



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability  
The Director

Brussels  
LB/sf/agri.b.4(2022)4502185

Dear [REDACTED],

I would like to thank you for your letter of 20 May<sup>1</sup>, which was addressed to Commissioner Wojciechowski and concerned possible derogations to introduce non-organic pullets into an organic holding of laying hens. Commissioner Wojciechowski asked me to reply.

I would like to start by recalling that, indeed, Regulation (EU) 2018/848<sup>2</sup> on organic production and the labelling of organic products lays down rules regarding potential derogations to introduce non-organic animals into an organic holding that are stricter compared to the previous legislation. This new Regulation was published in June 2018 and is applicable since 1 January 2022.

For poultry, the possibilities and conditions to derogate from the provision set out in point 1.3.1 of Part II of Annex II to Regulation (EU) 2018/848 that “*without prejudice with the rules on conversion, organic livestock shall be born or hatched and raised on organic production units*” are laid down in point 1.3.4.3 of Part II of Annex II to Regulation (EU) 2018/848 which states the following: “*By way of derogation from point 1.3.1, where a flock is constituted for the first time, or is renewed or reconstituted, and where the qualitative and quantitative needs of farmers cannot be met, the competent authority may decide that non-organically reared poultry may be brought into an organic poultry production unit, **provided that the pullets for the production of eggs and poultry for meat production are less than three days old.** Products derived from them may only be considered as organic if the conversion period specified in point 1.2 has been complied with.*”

In addition, point 1.2.2(e) of Part II of Annex II to Regulation (EU) 2018/848 related to conversion sets the conversion periods specific to laying hens as follows “*six weeks in the case of poultry for egg production **brought in before they are three days old;***”

Hence, according to the provisions mentioned above, the Romanian Ministry of Agriculture and Rural Development cannot grant derogations to introduce non-organic poultry older than three days old into an organic laying hens holding.

<sup>1</sup> Ares(2022)3830047

<sup>2</sup> [EUR-Lex - 02018R0848-20220101 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/lexuri-uri-legislatiei/uri-legislatiei/eur-lex/02018R0848-20220101-EN-EUR-Lex/europa.eu)

Please note that, contrary to what is stated in your letter, this situation for the renewal of a poultry flock is independent from the development by Member States of the database for organic animals referred to in Article 26 (2), point (b), of Regulation (EU) 2018/848.

In fact, in the case of poultry, the provisions of Article 26(3) of Regulation (EU) 2018/848 apply: *“Member States may also set up systems which allow operators that market breeds and strains adapted to organic production in accordance with point 1.3.3 of Part II of Annex II or organic pullets and that are able to supply those animals in sufficient quantities and within a reasonable period to make public the relevant information on a voluntary basis, free of charge, together with names and contact details.”*

In addition, Article 53(3) of Regulation (EU) 2018/848 empowers the Commission from 1 January 2027 to adopt delegated acts amending point (b) of Article 26(2) to extend the scope of the information system referred to in Article 26(2) to pullets and point 1.3.4.3 of Part II of Annex II to base the derogations concerning pullets on the data collected in accordance with this system.

The present opinion is provided on the basis of the facts as set out in your letter of 20 May 2022 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 faithfully,



c.c.: Delegates of Romania at the Organic Production Committee