



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels

Dear [REDACTED],

I would like to thank you for the question related to catastrophic circumstances that you raised in the chat¹ during the meeting of the Organic Production Committee of 21 September 2022.

The provisions governing the recognition of drought as a situation of catastrophic circumstances and the derogations that may be authorised are laid down in Article 22 of Regulation (EU) 2018/848² and Commission Delegated Regulation (EU) 2020/2146³.

For your ease of reading, I will reply to your questions in the order that you asked them in the chat:

In the event Slovakia declares a drought as situation catastrophic, what will happen to operators' certificates?

Once Slovakia has recognized the drought as a situation of catastrophic circumstances in accordance with Article 1 of Regulation (EU) 2020/2146 and set the conditions for derogations to organic operators in accordance with Article 2(1) of Regulation (EU) 2020/2146, the provisions of Article 2(2) of that Regulation apply: *“The application of the derogations referred to in paragraph 1 shall be without prejudice to the validity of the certificates referred to in Article 35 of Regulation (EU) 2018/848 during the period where the derogations apply, provided that the operator or operators concerned fulfil the conditions under which derogations were granted.”* In other words, operators' certificates remain valid.

Will farm animals have to go into conversion following the resumption of organic agricultural conditions? No, provided that the conditions under which the derogations were granted are fulfilled. Please see the reply above to your first question.

¹ Ares(2022)6518799

² [EUR-Lex - 02018R0848-20220101 - EN - EUR-Lex \(europa.eu\)](#)

³ [EUR-Lex - 32020R2146 - EN - EUR-Lex \(europa.eu\)](#)

For what period can Slovak Republic grant operators an exemption from the organic rules? Please note that, under Regulation (EU) 2020/2146, the Slovak Republic can only authorise derogations as listed in Article 3 of that Regulation. Furthermore, in accordance with Article 2(1) (a) of that Regulation, such derogations can only be authorised for a limited period and no longer than necessary, and in no case longer than 12 months, to continue or recommence organic production as carried out before the date of application of those derogations.

Is such an exception to the organic rules also limited by the percentage of the feed ration from the convention? No. In accordance with Article 3 (3) of Regulation (EU) 2020/2146, the competent authorities can authorise derogations from point 1.4.1(b) of Part II of Annex II to Regulation (EU) 2018/848 and livestock may be fed with non-organic feed instead of organic or in-conversion feed, when feed production is lost or restrictions are imposed.

The present opinion is provided on the basis of the facts related and questions asked during the Organic Production Committee of 21 September 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,

