



Council of the  
European Union

**Brussels, 4 December 2020**  
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**AGRI 463**  
**DELECT 160**

**COVER NOTE**

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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 4 December 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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No. Cion doc.: C(2020) 8462 final

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 4.12.2020 amending Delegated Regulation (EU) 2020/427 as regards the date of application of the amendments to certain detailed production rules for organic products in Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council

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Delegations will find attached document C(2020) 8462 final.

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Encl.: C(2020) 8462 final



Brussels, 4.12.2020  
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**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 4.12.2020**

**amending Delegated Regulation (EU) 2020/427 as regards the date of application of the amendments to certain detailed production rules for organic products in Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council**

(Text with EEA relevance)

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Following the recent postponement by one year of the date of application of Regulation (EU) 2018/848 of the European Parliament and of the Council on organic production and labelling of organic products, it is necessary to amend the date of application of the acts based on that Regulation. For Commission Delegated Regulation (EU) 2020/427 amending Annex II to Regulation (EU) 2018/848 as regards certain detailed production rules for organic products, the date of application needs to be modified from 1 January 2021 to 1 January 2022. Producers need to have legal certainty on the new rules that will apply and the Member States need to have enough time to integrate these new rules into their national legislation.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

The act was discussed with Member States at the Group of Experts on Organic Production. WTO partners were notified.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

This delegated act provides for an alignment with the new date of application of Regulation (EU) 2018/848, hence it modifies only the date from 1 January 2021 to 1 January 2022.

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

of 4.12.2020

**amending Delegated Regulation (EU) 2020/427 as regards the date of application of the amendments to certain detailed production rules for organic products in Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council**

(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 834/2007<sup>1</sup>, and in particular Articles 12(2)(e), 14(2)(c) and 15(2)(a) and (d) thereof,

Whereas:

- (1) Due to the outbreak of the COVID-19 pandemic and the related public health crisis, Regulation (EU) 2020/1693 of the European Parliament and of the Council<sup>2</sup> postponed the date of application of Regulation (EU) 2018/848 by one year, together with other related dates referred to in Regulation (EU) 2018/848.
- (2) Commission Delegated Regulation (EU) 2020/427<sup>3</sup> amended Regulation (EU) 2018/848 as regards certain detailed production rules for organic products. In the interest of legal certainty, those production rules should apply from the date of application of Regulation (EU) 2018/848.
- (3) Delegated Regulation (EU) 2020/427 should therefore be amended accordingly,
- (4) As this Regulation needs to apply as a matter of urgency, it should enter into force on the day of its publication in the *Official Journal of the European Union* and apply from 1 January 2021,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 2 of Delegated Regulation (EU) 2020/427, the second paragraph is replaced by the following:

‘It shall apply from 1 January 2022.’

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<sup>1</sup> OJ L 150, 14.6.2018, p. 1.

<sup>2</sup> Regulation (EU) 2020/1693 of the European Parliament and of the Council of 11 November 2020 amending Regulation (EU) 2018/848 on organic production and labelling of organic products as regards its date of application and certain other dates referred to in that Regulation, OJ L 381, 13.11.2020, p.1.

<sup>3</sup> Commission Delegated Regulation (EU) 2020/427 of 13 January 2020 amending Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards certain detailed production rules for organic products (OJ L 87, 23.3.2020, p. 1).

*Article 2*

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

It shall apply from 1 January 2021.

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

Done at Brussels, 4.12.2020

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*