plants or plant products has to be organic in accordance with point 1.8.1. of Part I of Annex II to Regulation (EU) 2018/848. However, due to the unavailability of organic plant reproductive material for certain species, subspecies or varieties, point 1.8.5. of Part I of that Annex allows the use of in-conversion plant reproductive material and provides for the authorisation to use non-organic plant reproductive material under certain conditions.

¹ OJ L 150, 14.6.2018, p. 1.

- (5) Pursuant to Council Directive 66/401/EEC², seeds in mixtures of various genera, species or varieties of fodder plants may be placed on the market, provided that, *inter alia*, the percentage by weight of the various components, shown by species and, where appropriate, by variety, is reported on the official label.
- (6) In view of the importance of the use of mixtures of fodder plant seeds to grant high nutritional quality of fodder, and including when not intended for use as fodder plants, to improve the adaptability of the plants to the regional agronomic conditions and to increase soil fertility and biodiversity, in particular when the seeds mixtures are used in agronomic practices for soil and water conservation such as cover crops and taking into account the lack of available organic or in-conversion seeds, it is possible to use seeds mixtures in compliance with organic production rules, even when containing organic and, in-conversion and authorised non-organic seeds of different plant species. For that purpose, precise information on the presence and amount of organic and in-conversion components of the mixtures should be available for the users, without prejudice to the requirements and information required under Directive 66/401/EEC.
- (7) However, the label of the packaging of such mixtures should also indicate that their use is allowed only within the scope of the authorisation issued under point 1.8.5. of Part I of Annex II to Regulation (EU) 2018/848 and therefore, only in the territory of the Member State of the competent authority who granted it.
- (8) Moreover, in order to promote the use of organic and in-conversion seeds and to ensure a harmonised quantitative minimum threshold, it is appropriate to set a minimum total percentage by weight of organic and in-conversion seeds that should be part of the mixture when reference to organic and in-conversion components will appear on the label.
- (9) Point 2.1 of Annex III to Regulation (EU) 2018/848 should therefore be amended accordingly.
- (10) In the interest of clarity and legal certainty, this Regulation should apply from the date of application of Regulation (EU) 2018/848,

HAS ADOPTED THIS REGULATION:

Article 1

Point 2.1. of Annex III to Regulation (EU) 2018/848 is amended in accordance with the Annex to this Regulation.

Article 2

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 2022.

² Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (OJ 125, 11.7.1966, p. 2298).

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

Done at Brussels, 30.10.2020

For the Commission
The President
Ursula VON DER LEYEN