



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels  
agri.b.4(2022)1868725

Dear [REDACTED],

I would like to thank you for your email of 15 February<sup>1</sup> asking for clarifications regarding the provisions of Regulation (EU) 2018/848 on organic production<sup>2</sup>, specifically regarding potential derogations for using non-organic animals in organic production. Please find below the replies to our questions.

**Question 1 on the provisions of point 1.3.4.4.2 part II of Annex II to Regulation (EU) 2018/848:** *“For breeding purposes, non-organic adult male and non-organic nulliparous female animals may be introduced for the renewal of a herd or flock. They shall be reared subsequently in accordance with the organic production rules. In addition, the number of female animals shall be subject to the following restrictions per year: (a) up to a maximum of 10 % of adult equine animals or bovine animals and 20 % of the adult porcine animals, ovine animals, caprine animals, rabbits or cervine animals may be introduced; (b) for units with fewer than 10 equine animals, cervine animals or bovine animals or rabbits, or with fewer than five porcine animals, ovine animals or caprine animals, any such renewal shall be limited to a maximum of one animal per year.”*

*“to the following restrictions per year” is translated in Bulgarian with a term in which “year” could be interpreted in 2 different ways - calendar year, meaning the period between January 1 and December 31 of any particular year - a period of 365 days between any two dates Please, clarify which is the correct interpretation of “year” in this particular case.*

These provisions refer to a period of 365 days between two dates that are significant to the operator in terms of production and certification, but not necessarily to the calendar year.

**Question 2 on the provisions of point 1.3.4.4.3 of Part II of Annex II to Regulation (EU) 2018/848.** *“The percentages set in point 1.3.4.4.2 may be increased up to 40 %, provided that the competent authority has confirmed that any of following conditions is fulfilled: (a) a major extension to the farm has been undertaken; (b) one breed has been replaced with another; (c) a new livestock specialization has been initiated.”*

<sup>1</sup> Ares(2022)1140720

<sup>2</sup> [CL2018R0848EN0020010.0001.3bi\\_cp 1..1 \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2018/848/oj/20220318)



*“any of the following conditions is fulfilled” is translated in Bulgarian with an expression which could be interpreted in 2 different ways: - all the conditions must be met in order to increase the percentage - if any one of the conditions is met, the percentage may be increased Please, clarify which one is the correct interpretation.*

The wording “any of the following conditions” must be understood as if any one of these conditions is met; hence not all conditions need to be fulfilled at the same time.

**Question 3 on the provisions of point 1.3.4.4.3 (c) of Part II of Annex II to Regulation (EU) 2018/848.**

*The term “new livestock specialization” in Bulgarian does not have any particular meaning. Please, clarify what is the exact interpretation of this term and if possible, provide few examples.*

The wording “new livestock specialisation” should be understood as referring to a situation in which, for example, a change occurs in the species raised; for example, a bovine producer deciding to raise pigs as well or, for the same species, to move from dairy production to meat production.

**Question 4 on the provisions of point 1.3.4.1 of Part II of Annex II to Regulation (EU) 2018/848:** *“By way of derogation from point 1.3.1, for breeding purposes, non-organically raised animals may be brought to an organic production unit when breeds are in danger of being lost to farming as referred to in point (b) of Article 28(10) of Regulation (EU) No 1305/2013 and acts adopted on the basis thereof. In such case, the animals of those breeds need not necessarily be nulliparous.”*

*Please, clarify which non-organic animal introduction restrictions apply in this case: 1.3.4.4.2 or 1.3.4.4.3.*

*Are there EU guidelines for the minimum number of animals for a local breed to be declared “in danger of being lost to farming” (point (b) of Article 28(10) of Regulation (EU) No 1305/2013), or the national guidelines should be used in this case?*

The derogation set in point 1.3.4.1 applies independently of the derogations set under point 1.3.4.4.

There are currently no EU guidelines for the minimum number of animals for a local breed to be declared “in danger of being lost to farming”. National guidelines could be used in this case.

This opinion is provided on the basis of the facts set out in your letter of 15 February 2022 and expresses the opinion 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 Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours faithfully,



Cc:

