



GUIDANCE DOCUMENT ON EUROPEAN UNION ORGANIC STANDARDS

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INTRODUCTION

PURPOSE

1. This document has been produced to assist those who produce, prepare, store, import from a non-EU country or market organic products (referred to in this document and in the EU Regulations as operators) and the inspection bodies which licence them (referred to in this document and in the EU Regulations as control bodies) with implementing the new framework of EU organic standards which comes into effect on 1 January 2009.

These standards are set out in

- Council Regulation (EC) No. 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No. 2092/91¹ (referred to in this document as 834/2007); and
- Commission Regulation (EC) No.889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007 of 28 June 2007 on organic production and labelling of organic products with regard to organic production labelling and control² (referred to in this document as 889/2008).

CONTENT

2. This document

- draws attention to the provisions of 834/2007 and 889/2008 which must be observed by control bodies and operators;
- offers guidance on the interpretation of particular provisions of 834/2007 and 889/2008; and
- describes how Defra (which is the competent authority responsible for ensuring the effective implementation of 834/2007 and 889/2008 in the UK) will apply the provisions of 834/2007 and 889/2008 that are left to its discretion.

Operators should familiarise themselves with Regulations 834/2007 and 889/2008 as well as with this Document.

3. Guidance on importing organic products from outside the EU (organic products which comply with 834/2007 and 889/2008 produced in the EU can circulate freely within the EU) and guidance on aquaculture will be circulated in due course when detailed EU provisions on these subjects, currently under discussion, have been adopted by the European Commission.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:189:0001:0023:EN:PDF>

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:250:0001:0084:EN:PDF>

THE EU REGULATIONS

GENERAL ISSUES

OBJECTIVES AND OVERALL PRINCIPLES

4. One of the objectives of the review of EU legislation on organic standards preceding the development of 834/2007 was to set out a vision of the objectives which should inform organic production and set out a coherent set of overall principles on which organic production should be based. These objectives and principles, which are set out in Articles 3 and 4 of 834/2007, form the general basis on which the appropriateness of operators' activities and planned activities are to be judged.

WHO IS SUBJECT TO THE REGULATIONS

5. Article 28 (1) of 834/2007 explains that those in the EU who produce, prepare, store, import from a non-EU country or market organic products must make themselves known to the competent authority for the Member State in which they are situated and comply with the control system for organic production. This is done through registering with a control body; paragraphs 39 to 48 below explain how this works. However, Article 1 of 834/2007 explains that "mass catering operations" as defined in its Article 2 (aa) are not subject to the EU control system. Such operations may however be subjected to national rules as is the case in some EU Member states. Pending the introduction of such rules in the UK, mass catering operations will simply be subject to general food consumer protection law. Because mass catering has some of the characteristics of food processing the chart at Appendix 1 will be used to guide decisions on whether particular operators are food processors or mass caterers.

6. Two other classes of operator are also not subject to the full impact of the control system. Article 28 of 834/2007 permits Defra to exempt from the control system operators who sell organic products directly to the final consumer or user provided they do not "produce, prepare, store other than in connection with the point of sale, or import such products from a third country". It is proposed to use this provision to continue to exempt retailers selling prepackaged goods and their distribution hubs from the control system. However, from 1 January 2009, when 834/2007 comes into effect, other wholesale operations selling prepackaged goods will be subject to the control system but the Regulation's Article 27(3) provides for them not to be subject to the annual verification required to be applied to all other operators.

CONTROL BODIES

7. The UK organic control bodies³ remain an essential component of the organic control system. All of these control bodies apply the standards required by 834/2007 and 889/2008 but some apply additional standards and some may be more suitable for particular types of operators than others. Operators are therefore advised to look

³ the Biodynamic Agriculture Association, the Irish Organic Farmers and Growers Association, Organic Farmers and Growers, the Organic Food Federation, the Organic Trust, Quality Welsh Food Certification, the Scottish Organic Producers Association, Soil Association Certification Ltd and Asisco. For contact details see <http://www.defra.gov.uk/farm/organic/standards/certbodies/approved.htm>

carefully at what each control body offers before proceeding with registration with one.

GMOS

8. Article 9 of 834/2007 maintains the existing prohibition on the use of GMOs or products produced from or by GMOs in organic production. However, Article 9 of 834/2007 permits operators, in the case of products to which the GMO labelling rules apply, to accept the absence of a GMO declaration on the labelling of the inputs they use as compliance with the prohibition on the use of GMOs. For products to which the GMO labelling rules do not apply (see http://www.food.gov.uk/gmfoods/gm/gm_labelling for a guide to which products are subject to GMO labelling) vendor declarations modelled on Annex XIII of 889/2008 that the product has not been produced by or from GMOs will be required⁴. However, it remains the case that if an input is tested and is found to contain a GMO it must not be used in organic production.

RULES APPLYING TO CONVERSION OF LAND

9. The rules applying to conversion are set out in Article 17 of 834/2007 and Articles 36 and 37 of 889/2008. As a normal rule land must complete a conversion period of not less than two years (three years in the case of perennial crops other than forage). However, Article 36 provides for two circumstances in which periods of time prior to the notification by the operator and subjection of the holding to the control system, which would normally be the starting point for conversion, may be recognised by Defra as part of the conversion period. These are that the land

- has been included in an agri-environment programme under which inputs not permitted in organic farming cannot be used, or
- has otherwise not been treated with such inputs.

In addition, Article 37 permits the conversion period for land to be used for non-herbivores to be reduced. Applications for making use of these provisions will need to be addressed to the operator's control body and will need to be supported by independently produced, verifiable documentary evidence that the required conditions have been met. If the control body is able to support an application it will forward it to Defra for decision. However, the maximum length of time that will be permitted to be taken into account under these provisions is twelve months so the minimum conversion period under the supervision of a control body will also be twelve months.

10. In respect of crops, only those planted on land which has completed its conversion period may be sold as organic. Grass and forage may be considered to be organic feed once the land on which it is grown has completed its conversion period

FARMS COMPRISING ORGANIC AND NON-ORGANIC UNITS

11. Article 11 of 834/2007 states as a principle that holdings shall be managed entirely under organic management. However as an exception to this general principle it permits holdings to comprise both organic and non-organic units provided that there is effective separation between them. In order to implement this it will be required that the non-organic and organic units are physically, financially and operationally separate and that all necessary measures are in place to the satisfaction of the control body to prevent cross contamination or substitution of non-

⁴ The terms "produced by GMOs" and "produced from GMOs" are defined at Article 2 of 834/2007.

organic products for organic products. For livestock this is developed further in Article 17(1) of 889/2008 which requires that where a holding comprises both a non-organic and an organic unit the varieties of plants and the species of livestock on each unit must be different.

CROP AND LIVESTOCK PRODUCTION

CROPS

Principles relevant to crop production

12. The specific principles to be observed for crop production are set out in Article 5 of 834/2007. They emphasise the importance of maintaining soil health and fertility, the principle that the use of external inputs should be reduced to the minimum necessary, the importance of minimising waste and the need for production methods to be in harmony with the local environment.

Production rules for crop production

13. Article 12 of 834/2007 and Articles 3 and 5 of 889/2008 set out the rules which operators must follow for crop production and which will be enforced by the control bodies. Hydroponic production is explicitly prohibited by Article 4 of 889/2008 and specific rules for mushroom production are set out in Article 6 of 889/2008.

Permitted inputs for crop production

14. The types of input which are regulated and the basis for permitting their use are set out in Article 16 of 834/2007. The particular inputs permitted for crop production and any specific conditions for their use are specified in Article 3 and Annex I and Article 5 and Annex II of 889/2008. **Because control bodies' private standards may require derogations to be obtained before such inputs are used, it is recommended that farmers consult their control body before using any of the inputs permitted by Annexes I and II of 889/2008.**

Exceptional rules in relation to crop production

15. Article 22 (b) of 834/2007 provides that, exceptionally, operators may use seed and seed potatoes from non-organic production where they cannot be obtained from organic production. Detailed rules on how this is to be applied are set out in Article 45 of 889/2008 and also in Articles 48 to 56 of 889/2008 which continue the use of the seed database to support operators in determining whether organic seed and seed potatoes are available. **Operators will need to have the prior agreement of their control body for the use of non organic seed and seed potatoes.**

LIVESTOCK

Principles of livestock production

16. The specific principles to be observed for livestock production are set out in Article 5 of 834/2007. They emphasise the importance of using breeds and strains of livestock appropriate to organic systems and the location of the holding, the importance of using management practices as the primary support for animal health and welfare, the principle that the use of external inputs should be reduced to the minimum necessary, minimising waste and the need for production methods to be in harmony with the local environment.

Production rules for livestock production

17. The types of livestock to which the EU regulations apply are listed in Article 7 of 889/2008. The rules to be observed are set out in Articles 8, 11 and 14 of 889/2008. These rules are further elaborated in Articles 8 to 12 and 14 to 25 of 889/2008 which make certain of them subject to decision by Defra. These will be handled in the following manner.

18. Article 9(4) of 889/2008 provides for Defra to authorise increasing the percentage of non-organic animals brought on to the farm to renew bloodlines beyond the normal annual allowance. Defra will delegate the authority to make decisions on the use of Article 9 (4) to the control bodies and operators will need to obtain the consent of their control body before additional stock are brought on to the farm. In taking decisions control bodies will act within the criteria set by Article 9(4).

19. Article 12 (3) (e) of 889/2008 sets out the maximum number of poultry to be contained in a house. In the UK these numbers will continue to be regarded as maximum flock sizes and it will continue to be the case that a building may contain more than one flock. However, where a building is subdivided into more than one house to contain more than one flock, each house must have its own dedicated grazing (as specified in Annex III of 889/2008), air space, ventilation, feed and water;

20. Article 12(5) of 889/2008 requires Defra to establish what is meant by the term “slow growing strains” of poultry for the purposes of the restriction on slaughter age established by this Article. For this purpose poultry will be regarded as slow growing if under organic management the live weight gain per day does not exceed 45 grammes or in the case of turkeys 55 grammes per day. In due course this may be supplemented by a list of particular strains regarded as slow growing strains.

21. Article 15 of 889/2008 provides that stocking densities must be such that the limit of 170 kg of nitrogen per hectare per year is observed and gives EU Member States the task of determining for their territories the stocking densities which will secure that this limit is observed. Annex IV of 889/2008 provides a guideline to work from but in the UK the stocking densities which are to be observed for the purposes of the 170kg/N/ha/year limit are those set out in the table at Appendix 3 of this Document which have been derived from the figures for the daily nitrogen produced by animals set out in Schedule 1 to the Nitrate Pollution Prevention Regulations 2008.

22. Article 17(2) of 889/2008 permits non-organic livestock to be present on organic land for a limited period of time each year. In the UK “a limited period of time each year” will be interpreted as meaning a total period in a particular calendar year not exceeding 120 days.

23. Article 17(3) of 889/2008 permits organic animals to be grazed on common land subject to certain restrictions relating to the common land itself and to the sale of products from animals whilst they are using common land. Operators who wish to make use of this provision should discuss with their control body how to accommodate doing so within their management plan.

24. Article 18(1) of 889/2008 permits a variety of operations such as tail docking and dehorning to be authorised by Defra in certain circumstances. Responsibility for authorising these operations will be delegated to the control bodies and operators will

need to seek to obtain the consent of their control body before they are carried out. The control body will also consider what is necessary in respect of minimising pain and distress arising from these operations, in particular what is necessary in terms the “adequate” analgesia or anaesthesia provided for by Article 18(1) and by reference to the Codes of Practice on Animal Welfare⁵. However, Article 95(4) of 889/2008 permits castration of piglets to be carried out without analgesia or anaesthesia during a transitional period ending on 31 December 2011.

25. Article 23(5) of 889/2008 requires that when the production of each batch of poultry has been completed, runs must be left empty to allow vegetation to grow back but leaves Defra to determine the period during which runs must be left empty. In the UK the period for which runs shall be left empty between batches of layers will be not less than two months and in the case of poultry for meat production the total of the periods in any one year that runs are empty shall be not less than two months per year.

26. Article 46 of 889/2008 carries forward the existing permission for the final fattening phase for cattle to take place indoors provided that this indoors period does not exceed one fifth of the animals’ life and lasts no more than three months. Indoor fattening of pigs and sheep is also permitted, by Article 95 (3) of 889/2008, but only for a transitional period ending on 31 December 2010.

Disease control and veterinary treatment

27. Articles 23 and 24 of 889/2008 provide for disease control and veterinary treatment. **Operators should manage these provisions in the context of an animal health plan agreed with their control body.**

Conversion of livestock

28. As an exception to the general rule established by Article 14(1) (a) (i) of 834/2007 that livestock products must come from animals both born and raised under organic management, Article 38 of 889/2008 permits livestock on a holding at the start of its conversion and livestock brought in to start an organic enterprise to be converted and sets the conditions under which this can take place. **Operators must consult their control body on managing this provision.**

Exceptional rules in relation to livestock production

29. As an exception to the general rule in Article 14(1) (b) (vi) of 834/2007 that animals must not be tethered, Article 39 of 889/2008 permits Defra to authorise cattle on a small holding to be tethered if it is not possible to keep them in groups appropriate to their behaviour requirements. Defra will delegate the responsibility for applying this provision to the control bodies, on condition that for this purpose “small holding” is to be interpreted as a holding with not more than 20 female breeding bovines and that the animals concerned are to have daily access to pasture or open air exercise areas where weather conditions preclude access to pasture. **Operators must consult their control body on managing this provision.**

30. As an exception to the general rule that organic livestock must be purchased, Article 42 of 889/2008 permits Defra to authorise the use of non organic day old chicks and also, until 31 December 2011, non organic pullets from day old to 18

⁵ see <http://www.defra.gov.uk/animalh/welfare/farmed/on-farm.htm#we>

weeks which in terms of feed and veterinary treatment have been managed in accordance with the rules for organic production. Defra will delegate the responsibility for applying this provision to the control bodies. **Operators must consult their control body on managing this provision.**

31. Article 47 of 889/2008 permits Defra to authorise the use of non organic animals to reconstitute herds and flocks and to authorise the use of non organic feed in response to the effect of natural disasters etc. Defra will delegate the responsibility for applying the first of these provisions to the control bodies and **operators must consult their control body on managing this provision.** Defra will retain control of the second of these provisions but applications for it to be used will need to be made through the control bodies and must be supported by them.

LIVESTOCK FEED

Principles applying to feed for organic livestock

32. The specific principles to be observed in the case of livestock feed are set out in Article 5 and Article 7 of 834/2007. They emphasise the importance of using feed sourced from organic production and other natural substances, reducing the use of additives and processing aids and the principle that the use of external inputs should be reduced to the minimum necessary.

Production rules for feed for organic livestock

33. The rules to be observed in respect of organic farming (in addition to the general rules set out in Regulation 183/2005 - see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:035:0001:0022:EN:PDF>) are set out in Article 14 (d) of 834/2007. The aim is that feed should be produced on the holding or from other organic farms in the region ("region" is undefined and can be interpreted widely); that feed must meet an animal's nutritional requirements at all stages of its development, that non-organic feed materials of plant origin, organic and non-organic ingredients of animal origin, products and by-products from fisheries, minerals and feed additives etc can only be used if they are specifically authorised by the European Commission; that growth promoters and synthetic amino acids may not be used and that suckling animals should be fed with natural, preferably maternal milk. "Natural milk" will be interpreted as meaning organic milk either as liquid or powder. These rules are further elaborated in Articles 19 to 22 of 889/2008.

34. Article 20 of 889/2008 provides for the use of milk for feeding young mammals, for maximising the use of pasture for herbivores and setting a minimum content of 60% for roughage, fresh or dried forage or silage in ruminant diets. Roughage, fresh or dried forage or silage are also to be made available to pigs and poultry. Article 21 of 889/2008 provides for the use of in- conversion feed

35. Article 22 of 889/2008 requires that in the case of herbivores at least 50% of the feed must come from the farm unit itself or be produced from other farms in the same region ("region" is undefined and can be interpreted widely). Article 22 of 889/2008 permits feed for organic livestock to contain certain non-organic ingredients of plant origin, certain organic and non-organic ingredients of animal origin, certain products and by-products from fisheries and certain minerals. Those which are permitted (ie those which are authorised by the European Commission as mentioned in paragraph 33 above) are listed in Annex V of 889/2008. Annex V of 889/2008 does not apply quantitative restrictions to the products listed in it though it prohibits the use of products and by-products from sustainable fisheries in diets for ruminants.

However, the use of non-organic ingredients of plant or animal origin listed in Annex V is restricted by Article 43 of 889/2008 so that they are only permitted in feeds for non-ruminants and their use in these feeds is progressively phased out. Article 43 of 889/2008 provides that they must not exceed 10% of the feed up to 31 December 2009 and must not exceed 5% between 1 January 2010 and 31 December 2011 after which they can no longer be used. The use of the products and by-products from sustainable fisheries and minerals listed in Annex V of 889/2008 is not restricted in the same way and thus is not subject to the percentage limits applied to non-organic ingredients of plant or animal origin. .

36. The feed additives etc which may be used in feed for organic livestock are set out in Annex VI to 889/2008. Section 1.1 of Annex VI to 889/2008 makes the addition of synthetic vitamins A, D and E to feed for ruminants subject to approval by Defra and subject to it being demonstrated that the necessary quantities of vitamins A, D and E cannot be obtained through the animals' feed. Defra will delegate management of this provision to the control bodies. **Operators who want to make use of the provision will need to present documented veterinary advice to their control body to support a case for permission to add these vitamins in synthetic form to ruminant feeds.**

FOOD PROCESSING

Principles applying to food processing

37. The specific principles to be observed in the case of organic food production are set out in Article 6 of 834/2007. They emphasise the importance of using only organic ingredients, reducing the use of additives and processing aids to the minimum and ensuring that production methods neither mislead the consumer as to the nature of the product or are based on synthetic processes.

Production rules for food processing

38. The production rules for organic food are set out in Articles 19 to 21 of 834/2007 and in Articles 26 to 28 of 889/2008.

Permitted inputs for food processing

39. The food additives etc which are permitted in organic food are set out in Annex VIII and the non organic ingredients which are permitted in organic food are set out in Annex IX of 889/2008. The addition of nitrates and nitrites as permitted by Annex VIII is subject to the additional condition that use is subject to Defra being satisfied that no technological alternative to their use is available which gives the same guarantees [as regards safety] and/or permits maintaining the specific features of the product. Pending the outcome of ongoing investigation into possible alternatives to their use for the purposes of the review required by Article 27 (3) of 889/2008 to take place by 31 December 2010, Defra will permit the use of these products subject to the restrictions specified in the sixth column of Annex VIII.

Exceptional rules for food processing

40. Article 29 of 889/2008 permits Member States to authorise the use of non organic ingredients not listed in Annex IX to 889/2008 provided that such ingredients are not available in organic form. Defra will continue to issue such authorisations on the basis of documentary evidence of non-availability submitted by operators in accordance with the detailed rules set out in Article 29 of 889/2008. These

authorisations can be issued for a period of twelve months renewable twice after which the Commission has to take a decision on inclusion in Annex IX of 889/2008.

THE CONTROL SYSTEM

Control Bodies

41. The system for controlling the production of organic food and feed is set out in Articles 27 to 31 of 834/2007. Article 27 describes the obligations of the Member States in respect of setting up a control system and the mechanisms they may adopt for putting the system into effect. Member States may implement and enforce the system wholly through a competent authority or they may operate the control system through a partnership between a competent authority and subordinate control authorities or a partnership between a competent authority and control bodies. In the UK the control system will continue to be operated by control bodies approved and supervised by Defra. Consequently Defra will need to act in accordance with paragraph 5 to 12 of Article 27 of 834/2007. It will be assisted in that task by the UK Accreditation Service (UKAS).

Notification by operators

42. Article 28 (3) of 834/2007 requires operators wishing to produce, prepare, store, import or market products which are subject to 834/2007 and 889/2008 to notify their activity and submit their operation to the control system. Defra will delegate the task of receiving these notifications to the control bodies, so in practice for operators this means securing registration with one of the control bodies approved by Defra to operate in the UK⁶.

43. Article 28 (1) of 834/2007 requires operators who export products which comply with its provisions to notify this to their control body.

Controls applying to operators

44. Articles 63 to 90 of 889/2008 set out the detailed rules relating to the controls which control bodies are to apply to organic operators. When submitting an operation to the control system, which as noted above means registration with a control body, the operator will be required to submit a full description of the operation as required by Article 63 of 889/2008, supplemented as appropriate by the additional information specified in the Regulation's Articles 70 (collection of wild plants), 74 (livestock), 80 (preparation of crop or livestock products and processed products), 82 (imports), 86 (operators subcontracting to others) and 88 (feed mills). Any changes to the description initially submitted must be notified to the control body in due time.

45. Articles 71 and 74 (2) (c) of 889/2008 respectively require operators to provide to the control body a forward cropping plan and a management plan for livestock. The cropping plan must show by field parcel which crop products are to be produced in the coming year. The cropping plan is to be produced by a date to be

⁶ The Biodynamic Agriculture Association, the Irish Organic Farmers and Growers Association, Organic Farmers and Growers, the Organic Food Federation, the Organic Trust, Quality Welsh Food Certification, the Scottish Organic Producers Association, Soil Association Certification Ltd and Asisco. For contact details see <http://www.defra.gov.uk/farm/organic/standards/certbodies/approved.htm>

set by the control body. **The management plan for livestock must include a health and welfare plan – see paragraph 25 above.**

46. Operators are required by Articles 66, 83 and 89 of 889/2008 to keep documentary accounts and by its Articles 72, 76 and 84 to keep records relating respectively to crop production, livestock production and imports to enable inputs and outputs to be audited. Articles 65, 85 (imports) and 90 (feed) of 889/2008 specify the parameters of control visits to be carried out by the control bodies. Article 65 of 889/2008 requires at least annual physical inspections to be carried out of operators' operations (wholesalers selling pre-packaged goods are not subject to this provision see paragraph 6 above).

47. However, for all operators it will be necessary for the control bodies to determine by reference to risk the degree of intensity of the annual verification in relation to particular operators and how best to deploy the random unannounced inspections which are to be carried out. Article 90 of 889/2008 requires inspection of a feed mill to have regard to its HACCP arrangements. Article 67 of 889/2008 requires operators to grant all necessary access and provide all necessary information to allow controls to be carried out effectively

48. Articles 73 and 79 of 889/2008 require that where an operator runs non-organic units as well as organic units in the same area the non-organic units also are subject to the control system. This continues existing practice.

49. Article 77 of 889/2008 makes the sale of products from livestock which have been treated with veterinary medicines subject to prior notification to the control body. Control bodies will have in place measures to enable this to be implemented with due regard to practicality.

50. Article 75 of 889/2008 carries forward the existing requirement for livestock to be identified to support traceability.

51. Operators should note that Article 28(5) of 834/2007 requires that the control bodies maintain an updated list of operators containing their names and addresses and that they make the list available to interested parties.

52. The terms "irregularities", "severe infringements" and "infringements with prolonged effect" referred to in Article 30 of 834/2007 are currently not generally defined, Defra and the control bodies will be working to produce common definitions of these terms.

53. Article 29 of 834/2007 provides for documentary evidence to be supplied to operators by their control body which identifies the operator, confirms that the operator complies with the requirements of the EU Regulations and confirms the products produced by the operator. A model for the required document is provided for by Article 68 and Annex XII of 889/2008. The intention is that so far as possible existing documentation issued by UK control bodies will remain in use but some adaptation may be necessary to ensure that all the information the model specifies is provided.

LABELLING - FOOD

54. The rules on labelling for organic food are set out in Articles 23 to 25 of 834/2007 and Articles 57 and 58 of 889/2008.

55. The term “organic” and its equivalents in the other official languages of the EU (they are listed in the Annex to 834/2007), diminutives of them like “bio” and “eco” and any terms suggesting that the product or its ingredients or feed materials are organic, are reserved for products which have been produced in accordance with the rules laid down in 834/2007 and 889/2008 unless the products they are applied to are not agricultural products in food or feed or clearly have no connection with organic production. Thus, even though generally “bio” would not be understood in the UK as meaning organic its use on a non-organic product needs to be carefully considered and it will be worth considering including some form of disclaimer on the labelling to avoid any possibility of consumers believing that the product has been produced according to the organic production method. If a product is likely to be marketed in a Member State where “bio” or “eco” will be understood as meaning produced organically it will be even more necessary to carefully consider whether another description might be more safely used and whether a disclaimer is needed.

56. The use which can be made of the term “organic” in describing a particular product depends on the content of organically produced ingredients in the product. If 95% or more of the content of agricultural ingredients has been produced organically the product itself can be described as organic. If less than 95% of the content of agricultural ingredients has been produced organically the term organic can only be used to refer to the ingredients which have been organically produced in the list of ingredients on the product label or accompanying documentation. (This is a liberalisation of the former rule which required a minimum content of 70% of organic ingredients for any mention of organic production to be permitted.) In this case the ingredients list must also carry a declaration of the proportion of the content of agricultural ingredients which has been produced organically.

57. There are special rules for a product whose main ingredient derives from hunting or fishing and consequently cannot be described as organic but which also contains ingredients produced organically. In this case, provided that the product complies with the rules on the production of organic food in relation to separation from the production of non-organic food and the use of additives etc, the organic ingredients in the product can be described as organic on the ingredient list and in the same visual field as the sales description.

58. Until 1 July 2010 it will be possible to use the system for calculating the percentage of organic ingredients laid down in 2092/91 which does not differentiate between additives of agricultural origin in the same way as 889/2008. Certain of the additives listed in Annex VIII of 889/2008 (those marked with an asterisk) are treated as agricultural ingredients.

59. Article 24 of 834/2007 provides that where a product is described as organic (that is at least 95% of its agricultural ingredients have been produced organically) the packaging (or tickets or labels at point of sale where products are sold loose) must carry an EU organic logo and a declaration of origin as specified in Article 24 of 834/2007. If less than 95% of the content of agricultural ingredients of a product has been produced organically the logo cannot be used. The logo may be used on products imported from third countries which comply with the 95% rule but it is not compulsory for such products. However, where third country organic products carry the EU logo they must also carry the declaration of origin. However, the operation of the provision of Article 24 on the logo and the declaration of origin has been deferred until 31 July 2010 pending the European Commission finalising a design for an appropriate EU organic logo.

60. Article 24 of 834/2007 carries forward the requirement that the labelling of organic products shall carry the code number of the control body which controls the operator who carried out the most recent operation on the product. The option of using the control body's symbol rather than its code number has not been carried forward though the use of control body or other national or private symbols in addition to the code number is permitted by Article 25(2) of 834/2007.

61. Article 58 of 889/2008 formalises how the control body code numbers are to be constructed. They are to have three elements, the acronym for the country as set out in ISO 3166, a term establishing a link with organic production and a reference number for the control body. This requires the existing code numbers used in the UK for the purposes of 2092/91 to be changed. The term for the UK in ISO 3166 is GB and this will have to be the first element of the UK codes. For the element of the code referring to organic production we propose "*ORGANIC CERTIFICATION*". For the final element of the code it is proposed to retain the existing code numbers. On that basis, subject to the transitional measure at Article 95(8) of 889/2008 which permits the existing code numbers to be used until 1 July 2010, in future the codes for the control bodies based in the UK will be as follows –

Biodynamic Agriculture Association (BDAA)	<i>GB ORGANIC CERTIFICATION</i> 6
Organic Farmers and Growers (OF&G)	<i>GB ORGANIC CERTIFICATION</i> 2
Organic Food Federation (OFF)	<i>GB ORGANIC CERTIFICATION</i> 4
Quality Welsh Food Certification (QWFC)	<i>GB ORGANIC CERTIFICATION</i> 13
Scottish Organic Producers Association (SOPA)	<i>GB ORGANIC CERTIFICATION</i> 3
Soil Association Certification Ltd (SACL)	<i>GB ORGANIC CERTIFICATION</i> 5
Asisco	<i>GB ORGANIC CERTIFICATION</i> 15

62. Packaging which complies with Council Regulation 2092/91 may continue to be used until 1 January 2012 provided that the product otherwise complies with the requirements of 834/2007.

63. Stocks of products that have been produced, packaged and labelled in accordance with Council Regulation 2092/91 prior to 1 January 2009 may continue to be sold until stocks are exhausted.

LABELLING – FEED

64. Article 26 of 834/2007 provides for labelling rules for feed, in conversion products and seed and vegetative propagating material to be established by the Commission. Article 59 of 889/2008 provides that the detailed rules on feed labelling do not apply to pet food, food for fur animals or aquaculture but provide that where the term "organic" or its equivalents in the other official languages of the EU (they are listed in the Annex to 834/2007), diminutives of them like "bio" and "eco" or any terms suggesting that the product or its ingredients or feed materials are organic used on such products, at least 95% of the dry matter content must be comprised of ingredients produced organically.

65. Labelling rules for feed are set out in Articles 60 and 61 of 889/2008. Feed can be described as organic if at least 95% of its dry matter content has been produced organically and it complies with the rules set out in Article 14 (1) (d) on livestock feed and Article 18 on processed feed of 834/2007 and Articles 22 and 26 of 889/2008, which further develop those provisions. Feed which is comprised of in conversion and/or non-organic ingredients as well as organic ingredients may be sold with the designation "may be used in organic production in accordance with Regulations (EC) 834/2007 and (EC) 889/2008", provided that it complies with the

rules set out in Article 14 (1) (d) on livestock feed and Article 18 on processed feed of 834/2007 and Articles 22 and 26 of 889/2008.

66. The organic labelling has to be separate from the labelling required by the Council Directives 79/393/EEC and 96/25/EC setting out the general labelling requirements for feedingstuffs and must not be more prominently displayed than that information. The organic labelling must show the respective total percentages in the product of feed materials which are organic, in conversion and from non-organic production as well as the total percentage of the feed comprised of agricultural ingredients. The labelling must also list the ingredients which are organic and those which are in conversion products.

67. Rules for labelling in conversion feed are set out in Article 62 of 889/2008. Products may carry the designation "product under conversion to organic farming", provided that when it was harvested the land on which it was grown had completed at least twelve months of its conversion period, the designation is not more prominently displayed than any other indications the product is required to carry, it is comprised only of one crop ingredient and it bears the code number of the control body which controls the producer.

68. Labelling rules for seed will be established at a later stage.

GUIDANCE DOCUMENT ON EUROPEAN UNION ORGANIC STANDARDS

APPENDIX 1

DETERMINING EXEMPTION OF RETAILERS AND MASS CATERERS (Paragraph 5)

In general it should be noted that the ordinary meanings of catering, retail and processing will be applied. So cafes/restaurants and catering companies are more likely to be caterers, shops to be retailers, and factories where ready made meals are made to be processors. It is also important to recognise that those who make processed foods such as ready meals are treated as covered by the Regulations and requiring registration. Retailers or caterers only selling produce pre-packed and labeled by a registered operator will not usually require certification.		
Scenario	Certification of operation	Defra Guidance
Retailer buying in product and then selling loose at deli counter, e.g. cheese cutting, decanting olives etc.	No certification required	The preparation in this case is so minimal it would be reasonable to regard this as falling outside the Regulations on the basis that there is no processing involved and the only storage is at the point of sale.
Retailer "baking off" part baked, labelled and certified bread out of sight of the consumer and selling loose.	No certification required.	The preparation in this case is so minimal it would be reasonable to regard this as falling outside the Regulations on the basis that there is no processing involved and the only storage is at the point of sale.
Retailer making cakes or sandwiches <u>in sight</u> of the consumer and selling loose from own premises.	No certification required	There is preparation but this is akin to or actually that of a caterer and could therefore be exempted.
Retailer making cakes <u>out of sight</u> of the consumer and selling from own premises where majority of product is either eaten on the premises or away from home as an obvious "take away".	No certification required.	There is preparation but this is that of a caterer and could therefore be exempted.
Retailer making cakes <u>out of sight</u> of the consumer and selling from own premises where majority of product is taken in retail bags.	Certification required.	This type of premises would not usually be regarded as a caterer unless the majority of products are consumed on site or as an obvious "take away" to be eaten away from the home. Although this is a retail premises processing takes place and thus registration is required.
Company making ready meals packed and labelled to sell to shops etc or bulk meals for sale to caterers	Certification required.	There is preparation here and the product is provided on a business to business basis so is not catering in itself. Needs to be registered as processor.
Commercial catering contractors who have a central kitchen where they make products which they then supply under contract to hospitals, schools, government departments, etc.	No certification required.	Clearly catering – lack of need to be registered is based on acting as agent of canteen (e.g. hospitals, schools, government departments etc).
Catering delivered direct to end customer, e.g. dinner parties / home delivery pizza.	No certification required.	Negligible preparation other than catering. Could be regarded as exempt.

Retailer making ready meals, packed & labelled to sell direct to end consumer, e.g. for people to put in freezers at home.	Certification required.	Preparation undertaken – registration as processor is required – not catering so therefore not exempt.
Making ready meals packed & labelled to sell to other shops or bulk meals for sale to caterers.	Certification required.	Preparation undertaken – registration as processor is required – not catering so therefore not exempt.
Farmer making ready meals packed & labelled to sell at a farmers market.	Certification required.	Preparation undertaken – registration as processor is required – not catering so therefore not exempt.
Making pre-packed ready meals for sale to end consumer via mail order.	Certification required.	Preparation undertaken – registration as processor is required – not catering so therefore not exempt.

GUIDANCE DOCUMENT ON EUROPEAN UNION ORGANIC STANDARDS

APPENDIX 2

**INPUTS TO BE DISCUSSED WITH CONTROL BODY BEFORE USE
(Paragraph 15)**

Awaiting completion. Please consult your control body.

GUIDANCE DOCUMENT ON EUROPEAN UNION ORGANIC STANDARDS

APPENDIX 3

OUTDOOR STOCKING DENSITIES TO COMPLY WITH N LIMIT (Paragraph 22)

Livestock type	Category	Stocking Rate per Ha
Pigs		
	7kg--<13 kg	114
	13kg - <31kg	33
	31kg - < 66kg	19
	66kg> intended for slaughter	14
	Breeding sow before first litter	12
	Sow with litter up to 7kg	10
	Breeding boar 66kg - 150kg	14
	Breeding boar >150kg	10
Cattle		
	Calves up to 3mths	20
	Dairy cows 3 mths to <13 mths	5
	Dairy cows 13 mths to first calf	3
	Dairy cows after first calf	2
	Beef cows or steers 3mths - <13mths	5
	Beef cows or steers 13mths - <25mths	3
	Beef cows or steers from 25mths for slaughter	3
	Females from 25 mths for breeding, up to 500kg	3
	Females from 25 mths for breeding, over 500kg	2
	Bulls, non-breeding 3mths+	3
	Bulls for breeding, 3mths -<25 mths	3
	Bulls for breeding, 25 mths and older	4
Sheep		
	6mths - 9mths	85
	From 9mths to first lambing, tuppig or slaughter	119
	After lambing or tuppig <60kg	22
	After lambing or tuppig 60kg +	14
Goats		11
Deer		
	Breeding	11
	Other	14

Horses		8
Poultry		
	Layers <17 weeks	728
	Layers 17 weeks +	311
	Broilers	439
	Breeding stock <25 weeks	542
	Breeding stock 25 weeks +	231
Turkeys		
	Male	125
	Female	165
Ducks		188
		122
Ostriches		
Rabbits		100