Commission Delegated Regulation (EU) 2020/2146 of 24 September 2020 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards exceptional production rules in organic production (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/2146

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supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards exceptional production rules in organic production

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007[(1)], and in particular Article 22(1)(b) and (c) thereof,

Whereas:

(1) Chapter III of Regulation (EU) 2018/848 lays down general production rules for organic products.

(2) Certain events such as extreme climatic events or widespread animal or plant diseases may have serious effects on the organic production in the holdings or production units affected in the Union. In order to allow organic production to continue or recommence, Regulation (EU) 2018/848 provides for the adoption of exceptional production rules, provided that they are limited to situations that qualify as catastrophic circumstances in the Union, taking into account the differences in the ecological balance, climate and local conditions in the outermost regions of the Union.

(3) Having regard to the variety of cases and circumstances that may occur in the Member States and in view of the lack of experience with the application of Article 22 of Regulation (EU) 2018/848, it is not possible, at this stage, to set common criteria at Union level to determine whether a situation could qualify as catastrophic circumstances. However, it is appropriate to provide that the Member State where such a situation occurs should issue a formal decision recognising the situation as catastrophic circumstances. That formal decision should be issued either for a whole area or for an individual operator.

(4) It is necessary to limit the use of exceptional production rules in the Union to what is strictly necessary to organic production to continue or recommence. The derogations provided for in this Regulation should therefore be limited in time and only be granted to the affected types of production, or, where relevant, land parcels, and to all relevant

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/2146. (See end of Document for details)*

operators in the area concerned, or to the individual operator covered by the formal decision.

(5) It is necessary to lay down in this Regulation the exceptional production rules that may be applied in case of catastrophic circumstances for plant, livestock, aquaculture and wine production in terms of derogations and their conditions.

(6) When operators affected by catastrophic circumstances cannot have access to organic or in conversion plant reproductive material for the organic production of plants and plant products other than plant reproductive material, it is necessary to provide for the possibility for those operators to use non-organic plant reproductive material under certain conditions.

(7) When a high mortality of animals, including bees or other insects, occurs in a holding or a production unit and operators cannot have access to organic animals, bees or other insects to renew or reconstitute their herd or flock, it is necessary to provide for the possibility for those operators to use non-organic animals under certain conditions.

(8) As certain extreme climatic events such as serious droughts or flooding may reduce drastically the availability of organic or in-conversion feed, it is necessary to provide for the possibility for the operators affected to feed livestock with non-organic feed..

(9) As certain events such as earthquakes or flooding may destroy partly the grazing lands or the buildings used by livestock in a holding or a production unit, it is necessary to provide for the possibility for the operators affected to derogate from the obligation for livestock to graze, or to be kept according to the maximum stocking densities in buildings and minimum surfaces for indoor and outdoor areas as laid down in an implementing act adopted pursuant to Article 14(3) of Regulation (EU) 2018/848.

(10) As certain extreme climatic events such as serious droughts or flooding may reduce drastically the availability of organic roughage, fresh or dried fodder, or silage, it is necessary to provide for the possibility for the operators affected to decrease the percentage of the dry matter in the daily rations for bovine animals, ovine animals, caprine animals and equine animals, provided that the animals' nutritional requirements at their various stages of their development are met.

(11) As certain events other than climatic conditions such as fires or earthquakes may reduce drastically the availability of nectar and pollen for bees, it is necessary to provide for the possibility to feed bee colonies with organic honey, organic pollen, organic sugar syrups, or organic sugar, where the survival of the colony is endangered.

(12) As certain events such as extreme climatic conditions, fires or earthquakes may reduce drastically the sources of nectar and pollen in certain areas, it is necessary to provide for the possibility for the operators affected to move bee colonies to areas that may not consist essentially of organically produced crops, or of spontaneous vegetation or non-organically managed forests or crops that are only treated with low environmental impact methods, where the survival of the colony is endangered.

(13) When a high mortality of aquaculture animals occurs in a holding or a production unit and operators cannot have access to organic aquaculture animals to renew or

reconstitute their stock, it is necessary to provide for the possibility for those operators to use non-organic aquaculture animals under specific conditions.

(14) When certain catastrophic circumstances negatively affect the sanitary status of organic grapes, it is necessary to provide for the possibility for winemakers affected to use more sulphur dioxide than the maximum amount as laid down in the implementing act adopted pursuant to Article 24(9) of Regulation (EU) 2018/848 but in any case no more than the maximum amount set out in Part B of Annex I to Commission Delegated Regulation (EU) 2019/934[(2)] to obtain a comparable final product.

(15) For the purpose of transparency and controls, it is necessary that information on the derogations granted is shared in an harmonised way between Member States and the Commission via a computer system.

(16) It is necessary to ensure that operators to whom derogations were granted comply with the conditions of the derogations granted. For the purpose of controls, operators should keep documentary evidence proving that they were granted certain derogations relevant to their activities and that they comply with the conditions related thereto.

(17) In the interest of clarity and legal certainty, this Regulation should apply from the date of application of Regulation (EU) 2018/848,

HAS ADOPTED THIS REGULATION:

Article 1

Recognition of catastrophic circumstances

1 For the purposes of the exceptional production rules referred to in Article 22(1) of Regulation (EU) 2018/848, in order for a situation to qualify as catastrophic circumstances deriving from an ‘adverse climatic event’, ‘animal diseases’, an ‘environmental incident’, a ‘natural disaster’ or a ‘catastrophic event’, as well as any comparable situation, it shall be recognised as catastrophic circumstances by a formal decision issued by the Member State in which the situation occurs.

2 Depending on whether the catastrophic circumstances affect a specific area or an individual operator, the formal decision issued under paragraph 1 shall refer to the area or operator concerned.

Article 2

Conditions for derogations

1 Following the formal decision referred to in Article 1, the competent authorities may, upon identification of the operators affected in the area concerned or upon request from the individual operator concerned, grant the relevant derogations set out in Article 3 and the conditions related thereto, provided that those derogations and conditions apply:

a 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;