



Brussels, **XXX**
[...] (2019) **XXX** draft

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

amending Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards certain detailed production rules for organic products

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Following the adoption of the new organic regulation, which will enter into application on 1 January 2021, it is necessary to adopt a delegated regulation amending Regulation (EU) 2018/848 on detailed production rules of organic products related to sprouted seeds, feeding of bee colonies and carnivorous aquaculture animals as well as juvenile aquaculture production. Producers need to have legal certainty on the new rules that will apply for these different product categories and EU Member States need to have enough time to integrate these new rules into their national legislations.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The act was discussed thoroughly with Member States at the Group of Experts on Organic Production as well as with the main organisations representing the organic sector, namely IFOAM, COPA-COGECA and EOCC. DG AGRI cooperated closely with other DGs in the field of their specific expertise when drafting these rules. WTO partners were notified and general public consultations were carried out.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This delegated act lays down additional production rules on different product categories: further details and cultivation practices for production of sprouts by moistening of seeds, feeding of bee colonies, feed for carnivorous aquaculture animals and further detailed conditions for juvenile production.

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(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 834/2007¹, and in particular Article 12(2)(e), Article 14(2)(c) and Article 15(2)(a) and (d) thereof,

Whereas:

- (1) Chapter III of Regulation (EU) 2018/848 lays down general production rules for organic products, while detailed production rules are set out in Annex II to that Regulation.
- (2) Since for the production of sprouts by moistening of the seeds, the seedlings use exclusively the reserves in the seeds to sprout and are consumed directly as foodstuff, the seeds used for the production of sprouts should be organic.
- (3) As regards the feeding of bee colonies, where the survival of the colony is endangered due to climatic conditions, the possibility to use pollen from organic apiculture could avoid the larvae to starve. In order to enhance the chances of survival of the colony, it is appropriate to allow bee colonies also to be fed with organic pollen.
- (4) As regards the requirements on the origin of aquaculture animals, in particular juvenile production, the larval rearing is characterised by three phases: the egg hatching and autotrophic phase where larvae consume their yolk sac reserves, the heterotrophic phase where larvae are fed on plankton and the final weaning to new feeding regimes. As that last phase of larval development leads to the juvenile form, new conditions for juvenile production should be provided that incorporate the most recent knowledge on the sector in line with organic principles.
- (5) The current rules on feed for carnivorous aquaculture animals include a general quantitative restriction on feed of plant origin. As the resulting diet does not meet the nutritional needs of all species and stages of development, that restriction should be abolished.
- (6) Annex II to Regulation (EU) 2018/848 should therefore be amended accordingly.
- (7) In the interest of clarity and legal certainty, this Regulation should apply from the date of application of Regulation (EU) 2018/848,

¹ OJ L 150, 14.6.2018, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EU) 2018/848 is amended in accordance with the Annex 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*.

It shall apply from 1 January 2021.

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

Done at Brussels,

For the Commission
The President
[\[...\]](#)



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ANNEX

ANNEX

to the

**COMMISSION DELEGATED REGULATION (EU) .../...
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**amending Annex II to Regulation (EU) 2018/848 of the European Parliament and of the
Council as regards certain detailed production rules for organic products**

ANNEX

Annex II to Regulation (EU) 2018/848 is amended as follows:

- (1) in Part I, point 1.3. is replaced by the following:

‘1.3. By way of derogation from point 1.1., the production of sprouts by moistening of seeds, provided that the seeds are organic, and the obtaining of chicory heads including by dipping in clear water shall be allowed.’;
- (2) in point 1.9.6.2. of Part II, point (b) is replaced by the following:

‘(b) bee colonies may only be fed where the survival of the colony is endangered due to climatic conditions. In such case, bee colonies shall be fed with organic honey, organic pollen, organic sugar syrups, or organic sugar.’
- (3) Part III is amended as follows:
 - (a) in point 3.1.2., the following point is added:

‘3.1.2.3. Juvenile production

In the larval rearing of marine fish species, rearing systems (preferably the ‘mesocosm’ or ‘large volume rearing’) may be used. Those rearing systems shall meet the following requirements:

 - (a) the initial stocking density shall be below 20 eggs or larvae per litre;
 - (b) the larval rearing tank shall have a volume of minimum 20 m³; and
 - (c) the larvae shall feed on the natural plankton developing in the tank, supplemented as appropriate by externally produced phytoplankton and zooplankton.’
 - (b) in point 3.1.3.3., point (e) is replaced by the following:

‘(e) organic feed materials of plant or animal origin.’