Commission Implementing Regulation (EU) 2019/2164 of 17 December 2019 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2164

of 17 December 2019

amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91[(1)], and in particular Article 16(1) and (3)(a) and Article 21(2) thereof,

Whereas:

(1) In accordance with Article 16(3)(b) of Regulation (EC) No 834/2007, several Member States have submitted dossiers on certain substances to the Commission and the other Member States, in view of their authorisation and inclusion in Annexes I, II, VI and VIII to Commission Regulation (EC) No 889/2008[(2)]. Those dossiers have been examined by the Expert Group for Technical Advice on Organic Production (EGTOP) and the Commission.

(2) In its recommendations with regard to fertilisers[(3)] EGTOP concluded, inter alia, that the substances 'biochar', 'mollusc waste and egg shells' and 'humic and fulvic acids' comply with the objectives and principles of organic production. Therefore, those substances should be included in Annex I to Regulation (EC) No 889/2008. EGTOP also recommended to clarify the definition of 'calcium carbonate' set out in that Annex.

(3) In its recommendations with regard to plant protection products[(4)] EGTOP concluded, inter alia, that the substances 'maltodextrin', 'hydrogen peroxide', 'terpenes (eugenol, geraniol and thymol)', 'sodium chloride', 'cerevisane' and pyrethrins from other plants than *Chrysanthemum cinerariaefolium* comply with the objectives and principles of organic production. Therefore, those substances should be included in Annex II to Regulation (EC) No 889/2008. Moreover, EGTOP made recommendations for the structure of that Annex.

(4) In its recommendations with regard to feed[(5)] EGTOP concluded, inter alia, that the substances 'guar gum' as a feed additive, 'sweet chestnut extract' as a sensory additive,

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/2164. (See end of Document for details)*

and 'betaine anhydrous' for monogastric animals and only from natural or organic origin comply with the objectives and principles of organic production. Therefore, those substances should be included in Annex VI to Regulation (EC) No 889/2008. In that Annex, the reference to some silage additives is unclear and needs to be clarified to avoid confusion.

(5) In its recommendations with regard to food[6] EGTOP concluded, inter alia, that the substances 'glycerol' as a humectant in gel capsules and surface coating in tablets, 'bentonite' as a processing aid, 'L(+)lactic acid, and sodium hydroxide' as a processing aid for the extraction of plant proteins and 'tara gum powder' as a thickener and 'hop extract and pine rosin extract' in sugar production comply with the objectives and principles of organic production. Therefore, those substances should be included in Annex VIII to Regulation (EC) No 889/2008. Moreover, EGTOP recommended to require, for tara gum powder, lecithins, glycerol, locust bean gum, gellan gum, arabic gum, guar gum and carnauba wax, that they be produced organically. To allow for sufficient time to adapt to that new requirement, operators should be given a three-year transition period.

(6) In Annex VIIIa to Regulation (EC) No 889/2008, some references to the names of additives are unprecise and need to be clarified to avoid confusion.

(7) Regulation (EC) No 889/2008 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Organic Production,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 889/2008 is amended as follows:

(1) Annex I is replaced by the text set out in Annex I to this Regulation;

(2) Annex II is replaced by the text set out in Annex II to this Regulation;

(3) Annex VI is replaced by the text set out in Annex III to this Regulation;

(4) Annex VIII is replaced by the text set out in Annex IV to this Regulation;

(5) Annex VIIIa is replaced by the text set out in Annex V to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 December 2019.

For the Commission

The President

Ursula VON DER LEYEN

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/2164. (See end of Document for details)*

ANNEX I

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Fertilisers, soil conditioners and nutrients referred to in Article 3(1) and Article 6d(2)
Note:

A: authorised under Regulation (EEC) No 2092/91 and carried over by Article 16(3)(c) of Regulation (EC) No 834/2007

B: authorised under Regulation (EC) No 834/2007

Authorisation	**NameCompound products or products containing only materials listed hereunder:**	**Description, compositional requirements, conditions for use**
A	Farmyard manure	Product comprising a mixture of animal excrements and vegetable matter (animal bedding). Factory farming origin forbidden
A	Dried farmyard manure and dehydrated poultry manure	Factory farming origin forbidden
A	Composted animal excrements, including poultry manure and composted farmyard manure included	Factory farming origin forbidden
A	Liquid animal excrements	Use after controlled fermentation and/or appropriate dilution Factory farming origin forbidden
B	Composted or fermented mixture of household waste	Product obtained from source separated household waste, which has been submitted to composting or to anaerobic fermentation for biogas production Only vegetable and animal household waste Only when produced in a closed and monitored

a Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/ 2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

b Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1).

		collection system, accepted by the Member State Maximum concentrations in mg/kg of dry matter: cadmium: 0,7; copper: 70; nickel: 25; lead: 45; zinc: 200; mercury: 0,4; chromium (total): 70; chromium (VI): not detectable
A	Peat	Use limited to horticulture (market gardening, floriculture, arboriculture, nursery)
A	Mushroom culture wastes	The initial composition of the substrate shall be limited to products of this Annex
A	Dejecta of worms (vermicompost) and insects	
A	Guano	
A	Composted or fermented mixture of vegetable matter	Product obtained from mixtures of vegetable matter, which have been submitted to composting or to anaerobic fermentation for biogas production
B	Biogas digestate containing animal by-products co-digested with material of plant or animal origin as listed in this Annex	Animal by-products (including by-products of wild animals) of category 3 and digestive tract content of category 2 (categories 2 and 3 as defined in Regulation (EC) No 1069/2009 of the European Parliament and of the Council [a]) must not be from factory farming origin. The Processes have to be in accordance with Commission Regulation (EU) No 142/2011. Not to be applied to edible parts of the crop

a Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/ 2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

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