



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Brussels,
PP/LB/nb/agri.ddg1.b.4(2021)5884221

I would like to thank you for your email of 12 August 2021 (Int. Ref. ARES(2021)5086341), in which you ask clarification with respect to withdrawal periods set under Article 24(5) of Commission Regulation (EC) No 889/2008¹.

In your email, you ask whether the provisions on withdrawal periods laid down for organic livestock in Article 24(5) of Regulation (EC) No 889/2008 “*must be complied with in all cases whether stock are sold as conventional or organic*” and whether “*live animal sales e.g. to livestock markets, auctions and to other farms (where animals are not going direct to a meat factory) must be compliant with the organic withdrawal requirements*”.

In order to address your first question, I would like to recall that the provisions of Article 24(5) of Regulation (EC) No 889/2008 apply only to organic livestock production. Therefore, in case animals are sold as conventional, only the relevant horizontal rules on withdrawal periods² for food producing animals shall apply.

As for your second question, operators selling organic live food producing animals in auctions, in livestock markets, etc. must adhere to the organic control system as required by Article 28 of Regulation (EC) No 834/2007³ “*1. Any operator who produces, prepares, stores, or imports from a third country products in the meaning of Article 1(2) or who places such products on the market shall, prior to placing on the market of any*

¹ Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1)

² Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products (OJ L 311, 28.11.2001, p. 1) and from 28 January 2022 Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02007R0834-20130701&qid=1630507621596&from=EN>

products as organic or in conversion to organic: (a) notify his activity to the competent authorities of the Member State where the activity is carried out; (b) submit his undertaking to the control system referred to in Article 27. [..].” The information related to organic withdrawal requirements will have to be recorded in accordance with the provisions laid down in Articles 76 (a) and (e) and 77 of Regulation (EC) No 889/2008 related to livestock records and control measures on veterinary medicinal products for livestock.

The present opinion is provided on the basis of the facts as set out in your email of 12 August 2021 and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the European Court of Justice to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

