



COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMISSION STAFF WORKING DOCUMENT**

**Analysis table on the implementing rules to be laid down  
under the new Regulation on organic production**

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<p align="center"><i>Article 1</i> <b>Subject matter and scope</b></p> <p>1. This Regulation establishes objectives, principles and rules concerning:</p> <ul style="list-style-type: none"> <li>(a) the production, placing on the market, import, export and controls of organic products;</li> <li>(b) the use of indications referring to organic production in labelling and advertising.</li> </ul>	R 2092/91	
<p>2. This Regulation shall apply to the following products originating from agriculture or aquaculture, where such products are intended to be marketed as organic:</p> <ul style="list-style-type: none"> <li>(a) unprocessed plant and livestock products and livestock;</li> <li>(b) processed plant and livestock products which are intended for human consumption (hereinafter referred to as “processed food”);</li> <li>(c) live or unprocessed products of aquaculture;</li> <li>(d) processed products of aquaculture which are intended for human consumption;</li> <li>(e) feed.</li> </ul>	R 2092/91 – Art. 1(1)	
<p>However, it shall not apply to products of hunting and fishing of wild animals.</p>	R 2092/91 - Art. 4. 11.	
<p>3. This Regulation shall apply within the territory of the European Community to any operator involved in the following activities:</p> <ul style="list-style-type: none"> <li>(a) primary production;</li> <li>(b) processing of food and feed;</li> <li>(c) packaging, labelling and advertising;</li> <li>(d) warehousing, transport and distribution;</li> <li>(e) imports to and exports from the Community;</li> <li>(f) placing on the market.</li> </ul> <p>However, it shall not apply to catering operations, factory canteens, institutional catering, restaurants or other similar food service operations.</p>	R 2092/91  Clarification	

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<i>Article 2</i> <b>Definitions</b>		
For the purposes of this Regulation, the following definitions shall apply:		Definitions not used in the Council text but in future implementing rules will be laid down in those rules.
(a) 'organic production' means the use of organic production methods on the farm holding, as well as activities involved in the further processing, packaging and labelling of a product, in compliance with the objectives, principles and rules established in this Regulation;	R 2092/91 - Art. 4. 2-3. 11.  Com. R 207/93 - Art. 3	
(b) 'organic product' means an agricultural product coming from organic production;		
(c) 'plant production' means production of agricultural crop products and harvesting of wild plant products for commercial purposes;	R 2092/91 - Art. 4. 2-3. 11.	
(d) 'livestock production' means the production of domestic or domesticated terrestrial animals (including insects);	R 2092/91 - Art. 4. 2-3. 11.	
(e) 'aquaculture' means the rearing or cultivation of aquatic organisms using techniques designed to increase the production beyond the natural capacity of the environment, where the organisms remain the property of a natural or legal person throughout the rearing or cultivation stage, up to and including harvesting;	R 2092/91 - Art. 4. 11.  Community definition aquaculture	
(f) 'conversion' means the transition from non organic to organic farming;	Partly R 2092/91 - Art. 4. 24.	
(g) 'preparation' means the operations of preserving and/or processing of organic products (including slaughter and cutting for livestock products), and also packaging and/or alterations made to the labelling concerning the organic production method;	R 2092/91 - Art. 4(3)	
(h) 'placing on the market' has the meaning given by Article 3, point 8 of Regulation (EC) No 178/2002 of the European Parliament and of the Council <sup>1</sup> ;	R 2092/91 - Art. 4(4)	
(i) 'labelling' means any words, particulars, trade marks, brand name, pictorial matter or symbol placed on any packaging, document, notice, label, ring or collar accompanying or referring to a product referred to in the first subparagraph of Article 1(2);	R 2092/91 - Art. 4(1)	
(j) 'competent authority' means the central authority of a Member State competent for the organisation of official controls in the field of organic production or any other authority on which that competence has been conferred and, where appropriate, the corresponding authority of a third country;	R 882/2004 (OFFC) Art. 2(4)	
(k) 'control body' means an independent third party to which the competent authority has delegated certain control tasks;	R 882/2004 (OFFC) Art. 2(5)	

<sup>1</sup> OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

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(l) 'certificate' means a written confirmation issued by a competent authority or a control body that an operator or a specific lot of products is found to comply with the principles and rules applicable to organic production;		
(m) 'mark of conformity' means the assertion of conformity to a particular set of standards or other normative documents in the form of a mark;		
(n) 'ingredients' has the meaning given by Article 6(4) of Directive 2000/13/EC of the European Parliament and of the Council <sup>2</sup> ;	R 2092/91 - Art. 4(6)	
(o) 'plant protection products' means products as defined in Article 2, point 1 of Council Directive 91/414/EEC <sup>3</sup> ;	R 2092/91 - Art. 4(7)	
(p) 'genetically modified organism (GMO)' means an organism as defined in Article 2 of Directive 2000/18/EC of the European Parliament and of the Council <sup>4</sup> ;	R 2092/91 - Art. 4. 12.	
(q) 'produced from GMOs' means derived, in whole or in part, from GMOs but not containing or consisting of GMOs <sup>5</sup> ;	R 2092/91 - Art. 4. 13.	
(r) 'products produced by GMOs' means food and feed additives, flavourings, vitamins, enzymes, processing aids, certain products used in animal nutrition (under Directive 82/471/EEC <sup>5</sup> ), plant protection products, fertilisers and soil conditioners, produced by nourishing an organism with materials that are in whole or in part GMOs.;	R 2092/91 - Art. 4. 14.	
(s) 'food' has the meaning given by Article 2 of Regulation (EC) No 178/2002;		
(t) 'feed' has the meaning given by Article 3, point 4 of Regulation (EC) No 178/2002;	R 2092/91 - Art. 4. 17. &18. &19.	
(u) 'feed additives' means products as defined in Article 2(a) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council <sup>6</sup> ;	R 2092/91 - Art. 4. 20 + 4.21.	
(v) 'equivalent' in describing different systems or measures, means that they are capable of meeting the same objectives and principles.	R 882/2004 (OFFC) Art. 2. 14 (partly)	

<sup>2</sup> OJ L 109, 6.5.2000, p. 29.

<sup>3</sup> OJ L 230, 19.8.1991, p. 1.

<sup>4</sup> OJ L 106, 17.4.2001, p. 1.

<sup>5</sup> OJ L 213, 21.7.1982, p. 8. Directive as last amended by Directive 1999/20/EC (OJ L 80, 25.3.1999, p. 20).

<sup>6</sup> OJ L 268, 18.10.2003, p. 29.

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<p style="text-align: center;"><i>Article 3</i> <b>Objectives</b></p> <p>The organic production system shall pursue the following objectives:</p> <p>(a) It shall establish, in a practical, economically viable management system for agriculture, a production of a wide variety of products by methods that:</p> <p>(i) minimise the negative effects on the environment;</p> <p>(ii) maintain and enhance a high level of biological diversity on farms and their surrounding areas;</p> <p>(iii) preserve as far as possible the natural resources, such as water, soil, organic matter and air;</p> <p>(iv) respect high animal welfare standards and in particular meet animals' species-specific behavioural needs.</p> <p>(b) It shall establish a production of food and other agricultural products that responds to a consumer demand for goods produced by use of natural processes, or processes that are comparable to natural processes, and naturally occurring substances</p>	<p>(several objectives are formulated in recitals to R 292/91 and R 1804/99)</p> <p>R 2092/91 – Annex I. B, 7.2 .&amp; 4. &amp; 5., Annex III, A.2., 1, Annex VII</p> <p>R 2092/91 – Annex I. B, 7.2 .&amp; 4. &amp; 5., Annex III, A.2., 1, Annex VII</p> <p>R 2092/91 – Annex I. B, 4.1., 5.1. (a-d), 5.2., 6.1.8, 8.1.1., 8.1.2.</p>	
<p style="text-align: center;"><i>Article 4</i> <b>Overall principles</b></p> <p>The following principles shall apply to all organic production:</p> <p>(a) the use of living organisms and mechanical production methods shall be preferred to the use of synthetic materials;</p> <p>(b) natural substances shall be used in preference to chemically synthesised substances, which may be used only where natural substances are not commercially available;</p> <p>(c) GMOs and products produced from or by GMOs may not be used, with the exception of veterinary medicinal products;</p> <p>(d) rules of organic production shall be adapted to local conditions, stages of development and specific husbandry practices, while maintaining the common concept of organic production.</p>	<p>R. 2092/91- Art. 7(1)(b), Annex I.B.4.5, I.C.8.2, II.A, II.D, VI.A2</p> <p>R 2092/91 – Art. 5(3)(h), 6(1)(d), 6 (2)(a), Article 13 fifth indent and paragraphs 2.3 to 2.4 of Annex I [P Art. A]</p>	

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<p style="text-align: center;"><i>Article 5</i> <b>Principles applicable to farming</b></p> <p>In addition to the overall principles set out in Article 4, the following principles shall apply to organic farming:</p>		
(a) farming shall maintain and enhance soil fertility, prevent and combat soil erosion, and minimise pollution;	R 2092/91 – Annex I. A 2.1. & 2.2. R 2092/91 – Annex I B 1.3. & 1.4. & 7.1. & 7.2. (Annex VII) & 7.4. (Annex III, A.2., 1.) & 7.5.	
(b) farming shall aim at producing products of high quality instead of maximising production;	R 2092/91 – Annex I. B, 4.1.	
(c) the use of non-renewable resources and off-farm inputs shall be minimised;	R 2092/91 – Annex I. B, 1.3.	
(d) wastes and by-products of plant and animal origin shall be recycled as input in plant and livestock production and for energy production;	R 2092/91 – Annex I. B, 1.1. & 1.2. & I. B, 1.3. & I. B, 1.4.	
(e) production decisions shall take account of the local or regional ecological balance;	R 2092/91 – Annex I. B, 1.2. & 1.3. & 1.4.	
(f) plants shall be primarily fed through the soil ecosystem;	R 2092/91 – Annex I. A, 2.1. & I. B, 1.2. & 1.3.	
(g) maintenance of animal and plant health shall be based on preventative techniques including selection of appropriate breeds and varieties;	R 2092/91 – Annex I. A, 3. & I. B, 3.1. & 8.2.5. & 8.4.6.	
(h) feed for livestock shall come primarily from the holding where the animals are kept or shall be produced in cooperation with other organic farms in the same region;	R 2092/91 – Annex I. B, 4.3.	
(i) the highest level of animal welfare shall be observed;	R 2092/91 – Annex I. B, 6.1.8. & 6.1.9., 6.2.1.& .2., 8.1.1. & 8.1.2. & 8.3.5. & .7. & .8. & 8.4.1.-5.	
(j) products of organic livestock production shall come from animals that since birth or hatching and throughout their life have been raised on organic holdings;	R 2092/91 – Annex I. B, 3.8. + 3.9. + 3.10 + 3.11.	
(k) breeds shall be chosen favouring slow growing strains and having regard to the capacity of animals to adapt to local conditions, their vitality and their resistance to disease or health problems;	R 2092/91 – Annex I. B, 3.1. & 3.13. & 5.1. (a-d) + 5.2. & I. C, 3.1. & 6.1.(a-b)	
(l) organic livestock feed shall be composed essentially of agricultural ingredients from organic farming and of natural non-agricultural substances;	R 2092/91 – Annex I. B, 4.2. & I. C, 5.1.	
(m) husbandry practices which enhance the immune system and strengthen the natural defence against diseases shall be used;	R 2092/91 – Annex I. B, 3.1. & 5.1. (a-d) + 5.2. & I. C, 6.1.(a-b)	
(n) aquaculture production shall minimise the negative effect on the aquatic environment;		

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(o) feed used in aquaculture shall be from sustainable fisheries or composed essentially of agricultural ingredients from organic farming and of natural non-agricultural substances;		
(p) polyploid animals may not be used		
<p style="text-align: center;"><i>Article 6</i> <b>Principles applicable to processing</b></p> <p>In addition to the overall principles set out in Article 4, the following principles shall apply to the production of processed organic feed and food:</p> <p>(a) organic food and feed shall be produced essentially from agricultural ingredients which shall be organic, except where an organic ingredient is not commercially available;</p>	R. 2092/91: Art. 1.b & 5.3	
(b) additives and processing aids shall be used to a minimum extent and only in case of essential technological need;	R 207/93, Art. 2	
(c) ionising radiation may not be used.	R 2092/91 – Art. 5(3)(e)	
<p style="text-align: center;"><i>Article 7</i> <b>General farm production rules</b></p> <p>1. The entire commercial part of a holding shall be managed in compliance with the requirements applicable to organic production or conversion to organic production.</p> <p>However, in accordance with specific conditions to be laid down in accordance with the procedure referred to in Article 31(2), a holding may be split up into clearly separated units which are not all managed under organic production.</p> <p>Where, in accordance with the second subparagraph, not all of a farm is used for organic production, the farmer shall keep the land, animals, and products used for organic production separate from the rest and keep adequate records to show the separation.</p>	<p>R 2092/91 – Art. 5(1)</p> <p><b>LIVESTOCK</b></p> <p>R 2092/91 – Annex I. B, 1.6. (Annex III, A. 2., 4.)(Segregation of non organic livestock production units)</p> <p>R 2092/91 – Annex I. B, 1.7. (Derogation for use by non organic livestock of organic pasturage)</p> <p>R 2092/91 – Annex I. B, 1.8. (Derogation for use of common land)</p> <p><b>BEEES</b></p> <p>R 2092/91 – Annex I. C, 1.3. (Organic and non-organic production on same holding)</p>	<p>To be transposed without changes to the technical standards.</p> <p>As regards the regulatory mechanism, the “Authorisation of the derogation by the control authority/body” for allowing non-organic animals on organic land and sale of products from common land as organic provided “demonstration of segregation to the satisfaction of the control authority/body” shall be deleted and replaced by common rules on the basis of this Article.</p>
<p>2. Farmers are required not to use GMOs or products produced from GMOs where they should have knowledge of their presence due to information on any label accompanying the product or from any other accompanying document.</p> <p>Where farmers use products purchased from third parties to produce organic food or feedstuffs, they shall require the vendor to confirm that the products supplied have not been produced by GMOs.</p>	R 2092/91 – Art. 5(3)(h), 6(1)(d) & Annex I. B, 4.18.	

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<i>Article 8</i> <b>Plant production rules</b>		
I. In addition to the general rules laid down in Article 7, the following rules shall apply to organic plant production:		
(a) organic plant production shall be based on tillage and cultivation practices that maintain or increase soil organic matter, enhance soil stability and soil biodiversity, and prevent soil compaction and soil erosion;	R 2092/91 – Annex I.A. 2.1.	To be transposed without changes to technical standards (See also Art. 32 (a))
(b) fertility and biological activity of the soil shall be maintained and increased by multi-annual crop rotation including green manure, application of manure and organic material from organic farms;	R 2092/91 – Annex I.A. 2.1) R 2092/91 – Annex I. B7.1 (Max 170 kg N/yr/ha (nitrates dir.)	To be transposed without changes to technical standards In addition to be brought inline with general Community Legislation (environmental protection).
(c) in addition, fertilisers and soil conditioners compatible with the objectives and principles of organic production may be used if they have been approved under Article 11;	R. 2092/91 – Art. 6.1(b) R. 2092/91 – Art. 7 R. 2092/91 – Annex I.A. 2.2. (conditions for using fertilisers in Annex II A) R. 2092/91 – Annex II.A	(For criteria and lists see Art. 11)
(d) mineral nitrogen fertilisers shall not be used;		
(e) all plant production techniques used shall prevent or minimise any contribution to contamination of the environment;		
(f) prevention of damage caused by pests, diseases and weeds shall rely primarily on the choice of species and varieties, crop rotation and cultivation techniques;	R. 2092/91 – Art. 6(1)(b) R. 2092/91 – Art. 7 R. 2092/91 – Annex I.A.3 R. 2092/91 – Annex II.B	To be transposed without changes to technical standards
(g) in the case of threat to a crop, plant protection products compatible with the objectives and principles of organic production may be used if they have been approved under Article 11;	R. 2092/91 – Art. 6.1(b) R. 2092/91 – Art. 7 R. 2092/91 – Annex I.A.3 R. 2092/91 – Annex II.B	(For criteria and lists see Art. 11)
(h) the use of any approved synthetic substances shall be subject to conditions and limits as regards the crops that they can be applied to, the application method, the dosage, the time limits for use and the contact with crop;	R. 2092/91 – Art. 7(2)	To be transposed without changes to technical standards
(i) only organically produced seed and propagating material may be used. To this end, the mother plant in the case of seeds and the parent plant in the case of vegetative propagating material shall have been produced in accordance with the rules laid down in this Regulation for at least one generation, or, in the case of perennial crops, two growing seasons.	R 2092/91 – Article 6 Com. Reg. 1452/2003 (Use of organic seeds, derogations and databases on the availability of organic seed).	To be transposed without changes to technical standards, depending on outcome of examination of 1452/2003



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2. The collection of edible plants and parts thereof, growing naturally in natural areas, forests and agricultural areas, is considered an organic production method provided that: <ul style="list-style-type: none"> <li>(a) those areas have not, for a period of three years before the collection, received treatments with products other than those approved under Article 11;</li> <li>(b) the collection does not affect the stability of the natural habitat or the maintenance of the species in the collection area.</li> </ul>	R 2092/91 – Annex I.A.4	To be transposed without changes to technical standards
<p style="text-align: center;"><i>Article 9</i> <b>Livestock production rules</b></p> In addition to the general rules laid down in Article 7, the following rules shall apply to livestock production:		
(a) with regard to the origin of the animals:		
(i) organic livestock shall be born and raised on organic holdings;	<b>LIVESTOCK</b> R 2092/91 – Annex I. B, 3.2. (Principle of whole life on a organic farm)	To be transposed without changes to technical standards
	<b>BEEES</b> R 2092/91 – Annex I. C, 3.2. (Constitution of apiaries) R 2092/91 – Annex I. C, 3.6. (Derogation for limited import of queens and swarms of non organic origin)	To be transposed without changes to technical standards  The derogation, for which no authorisation was foreseen, is made into a common rule.
(ii) for breeding purposes, non-organically raised animals may be brought onto a holding under specific conditions to be established in accordance with the procedure referred to in Article 31(2);	<b>LIVESTOCK</b> R 2092/91 – Annex I. B, 3.4. (Derogation for conversion of young animals at first time constitution of the herd) R 2092/91 – Annex I. B, 3.5. (Approval of the derogation for conversion of young animals at first time constitution of the herd) R 2092/91 – Annex I. B, 3.8. + 3.9. + 3.10 + 3.11. (Derogation to use non organic nulliparous and males for breeding)	To be transposed without changes to technical standards.  As regards the regulatory mechanism, the three “Authorisations of the derogations by the control authority/body” for bringing in non-organic animals shall be deleted and replaced by common rules on the basis of this Article.
	<b>BEEES</b> R 2092/91 – Annex I. C, 7.3. (Destruction of queen bee at replacement)	To be transposed without changes to technical standards

(b) with regard to husbandry practices and housing conditions:		
(i) personnel keeping animals shall possess the necessary knowledge and competence as regards the health and the welfare needs of the animals;	<p><b>LIVESTOCK</b> R 2092/91 – Annex I. B, 5.1. (a - d) + 5.2. (Disease prevention)</p>	To be transposed without changes to technical standards
	<p><b>BEEES</b> R 2092/91 – Annex I. C, 6.1.(a)+(b)(Disease prevention)</p>	To be transposed without changes to technical standards.
(ii) husbandry practices, including stocking densities, and housing conditions shall ensure that developmental, physiological and ethological needs of animals are met;	<p><b>LIVESTOCK</b> R 2092/91 – Annex I. B, 4.1. (Priority on quality production, ban force feeding) R 2092/91 – Annex I. B, 5.1. (a - d) + 5.2. (Disease prevention) R 2092/91 – Annex I. B, 6.1.8. (Group size, ban on inducing anaemia) R 2092/91 – Annex I. B, 8.1.1. (Housing principles) R 2092/91 – Annex I. B, 8.1.2. (Protection from adverse conditions outdoor areas) R 2092/91 – Annex I. B, 8.2.1. (General housing principles) R 2092/91 – Annex I. B, 8.2.2. (Stocking densities and animal welfare) R 2092/91 – Annex I. B, 8.2.3., VIII (Setting of minimum areas) R 2092/91 – Annex I. B, 8.2.5., II, B, 2 + II, E (Cleaning of stables)</p>	To be transposed without changes to technical standards
	<p><b>MAMMALS</b> R 2092/91 – Annex I. B, 8.3.5. (Ban on full slatted floor) R 2092/91 – Annex I. B, 8.3.6. (Obligations resting area) R 2092/91 – Annex I. B, 8.3.7. (Animal welfare calf, single box ban after 1 week) R 2092/91 – Annex I. B, 8.3.8. (Animal welfare of pigs, sows in group, ban on piglets flat decks and cages and obligation for providing rooting material)</p>	To be transposed without changes to technical standards. In addition to be brought inline with general Community Legislation (animal welfare).
	<p><b>POULTRY</b> R 2092/91 – Annex I. B, 8.4.1. (Ban on cages and demand of access to outdoor) R 2092/91 – Annex I. B, 8.4.2. (Access to water for waterfowl) R 2092/91 – Annex I. B, 8.4.3. (Stocking density, maximum number, ban on full slatted floor, perches, maximum area poultry unit ) R 2092/91 – Annex I. B, 8.4.4. (Light regime) R 2092/91 – Annex I. B, 8.4.5. (Access to outdoors)</p>	To be transposed without changes to technical standards.
	<p><b>BEEES</b> R 2092/91 – Annex I. C, 6.1.(a)+(b)(Disease prevention) R 2092/91 – Annex I. C, 8.7. (+ Annex II, B, E (Cleaning))</p>	To be transposed without changes to technical standards.

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(iii) the livestock shall have permanent access to a free-range area, preferably pasture, whenever weather conditions and the state of the ground allow this;	<p><b>LIVESTOCK</b></p> <p>R 2092/91 – Annex I. B, 1.4., &amp; 8.3.1. (Principles of access to outdoor areas)  R 2092/91 – Annex I. B, 8.3.2. (Summer grazing and winter stables)  R 2092/91 – Annex I. B, 8.3.3. (Access to outdoor are for over one year old bulls)</p> <p><b>POULTRY</b></p> <p>R 2092/91 – Annex I. B, 8.4.1. (Ban on cages, obligatory access to outdoors)  R 2092/91 – Annex I. B, 8.4.5. (Conditions access to outdoor)</p>	<p>To be transposed without changes to technical standards</p> <p>As regards the regulatory mechanism, the exception (without prior authorisation) from the requirement for outdoors access in case of statutory disease measures to be dealt with as a common but exceptional rule under Art. 16(2)(h).</p> <p>To be transposed without changes to technical standards.</p>
(iv) the number of livestock shall be limited with a view to minimising overgrazing, poaching of soil, erosion, or pollution caused by animals or by the spreading of their manure;	<p><b>LIVESTOCK</b></p> <p>R 2092/91 – Annex I. B, 1.4. (Limitation stock density against overdosing manure)  R 2092/91 – Annex I. B, 7.2., (Livestock density in relation to limit of 170 kg/N/ha from manure)  R 2092/91 – Annex I. B, 7.4.,A.2., 1, 5. (Cooperation between farms within the 170 kg/N/ha limit from manure)  R 2092/91 – Annex I. B, 7.5. (Lower limits to N from manure)  R 2092/91 – Annex I. B, 7.6. + 7.7 (Conditions for preventing pollution and good use of manure)  R 2092/91 – Annex I. B, 8.2.4. (Conditions for preventing poaching of soil and over grazing)</p>	<p>To be transposed without changes to technical standards</p> <p>As regards the regulatory mechanism, the two authorisations for the Member States to set levels of N from manure shall be replaced either by common rules, or in case this is not possible, by <u>formal guidelines</u> on the basis of which Member State authorities <u>shall</u> lay down those levels taking account of local conditions.</p> <p>In addition to be brought inline with general Community Legislation (environmental protection).</p>
(v) organic livestock shall be kept separate or readily separable from other livestock;	<p><b>LIVESTOCK</b></p> <p>R 2092/91 – Annex I. B, 1.5. (All livestock organic)  R 2092/91 – Annex I. B, 1.6.,A. (Segregation non organic livestock units)  R 2092/91 – Annex I. B, 1.7. (Use of organic pasturage by non organic livestock)  R 2092/91 – Annex I. B, 1.8. (Organic livestock’s use of common land)  R 2092/91 – Annex I. B, 6.3.1., III, A.2., 2. (Identification livestock at all stages)  R 2092/91 – Annex III, A.2., 3. (Permanent identification livestock)</p>	<p>To be transposed without changes to technical standards and be brought in line with general Community legislation (identification and registration of animals).</p> <p>(See also Article 7(1))</p>
(vi) tethering or isolation of livestock shall be prohibited, unless for individual animals for a limited period of time and justified for safety, welfare or veterinary reasons;	<p><b>LIVESTOCK</b></p> <p>R 2092/91 – Annex I. B, 6.1.4. (Ban on tethering, derogation individual animals)  R 2092/91 – Annex I. B, 6.1.5. (Specific derogation for tethering of cattle until 31 December 2010)  R 2092/91 – Annex I. B, 6.1.6. (Derogation for tethering on small holdings)</p>	<p>To be transposed without changes to technical standards</p> <p>As regards the regulatory mechanism, the “Authorisation of the derogation by the control authority/body” for tethering of individual animals shall be deleted and replaced by common rules on the basis of this Article. The two “Authorisations of the derogations by the control authority/body” for tethering in old buildings and small holdings shall be deleted and replaced by common but exceptional rules under Art. 16(2)(a) + (b).</p>

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(vii) duration of transport of livestock to slaughterhouses shall be minimised;	<b>LIVESTOCK</b> R 2092/91 – Annex I, B, 6.2.1. & 6.2.2. (Conditions for avoiding stress, ban on use of certain equipment, tranquilisers during transport, loading and unloading)	To be transposed without changes to technical standards
(viii) any suffering, including mutilation, shall be kept to a minimum;	<b>LIVESTOCK</b> R 2092/91 – Annex I, B, 6.1.2. (Mutilation) R 2092/91 – Annex I, B, 6.1.3. (Castration) R 2092/91 – Annex I, B, 6.2.2. (Stress and transport)	To be transposed without changes to technical standards  As regards the regulatory mechanism, the “Authorisation of the derogation by the control authority/body” for mutilation of animals shall be deleted and replaced by common rules on the basis of this Article.
	<b>BEES</b> R 2092/91 – Annex I, C, 7.2. (Ban of mutilation)	To be transposed without changes to technical standards
(ix) apiaries must be placed in areas which ensure nectar and pollen sources consisting essentially of organically produced crops and/or spontaneous vegetation and must keep enough distance from sources leading to contamination of products from beekeeping;	R 2092/91 – Annex I, C, 4.1. (Siting of apiaries) R 2092/91 – Annex I, C, 4.2 (Conditions for siting of apiaries)	To be transposed without changes to technical standards  As regards the regulatory mechanism, the measures by the control authority/body to ensure application of the conditions for siting of apiaries shall be deleted and replaced by common rules on the basis of this Article.
(x) hives and materials used in beekeeping must be made of natural materials;	R 2092/91 – Annex I, C, 5.6. (Limitation to products used in organic beekeeping) R 2092/91 – Annex I, C, 6.5. (Conversion after treatment) R 2092/91 – Annex I, C, 8.1. (Hives of natural material) R 2092/91 – Annex I, C, 8.2. (Use of natural materials in hives) R 2092/91 – Annex I, C, 8.3. (Use of organic beeswax and derogation to use non organic beeswax for first time constitution and conversion)	To be transposed without changes to technical standards  As regards the regulatory mechanism, the “Authorisation of the derogation by the control authority/body” for use of non-organic beeswax shall be deleted and replaced by common but exceptional rules under Art. 16(2)(c).
(xi) the destruction of bees in the combs as a method associated with the harvesting of beekeeping products is prohibited;	R 2092/91 – Annex I, C, 7.1. (Destruction of hives) R 2092/91 – Annex I, C, 7.5. (Ban of use synthetic repellent for honey extraction) R 2092/91 – Annex I, C, 8.4. (Ban on destruction of brood for honey extraction)	To be transposed without changes to technical standards
(c) with regard to breeding:		
(i) reproduction shall not be induced by hormone treatment, unless in order to treat reproduction disorders;	<b>LIVESTOCK</b> R 2092/91 – Annex I, B, 5.5. (a). (Ban on growth promoters and allowing obligatory treatment)	To be transposed without changes to technical standards
(ii) cloning and embryo transfer shall not be used;	R 2092/91 – Annex I, B, 6.1.1. (Natural and artificial reproduction)	To be transposed without changes to technical standards

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(iii) an appropriate choice of breed shall contribute to the prevention of any suffering and to avoiding the need for mutilation of animals;	<b>LIVESTOCK</b> R 2092/91 – Annex I. B, 3.1. & 5.1. (a - d) & 5.2. (Disease prevention)	To be transposed without changes to technical standards
	<b>BEEES</b> R 2092/91 – Annex I. C, 6.1.(a)+(b)(Disease prevention)	To be transposed without changes to technical standards
(d) with regard to feed:		
(i) livestock shall be fed with organic feed, which may include proportions of feed from farm units which are in conversion to organic farming, that meet the animal's nutritional requirements at the various stages of its development;	<b>LIVESTOCK</b> R 2092/91 – Annex I. B, 4.1. (Quality production and ban on forced feeding) R 2092/91 – Annex I. B, 4.2. (Fed with organic feed) R 2092/91 – Annex I. B, 4.4. (Use of 30-60% in conversion feed) R 2092/91 – Annex I. B, 6.1.8. (Group size + ban on inducing anaemia)	To be transposed without changes to technical standards
	<b>BEEES</b> R 2092/91 – Annex I. C, 5.1. (Ban on removing honey/pollen totally from hives)	To be transposed without changes to technical standards
(ii) animals shall have permanent access to pasture or roughage;	<b>LIVESTOCK</b> R 2092/91 – Annex I. B, 4.1. (Priority on quality production, ban on force feeding) R 2092/91 – Annex I. B, 4.7. (Obligation maximal use of pasture by herbivores. At least 60% roughage for herbivore – though derogation for 50% in early lactation) R 2092/91 – Annex I. B, 4.11. (Roughage to poultry and pigs)	To be transposed without changes to technical standards As regards the regulatory mechanism, the “Authorisation of the derogation by the control authority/body” for reducing the percentage of roughage shall be deleted and replaced by common rules on the basis of this Article.
(iii) feed additives may be used only if they have been approved under Article 11	R 2092/91 – Annex I. B. 4. 16., II, C, 3., D.1.1 and 1.2. (Positive list of mineral and vitamins in feed etc.) R 2092/91 – Annex I. B, 4.17., II, D, 1.3. - 1.8. + 2 + 3) (Positive list of additives etc.)	(For criteria and lists see Art. 11)
(iv) growth promoters and synthetic amino-acids may not be used;	<b>LIVESTOCK</b> R 2092/91 – Annex I. B, 5.5. (a)+(b). (Ban on growth promoters and allowing obligatory statutory treatment)	To be transposed without changes to technical standards. As regards the regulatory mechanism, the exception (without prior authorisation) from the prohibition to use allopathic chemical treatments in case of statutory disease measures shall be deleted and replaced by a common but exceptional rule under Art. 16(2)(h).

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(v) suckling mammals shall be fed with natural, preferably maternal, milk;	<b>LIVESTOCK</b> R 2092/91 – Annex I. B, 4.5. (Natural milk feeding)	To be transposed without changes to technical standards
(e) with regard to disease prevention and veterinary treatment:	<b>LIVESTOCK</b> R 2092/91 – Annex I. B, 3.1. (Choice of appropriate breed and strain) R 2092/91 – Annex I. B, 3.13. (Special attention on health) R 2092/91 – Annex I. B, 5.1. (a - d) + 5.2. (Disease prevention) R 2092/91 – Annex I. B, 5.8., III, A.2., 3, 5. (Limits to number of treatments) R 2092/91 – Annex I. B, 8.2.5., II, B, 2 + II, E (Cleaning of stables) R 2092/91 – Annex I. B, 8.4.6. (Cleaning and fallow period for outdoor area)  <b>BEES</b> R 2092/91 – Annex I. C, 3.1. (Choice of breed and strain) R 2092/91 – Annex I. C, 6.1.(a)+(b)(Disease prevention) R 2092/91 – Annex I. C, 7.4. (Destruction of male brood at <i>Varroa</i> infection) R 2092/91 – Annex I. C, 8.5. + Annex II, B, 2 (Hives and frame protection) R 2092/91 – Annex I. C, 8.6. (Physical disinfection) R 2092/91 – Annex I. C, 8.7. + Annex II, E (Cleaning)	To be transposed without changes to technical standards  As regards the regulatory mechanism, the authorisation for the Member States to set fallow period shall be replaced either by common rules, or in case this is not possible, by <u>formal guidelines</u> on the basis of which Member State authorities <u>shall</u> lay down these periods taking account of local conditions.  To be transposed without changes to technical standards  As regards the regulatory mechanism, the “Authorisation of the derogation by the control authority/body” for use of non-organic beeswax shall be deleted and replaced by common but exceptional rules under Art. 16(2)(c).  (See also Art. 9.(c)(x).)
(ii) disease outbreaks shall be treated immediately to avoid suffering to the animal; allopathic products including antibiotics may be used where necessary, when the use of phytotherapeutic, homeopathic and other products is inappropriate	<b>LIVESTOCK</b> R 2092/91 – Annex I. B, 5.3. (Obligation for immediate treatment) R 2092/91 – Annex I. B, 5.4. (a - c)(Treatment) R 2092/91 – Annex I. B, 5.8. III, A.2., 3, 5. (Limits to number of treatments) R 2092/91 – Annex I. B, 5.7. III, A.2., 3, 5. (Double withdrawal period)  <b>BEES</b> R 2092/91 – Annex I. C, 6.2. (Obligation to treat disease immediately) R 2092/91 – Annex I. C, 6.3. (a),(b),(c),(d),(e)(Principles of disease treatment) R 2092/91 – Annex I. C, 6.4. (Compulsory treatment of diseases)	To be transposed without changes to technical standards  As regards the regulatory mechanism, the “subject to the agreement by the control authority/body” for reconverting treated animals shall be deleted and replaced by common rules on the basis of this Article.  To be transposed without changes to technical standards

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<p style="text-align: center;"><i>Article 10</i> <b>Production rules for aquaculture</b></p> <p>1. The Commission shall in accordance with the procedure referred to in Article 31(2), and subject to the objectives and principles laid down in Title II, establish production rules, including rules on conversion, applicable to organic aquaculture.</p>		
<p>2. Pending the adoption of the rules referred to in paragraph 1, national rules, or in the absence thereof private standards accepted or recognised by the Member States, shall apply, provided that they pursue the same objectives and principles as those laid down in Title II.</p>	R 2092/91 – Art. 1(2)	To be transposed without changes to technical standards
<p style="text-align: center;"><i>Article 11</i> <b>Use of certain products and substances in farming</b></p> <p>1. The Commission shall in accordance with the procedure referred to in Article 31(2), and subject to the objectives and principles laid down in Title II, establish specific criteria for the approval of products and substances that may be used in organic farming as follows:</p>	R 2092/91 – Art. 7(1)	
(a) plant protection products;	R 2092/91 – Art. 7(1)(a)	To be transposed without changes to technical standards, but to be completed with criteria Codex guidelines (Sec.5)
(b) fertilisers and soil conditioners;	R 2092/91 – Art. 7(1)(b)	
(c) plant, animal and mineral feed material;	R 2092/91 – Art. 6(1)(b)	
(d) feed additives;	R 2092/91 – Art. 6(1)(b)	
(e) cleaning materials;	R 2092/91 – Art. 6(1)(b)	
(f) other substances.	R 2092/91 – Art. 6(1)(b)	
<p>2. The Commission shall, in accordance with the procedure referred to in Article 31(2), decide on approval of the products and substances referred to in paragraph 1 and fix the conditions and limits for their use.</p>	<p><b>POSITIVE LISTS</b></p> <p><b>PLANT PROTECTION PRODUCTS</b></p> <p>R 2092/91 – Annex II. B</p> <p><b>FERTILISERS AND SOIL CONDITIONERS</b></p> <p>R 2092/91 – Annex II. A</p> <p><b>FEED MATERIAL</b></p> <p><b>LIVESTOCK</b></p> <p>R 2092/91 – Annex I. B, 4.13. (+ Annex II, C, 1. ) (Positive list on non organic feed of vegetable origin)</p>	<p><b>POSITIVE LISTS</b></p> <p>Lists of Annex I. /B/C &amp; II A/B/C/D to be transposed without changes to technical standards, but to be brought in line with general Community legislation.</p> <p>In line with the current Article 7(1)(a) of R 2092/91 “The conditions provided for ... shall not apply to products which were in common use before the adoption of this Regulation ...”, no review of the lists will take place initially. However, once the expert panel is installed the lists should be reviewed against the objectives, principles and basic and criteria.</p>

R 2092/91 – Annex I. B, 4.14. (+ Annex II, C.2. )  
(Positive list on feed of animal origin)  
R 2092/91 – Annex I. B, 4.16. (+ Annex II, C, 3. + D.1.1 and 1.2.)  
(Positive list of mineral and vitamins in feed etc.)

**BEEES**

R 2092/91 – Annex I. C, 5.6. & 7 (List feed products beekeeping)

**FEED ADDITIVES**

**LIVESTOCK**

R 2092/91 – Annex I. B. 4. 12. (+Annex II, D, 3.1.)  
(Positive list silage additives)  
R 2092/91 – Annex I. B, 4.16. (+ Annex II, C, 3. + D.1.1 and 1.2.)  
(Positive list of mineral and vitamins in feed etc.)  
R 2092/91 – Annex I. B, 4.17. (+ Annex II, D, 1.3. - 1.8. + 2 + 3)  
(Positive list of additives etc.)

**CLEANING**

**LIVESTOCK**

R 2092/91 – Annex I. B, 8.2.5. & 8.4.6. (+ Annex II, B, 2 + II, E)  
(Stable cleaning)

**BEEES**

R 2092/91 – Annex I. C, 8.5. (+ Annex II, B, 2)(Hives protection)  
R 2092/91 – Annex I. C, 8.7. + Annex II, E (Cleaning)

**CONDITIONS AND LIMITS**

R 2092/91 – Annex I. B, 7.3.  
(Communic. higher livestock density / N-limit from manure)  
R 2092/91 – Annex I. B, 7.4. (+ Annex III, , A.2., 1, 5.  
(Cooperation between farms to respect N-limit from manure)  
R 2092/91 – Annex I. B, 7.5. (N-limit from manure /soil condions)  
R 2092/91 – Annex I. B, 7.6. + 7.7 (pollution and use of manure)

**CONDITIONS AND LIMITS**

As regards the regulatory mechanism, the large number (28 times) of “Need to be recognised by the control/authority body” for fertilisers, soil conditioners and pesticides and “demonstration to the satisfaction of the control/authority body” for feedstuffs shall be replaced either by common rules, or in cases where that is not possible, by formal guidelines on the basis of which Member State authorities shall lay down objective parameters and values for granting individual authorisations accounting for local conditions. The role of the control bodies shall then be to verify and certify whether the operators have acted in conformity with these



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<p style="text-align: center;"><i>Article 12</i> <b>Conversion</b></p> <p>The following rules shall apply to a farm on which organic production is commenced:</p> <p>(a) prior to the first growing season of crops which are to be grown according to organic production methods, products not permitted to be used in organic farming shall not have been applied for a period to be defined in accordance with the procedure referred to in Article 31(2);</p> <p>(b) livestock existing on the holding may be deemed organic after a transitional period to be defined in accordance with the procedure referred to in Article 31(2);</p> <p>(c) milk and milk products from formerly non organic dairy animals may be sold as organic after a period to be defined in accordance with the procedure referred to in Article 31(2);</p> <p>(d) on single farm units partly under organic production and partly in conversion to organic production, the farmer shall keep the land, animals, and products separate and keep adequate records to show the separation.</p>	<p>R 2092/91 – Art. 5.3. (c), (d)</p> <p><b>CROP</b></p> <p>R 2092/91 – Annex I. A. 1.1 (Normal conversion)  R 2092/91 – Annex I. A 1.2. (Retro-active recognition of conversion period)  R 2092/91 – Annex I. A 1.3. (Extending conversion period)  R 2092/91 – Annex I. A 1.4. (Special cases: obligatory pesticide treatment and scientific research)</p> <p><b>LIVESTOCK</b></p> <p>R 2092/91 – Annex I. B, 2(1)1. (Whole area used for feed shall be converted)  R 2092/91 – Annex I. B, 2(1)2. (Derogation for reduction conversion period for pasturage)  R 2092/91 – Annex I. B, 2.2(1)(Conversion time for livestock)  R 2092/91 – Annex I. B, 2.3(1)(Simultaneous conversion)  R 2092/91 – Annex I. B, 3.3. (Derogation for conversion of livestock already on farm)  R 2092/91 – Annex I. B, 3.12. (Conversion time)</p> <p><b>BEEES</b></p> <p>R 2092/91 – Annex I. C, 2(1)(Conversion of original swarm)  R 2092/91 – Annex I. C, 3.3. (Derogation for conversion of apiaries already on farm)  R 2092/91 – Annex I. C, 6.5. (Conversion after treatment)</p>	<p>guidelines. (see also Art. 22(6)(b).)</p> <p>To be transposed without changes to technical standards.</p> <p>As regards the regulatory mechanism, the three “Authorisations of the derogation by the control authority/body” for reducing the conversion period for pasturage, for conversion of animals and apiaries already on the farm, shall be deleted and replaced by common rules on the basis of this Article.</p>
<p style="text-align: center;"><i>Article 13</i> <b>Production rules for feed</b></p> <p>1. Production of organic feed shall be kept separate from production of non organic feed.</p> <p>2. Organic feed materials, and/or feed materials from production in conversion, shall not enter simultaneously with the same feed materials produced by non organic means into the composition of the organic feed product.</p> <p>3. Hexane and other organic solvents may not be used.</p>	<p>R. 2092/91 – Annex III.E</p> <p>Com. R. 223/03 – Art. 3</p> <p>(R 2092/91 – Annex I. B, 4.13.)</p>	<p>To be transposed without changes to technical standards.</p>

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<p>4. Feed manufacturers are required not to use GMOs or products produced from GMOs where they should have knowledge of their presence due to information on any label accompanying the product or from other accompanying documents.</p> <p>Where feed manufacturers use ingredients and additives purchased from third parties to produce feedstuffs for organic livestock, they shall require the vendor to confirm that the products supplied have not been produced by GMOs.</p>	R 2092/91 – Art. 5(3)(h), Art. 6(1)(d)	
<p style="text-align: center;"><i>Article 14</i></p> <p style="text-align: center;"><b>General rules on the production of processed food</b></p>		
<p>1. The following criteria shall apply to the composition of organic processed food:</p> <p>(a) at least 95%, by weight, of the ingredients of agricultural origin of the product shall be organic;</p>	R 2092/91 – Art. 5(3)(a)	To be transposed without changes to technical standards.
<p>(b) ingredients of non-agricultural origin and processing aids may be used only if they have been approved under Article 15;</p>	R 2092/91 – Art. 5(3)(c)	To be transposed without changes to technical standards.
<p>(c) non-organic agricultural ingredients may be used only if they have been approved under Article 15.</p>	R 2092/91 – Art. 5(3)(b)	To be transposed without changes to technical standards.
<p>2. The extraction, processing and storage of organic food shall be conducted with care to avoid losing the properties of the ingredients. Substances and techniques that reconstitute these properties or correct the results of negligence in the processing of these products shall not be used.</p>	R 2092/91 – Annex I. C, 7.7. (Principle of care under honey extraction etc. and registration of processing actions)	To be transposed without changes to technical standards.
<p>3. Processors are required not to use GMOs or products produced from GMOs where they should have knowledge of their presence due to information on the label accompanying the product or from any other accompanying document.</p> <p>Where processors use ingredients and processing aids purchased from third parties to produce organic food or feedstuffs, they shall require the vendor to confirm that the products supplied have not been produced by GMOs.</p>	R 2092/91 – Art. 5(3)(h)	
<p style="text-align: center;"><i>Article 15</i></p> <p style="text-align: center;"><b>Use of certain products and substances in processing</b></p>		
<p>1. The Commission shall in accordance with the procedure referred to in Article 31(2), and subject to the objectives and principles laid down in Title II, establish specific criteria for the approval of ingredients of non-agricultural origin and processing aids that may be used in the production of organic processed food.</p>	R 2092/91 – Art. 5(3)(c), (d) R 2092/91 – Annex VI. A & B (Lists of food additives, processing aids and other non-agricultural ingredients) Com. R. 207/93 - Art. 2	To be transposed without changes to technical standards, but to be completed with criteria Codex guidelines (Sec.5)
<p>2. The Commission shall in accordance with the procedure referred to in Article 31(2), and subject to the objectives and principles laid down in Title II, establish specific</p>	R 2092/91 – Art. 5(3)(b) & 4. Com. Reg. 207/93 - Art. 3	To be transposed without changes to technical standards, but to be completed with criteria Codex guidelines (Sec.5)

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criteria for the approval of agricultural ingredients which are not organic but which may be used in the production of organic processed food where organic agricultural ingredients are not commercially available.		
3. The Commission shall, in accordance with the procedure referred to in Article 31(2), decide on approval of the products and substances referred to in paragraphs 1 and 2 and, where necessary, fix the conditions and limits for their use.	R 2092/91 – Art. 5(3)(b-d), 7. 8. R 2092/91 – Annex VI. A & B (Lists of food additives, processing aids and other non-agricultural ingredients)	Lists of Annex VI.A/B to be transposed without changes to technical standards (based on the latest Commission Regulation that will most likely also include additives for animal products. In addition to be brought in line with general Community legislation.  Exceptions for additives for the preparation of traditional foodstuffs will be provided by means of a common but exceptional rule under Art. 16(2)(f).  In line with the current Article 7(1)(a) of R 2092/91 “The conditions provided for ... shall not apply to products which were in common use before the adoption of this Regulation ...”, no review of the lists will take place initially. However, once the expert panel is installed the lists should be reviewed against the objectives, principles and basic criteria.
<i>Article 16</i> <b>Less restrictive production rules</b>		
1. The Commission may, in accordance with the procedure referred to in Article 31(2) and the conditions set out in paragraph 2 and subject to the objectives and principles laid down in Title II, provide for the granting of exceptions from the production rules laid down in Chapters 1 to 3.		
2. Exceptions as referred to in paragraph 1 shall be kept to a minimum and may only be provided for in the following cases:		
(a) where they are necessary in order to enable farm units initiating organic production to become viable, in particular for holdings located in areas in the early stages of development of organic production;	R 2092/91 – Annex I. B, 6.1.5. & Annex I. B, 8.5.1 & 2 (Derogation for existing old stables)	To be transposed without changes to technical standards.  As regards the regulatory mechanism, the derogation for tethering in old buildings will be replaced by a common but exceptional rule on the basis of this Article. The “Authorisation of the derogation by the control authority/body” shall thus be deleted.
(b) where they are necessary in order to ensure that organic production can be maintained on holdings confronted with climatic, geographical or structural constraints;	R 2092/91 – Annex I. B, 4.6. (Designation of regions for transhumance) R 2092/91 – Annex I. B, 6.1.5. (Specific derogation for tethering of cattle until 31 December 2010) R 2092/91 – Annex I. B, 6.1.6. (Derogation for tethering on small holdings)	To be transposed without changes to technical standards.  As regards the regulatory mechanism, the derogations for tethering in old buildings and small holdings will be replaced by common but exceptional rules on the basis of

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(c) where it is necessary in order to ensure access to feed, seed and vegetative propagating material, live animals and other farm inputs, where such inputs are not commercially available in organic form;	R 2092/91 – Annex I. B, 3.6. (Derogation use non-organic 3 days-old broiler chicks) R 2092/91 – Annex I. B, 4.8. (Derogation use and phasing out non organic feed)	this Article. The “Authorisations of the derogations by the control authority/body” shall thus be deleted.  To be transposed without changes to technical standards.  As regards the regulatory mechanism, the derogation for use of non-organic 3 days-old chicks will be replaced by a common but exceptional rule on the basis of this Article. The “Authorisation of the derogation by the control authority/body” shall thus be deleted.  The obligation for “Demonstration to the satisfaction of the control/authority body” for use of non-organic feedstuffs shall be replaced either by a common rule on the basis of this Article, or in cases where that is not possible in particular as regards the judgement of “commercial availability”, by <u>formal guidelines</u> on the basis of which Member State authorities <u>shall</u> lay down objective parameters and values for granting individual authorisations accounting for local conditions. The role of the control bodies shall then be to <u>verify</u> and certify whether the operators have acted in conformity with these guidelines. (see also Art. 22(6)(b).)
(d) where it is necessary in order to ensure access to ingredients of agricultural origin, where such ingredients are not commercially available in organic form;	R 2092/91 – Art. 5.4. Annex VI.C (Lists of d non organic agricultural ingredients)	To be transposed without changes to technical standards, however as a common but exceptional rules on the basis of this Article, or in the case where that is not possible in particular as regards the judgement of “commercial availability”, by <u>formal guidelines</u> on the basis of which Member State authorities <u>shall</u> lay down objective parameters and values for granting individual authorisations accounting for local conditions. The role of the control bodies shall then be to <u>verify</u> and certify whether the operators have acted in conformity with these guidelines. (see also Art. 22(6)(b).)
(e) where they are necessary in order to solve specific problems related to the management of organic livestock;	R 2092/91 – Annex I. B, 6.1.2. (Derogation from ban on mutilation) R 2092/91 – Annex I. B, 6.1.3. (Derogation from ban on castration) R 2092/91 – Annex I. B, 6.1.4. (Derogation from ban on tethering individual animals) R 2092/91 – Annex I. B, 8.3.4. (Derogation from permanent outdoor access for the final fattening phase)	To be transposed without changes to technical standards.  As regards the regulatory mechanism, the three derogations for mutilation, castration and tethering individual animals will be replaced by common but exceptional rules on the basis of this Article. The “Authorisation of the derogation by the control authority/body” shall thus be deleted.  The derogation for final fattening indoors does not require prior authorisation, and will therefore simply be replaced

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(f) where they are necessary in order to ensure continued production of traditional food products well known for at least a generation;	R 2092/91 – Annex VI. A & B (Certain additives among the lists of food additives, processing aids and other non-agricultural ingredients, for the preparation of traditional foodstuffs)	by a common but exceptional rule on the basis of this Article.  Lists of Annex VI.A/B relating to additives used for the preparation of traditional foodstuffs to be transposed without changes to technical as a common but exception rules on the basis of this Article. In addition to be brought in line with general Community legislation.
(g) where temporary measures are necessary in order to allow organic production to continue or recommence in the case of catastrophic circumstances;	Catastrophic circumstances:  R 2092/91 – Annex I. B, 3.6. (Derogation for restocking livestock holdings) R 2092/91 – Annex I. B, 4.9. ( Derogation for use of non organic feed) R 2092/91 – Annex I. C, 3.5. (Derogation for restocking organic apiaries) R 2092/91 – Annex I. C, 5.2. & 3 (Artificial feeding with organic honey)	To be transposed without changes to technical standards.  As regards the regulatory mechanism, the four derogations for restocking, non-organic feed and conversion of apiaries after catastrophic circumstances will be replaced by common but exceptional rules on the basis of this Article. The “Authorisations of the derogations by the control authority/body for restocking livestock holdings or apiaries, or the Member State authority for use of non-organic feed and artificial feeding of bees” shall thus be deleted.  In the case where that is not possible in particular as regards the judgement of the extent of the catastrophic circumstances, they shall be replaced by <u>formal guidelines</u> on the basis of which Member State authorities <u>shall</u> lay down objective parameters and values for granting individual authorisations accounting for local conditions. The role of the control bodies shall then be to <u>verify</u> and certify whether the operators have acted in conformity with these guidelines. (see also Art. 22(6)(b).)
(h) where restrictions and obligations related to the protection of human and animal health are imposed on the basis of Community legislation.	Disease outbreaks:  R 2092/91 – Annex I. B, 3.6. (Derogation for restocking) R 2092/91 – Annex I. B, 4.9. (Derogation to use of non organic feed) R 2092/91 – Annex I. B, 5.5.(b). (Exception for statutory disease treatment) R 2092/91 – Annex I. B, 8.3.1. (Derogation for requirement access outdoor areas) R 2092/91 – Annex I. C, 3.5. (Derogation for restocking organic apiaries) R 2092/91 – Annex I. C, 6.4. (Exception for statutory treatment of bee diseases)	To be transposed without changes to technical standards.  As regards the regulatory mechanism, in case of statutory disease measures the derogation for restocking after disease outbreaks of livestock holdings and apiaries, the exceptions (without prior authorisation) from the requirement for outdoors access and statutory disease treatment, will be replaced by common but exceptional rules under this Article.  The “Authorisations of the derogations by the control authority/body for restocking of livestock holdings and apiaries, or the Member State authority for use of non-organic feed for livestock” shall thus be deleted.

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3. The Commission may in accordance with the procedure referred to in Article 31(2) lay down specific conditions for the application of exceptions provided for under paragraph 1.		
<p style="text-align: center;"><i>Article 17</i></p> <p style="text-align: center;"><b>Use of terms referring to organic production</b></p> <p>1. The terms listed in Annex I, their derivatives or diminutives, alone or combined, may be used throughout the Community and in any Community language for the labelling and advertising of a product which is produced and controlled, or imported, in accordance with this Regulation:</p>	R 2092/91 – Art. 2.	
2. The terms listed in Annex I, their derivatives or diminutives, alone or combined, may not be used anywhere in the Community and in any Community language for the labelling and advertising of a product which has not been produced and controlled, or imported, in accordance with this Regulation, unless these terms clearly cannot be associated with agricultural production.	R 2092/91 – Art. 5(1)(a-c) & (3)(a-f)	
<p>3. The terms listed in Annex I, their derivatives or diminutives, alone or combined, may not be used for a product which bears a label indicating that it contains GMOs, consists of GMOs or is produced from GMOs.</p> <p>4. Member States shall take the measures necessary to ensure compliance with this Article.</p> <p>5. The Commission may in accordance with the procedure referred to in Article 31(2) adapt the list of terms set out in Annex I.</p>		
<p style="text-align: center;"><i>Article 18</i></p> <p style="text-align: center;"><b>Compulsory indications</b></p> <p>1. Where a term referred to in Article 17, or its derivative or diminutive, is used in labelling of products produced within the Community, the following indications shall also appear on the label:</p> <p>(a) the code number referred to in Article 22(7) of the body competent for the controls to which the operator is subject;</p>	R 2092/91 – Art. 5(1)(d) & (3)(g)	
<p>(b) where the logo referred to in Article 19 is not used, at least one of the indications listed in Annex II in capital lettering.</p>		
<p>2. The indications referred to in paragraph 1 shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible.</p> <p>In addition, the Commission shall in accordance with the procedure referred to in Article 31(2) lay down specific criteria as regards the presentation and size of the indications referred to in paragraph 1.</p>		

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3. The Commission may in accordance with the procedure referred to in Article 31(2) adapt the list of indications set out in Annex II.		
4. For products imported from third countries, the use of the indications referred to in paragraph 1 shall be optional.		
<p style="text-align: center;"><i>Article 19</i> <b>Community organic production logo</b></p> <p>The Commission shall, in accordance with the procedure referred to in Article 31(2), define a Community logo which may be used in the labelling, presentation and advertising of products produced and controlled, or imported, in accordance with this Regulation</p>	R 2092/91 – Art. 10 & Annex V	<p>To be transposed without changes to technical standards.</p> <p>The Community logo, however can be used to all imported organic products fulfilling the requirements of the proposal</p>
<p style="text-align: center;"><i>Article 20</i> <b>Label and advertising claims</b></p> <p>1. General claims that a particular set of private or national organic standards is stricter, more organic or otherwise superior to the rules laid down in this Regulation, or to any other set of organic standards, may not be used on labels or in advertising.</p> <p>However, indications referring to specific elements of the production method used for a certain product may only be used on labels or in advertising on condition that they are true statements of fact and otherwise in conformity with the general labelling requirements set out in Directive 2000/13/EC.</p> <p>2. Member States shall take the measures necessary to ensure compliance with the conditions set out in this Article.</p> <p>3. The Commission may in accordance with the procedure referred to in Article 31(2) adopt measures in order to ensure compliance with this article.</p>		
<p style="text-align: center;"><i>Article 21</i> <b>Specific labelling requirements</b></p> <p>The Commission shall in accordance with the procedure referred to in Article 31(2) establish specific labelling requirements applicable to organic feed and to products originating from holdings in conversion.</p>	<p>R 2092/91 – Art. 5(5)</p> <p>Com. Reg. 223/2003 (Labelling rules for feed)</p>	<p>To be transposed without changes to technical standards, apart from those provisions already covered by Art. 6 and 13 of this proposal and taking into account the conversion periods to be established according to Art. 12(a) &amp; (b) of the proposal.</p>
<p style="text-align: center;"><i>Article 22</i> <b>Control system</b></p> <p>1. Member States shall in accordance with the provisions laid down in Regulation (EC) No 882/2004 set up a system of controls applicable to the activities referred to</p>	R 2092/91 – Art. 8.3	<p>To be transposed without changes to technical standards.</p>

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in Article 1(3). of this Regulation.	R 2092/91 – Art. 9(1) R 2092/91 – Art. 9.4. R 2092/91 – Art. 9(5) R 2092/91 – Art. 9. 6 (a - d) R 2092/91 – Art. 9(7)(b) R 2092/91 – Art. 9(8) R 2092/91 – Art. 9.10 (a) & Annex III R 2092/91 – Art. 9.12. R 2092/91 – Art. 10a	
2. In applying Article 3 of Regulation (EC) No 882/2004, the nature and frequency of the controls shall be determined on the basis of an analysis of the risk of irregularity in the field of each of the activities referred to in Article 1(3) of this Regulation.	R 2092/91 – Art. 9(3) R 2092/91 – Art. 9(7)(a)	
3. Member States shall in accordance with Article 4 of Regulation (EC) No 882/2004 designate the competent authority responsible for the controls to be carried out under the control system.	R 2092/91 – Art. 8(1) & 8(2) R 2092/91 – Art. 9.4.	
4. The competent authority may in accordance with Article 5 of Regulation (EC) No 882/2004 delegate certain control tasks to one or more control bodies.  The control bodies shall fulfil the requirements set out in European Standard EN 45011 or ISO Guide 65 ‘General requirements for bodies operating product certification systems’ of the version as most recently notified by a publication in the <i>Official Journal of the European Union, C series</i> .	R 2092/91 – Art. 9(1) R 2092/91 – Art. 9(5) R 2092/91 – Art. 9(6) R 2092/91 – Art. 9.11.	
5. Approved control bodies shall give the competent authority access to their offices and facilities and provide any information and assistance deemed necessary by the competent authority for the fulfilment of its obligations according to this Article	R 2092/91 – Art. 9(7) R 2092/91 – Art. 9(8)	
6. The competent authority may not delegate the following tasks to the control bodies: (a) the supervision and audit of other control bodies;	R 2092/91 – Art. 9.4. R 2092/91 – Art. 9(6)	
(b) the competence to grant exceptions, as referred to in Article 16, unless this is provided for in the specific conditions laid down by the Commission in accordance with Article 16(3).		
7. Member States shall attribute a code number to each body competent to carry out controls under this Regulation.	R 2092/91 – Art. 9(6)	
8. The approved control bodies shall by 31 January each year at the latest transmit to the competent authority a list of the operators which were subject to their controls on 31 December of the previous year, accompanied by a summary report of the control activities carried out during the previous year.	R 2092/91 – Art. 9(8)	



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<p style="text-align: center;"><i>Article 23</i> <b>Adherence to the control system</b></p> <p>1. Any operator who produces, prepares, stores or imports from or exports to a third country products as specified in the first subparagraph of Article 1(2) with a view to the subsequent marketing thereof, or who markets such products, shall:</p> <p>(a) notify this activity to a competent authority of the Member State where the activity is carried out;</p> <p>(b) submit his undertaking to the control system.</p> <p>2. Member States may exempt from the application of this Article operators who sell such 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.</p> <p>3. Member States shall ensure that any operator who complies with the rules of this Regulation, and who pays a reasonable fee as a contribution to the control expenses, is entitled to be covered by the control system.</p> <p>4. The competent authority shall keep an updated list containing the names and addresses of operators subject to the control system.</p>	<p>R. 2092/91 – Art. 8(1)</p> <p>R. 2092/91 – Annex III. C, 1. &amp; 6.</p> <p>R. 2092/91 – Art. 8.1</p> <p>R. 2092/91 – Art. 8.1 R. 2092/91 – Art. 9(2)</p> <p>R. 2092/91 – Art. 8(3)</p>	<p>To be transposed without changes to technical standards</p>
<p style="text-align: center;"><i>Article 24</i> <b>Certification</b></p> <p>1. The competent authority and the approved control bodies may grant certificates, including the right to use their marks of conformity with organic standards, to operators which are subject to the control system.</p> <p>2. A competent authority may not refuse to grant certificates or the use of its mark of conformity for any product that meets the requirements laid down in this Regulation.</p> <p>3. A control body may not refuse to grant certificates or the use of its mark of conformity for any product that has been certified by another approved control body, where the latter control body has assessed and certified conformity with organic standards equivalent to those of the first control body.</p> <p>A control body which refuses to grant a certificate or the use of its mark of conformity, shall provide proof that the organic standards under which the product concerned has already been certified are not equivalent to its own standards.</p> <p>Fees collected for the granting of the certificate or the mark of conformity shall be reasonable.</p>		

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<p style="text-align: center;"><i>Article 25</i></p> <p style="text-align: center;"><b>Measures in case of infringements and irregularities</b></p> <p>1. The competent authority shall:</p> <p>(a) where an irregularity is found as regards compliance with the requirements laid down in this Regulation, ensure that the indications and the logo provided for in Articles 17, 18 and 19 are not used on the entire lot or production run affected by this irregularity;</p> <p>(b) where a manifest infringement or an infringement with prolonged effect is found, prohibit the operator concerned from marketing products with indications referring to the organic production method for a period to be determined by the competent authority.</p> <p>2. Information on cases of irregularities or infringements affecting the organic status of a product shall be immediately communicated between the concerned control bodies, competent authorities, Member States and, where appropriate, to the Commission.</p> <p>The level of communication shall depend on the severity and the extent of the irregularity or infringement found.</p> <p>The Commission may in accordance with the procedure referred to in Article 31(2) lay down specifications regarding the form of such communications.</p>	<p>R. 2092/91 – Art. 9.9 (a)</p> <p>R. 2092/91 – Art. 10(3)(a).</p> <p>R. 2092/91 – Art. 9.9 (b)</p> <p>R. 2092/91 – Art. 10(3)(b).</p> <p>R. 2092/91 – Art. 9.10. (b)</p> <p>R. 2092/91 – Art. 10.4.</p>	
<p style="text-align: center;"><i>Article 26</i></p> <p style="text-align: center;"><b>Exchange of information</b></p> <p>Upon request duly justified by the necessity to guarantee that a product has been produced in accordance with this Regulation, the competent authorities and the control bodies shall exchange with other competent authorities and control bodies relevant information on the results of their controls. They may also exchange such information on their own initiative.</p>	<p>R. 2092/91 – Art. 9(7)(b)</p> <p>R. 2092/91 – Art. 10a.</p>	
<p style="text-align: center;"><i>Article 27</i></p> <p style="text-align: center;"><b>Imports from third countries</b></p> <p>1. A product imported from a third country may be placed on the Community market labelled as organic where it complies with the provisions set out in Titles II, III and IV of this Regulation.</p> <p>2. A third country operator who wishes to place his products labelled as organic on the Community market, under the conditions provided for in paragraph 1, shall submit his activities to any competent authority or control body as referred to in Title V, provided that the authority or body concerned perform controls in the third country of production, or to a control body approved in accordance with paragraph 5.</p>		

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<p>3. A product imported from a third country may also be placed on the Community market labelled as organic provided that:</p> <p>(a) the product has been produced in accordance with production standards equivalent to those applied to organic production in the Community, or in accordance with the internationally recognised standards set out in the <i>Codex Alimentarius</i> guidelines;</p>	R 2092/91 – Art. 11(1) & (6)	
<p>(b) the producer has been subject to control arrangements which are equivalent to those of the Community control system, or which comply with the <i>Codex Alimentarius</i> guidelines;</p>	R 2092/91 – Art. 11(1) & (6)	
<p>(c) the third country operator who wishes to place his products labelled as organic on the Community market under the conditions of this paragraph has submitted his activities to a control system recognised in accordance with paragraph 4 or a control body recognised in accordance with paragraph 5;</p>	R 2092/91 – Art. 11(1) & (6)	
<p>(d) the product is covered by a certificate issued by the competent authorities or control bodies of a third country recognised in accordance with paragraph 4, or by a control body recognised in accordance with paragraph 5, which confirms that the product satisfies the conditions set out in this paragraph.</p>	R 2092/91 – Art. 11 (1), (3) and (4) Com. Reg. 3457/92, 1788/2001 and 1918/2002 (Certificate of inspection for imports from third countries)	To be transposed without changes to technical standards; updating of the import certificate to the new provisions.
<p>4. The Commission shall in accordance with the procedure referred to in Article 31(2) recognise the third countries whose production standards and control arrangements are equivalent to those applied in the Community, or are in accordance with the internationally recognised standards set out in the <i>Codex Alimentarius</i> guidelines, and establish a list of these countries.</p> <p>When examining requests for recognition, the Commission shall invite the third country to supply all the necessary information. The Commission may entrust experts with the task of examining on-the-spot the rules of production and the control arrangements of the third country concerned.</p>	Com. Reg. 94/92 (Procedure and list of third countries)  R 2092/91 – Art. 11(5)	Procedure and list to be transposed without changes to technical standards.
<p>5. For products imported from a third country which is not recognised under paragraph 4, and where the operator has not submitted his activities to a competent authority or control body as referred to in Title V, the Commission shall in accordance with the procedure referred to in Article 31(2) recognise the control bodies competent to carry out controls and issue certificates in that third country for the purpose of paragraph 3, and establish a list of these control bodies.</p> <p>The Commission shall examine any request for recognition lodged by a public or private control body in a third country.</p> <p>When examining requests for recognition, the Commission shall invite the control body to supply all the necessary information. The Commission may also entrust experts with the task of examining on-the-spot the rules of production and the control activities carried out in the third country by the control body concerned.</p>		

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<p style="text-align: center;"><i>Article 28</i></p> <p style="text-align: center;"><b>Free movement of organic products</b></p> <p>Member States may not, on grounds relating to the method of production, to labelling or to the presentation of that method, prohibit or restrict the marketing of organic products that meet the requirements of this Regulation.</p>	R 2092/91 – Art. 12.	
<p style="text-align: center;"><i>Article 29</i></p> <p style="text-align: center;"><b>Transmission of information to the Commission</b></p> <p>Members States shall annually transmit the following information to the Commission:</p> <p>(a) the names and addresses of the competent authorities;</p> <p>(b) lists of control bodies and their code numbers and, where appropriate, their marks of conformity with standards.</p>	R 2092/91 – Art. 15.	
<p style="text-align: center;"><i>Article 30</i></p> <p style="text-align: center;"><b>Statistical information</b></p> <p>Member States shall transmit to the Commission statistical information necessary for the implementation and follow-up of this Regulation. This statistical information shall be defined within the context of the Community Statistical Programme.</p>		
<p style="text-align: center;"><i>Article 31</i></p> <p style="text-align: center;"><b>Management Committee on organic production</b></p> <ol style="list-style-type: none"> <li>1. The Commission shall be assisted by the Management Committee on organic production (hereinafter “the Committee”).</li> <li>2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC<sup>7</sup> shall apply.</li> <li>3. The period provided for in Article 4(3) of Decision 1999/468/EC shall be set at three months.</li> <li>4. The Committee shall adopt its rules of procedure.</li> </ol>		

<sup>7</sup> OJ L 340, 9.12.1976, p. 25.

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<p style="text-align: center;"><i>Article 32</i> <b>Implementing rules</b></p> <p>The Commission shall in accordance with the procedure referred to in Article 31(2) and subject to the objectives and principles laid down in Title II adopt detailed rules for the application of this Regulation. They shall include in particular the following:</p> <p>(a) detailed rules as regards the production rules laid down in Title III, in particular as regards the specific requirements and conditions to be respected by farmers and other producers of organic products;</p>	<p>R 2092/91 – Annex I. B, 5.6. (+ Annex III, A.2., 3, 5. indent) (Recording treatment &amp; identification)</p> <p>R 2092/91 – Annex I. C, 6, 7, 7.6. &amp; 8 (Registration of veterinary treatments, location of hives, removal of supers and of honey extraction)</p> <p>R 2092/91 – Annex III, A.2., 3., first-to fifth indent (Records of livestock history, arrival and departure, feed and disease treatments)</p> <p>R 2092/91 – Annex III, A.2., 5 (Derogation to storage veterinary products)</p>	<p>To be transposed without changes to technical standards</p> <p>To be transposed without changes to technical standards</p> <p>To be transposed without changes to technical standards</p> <p>To be transposed without changes to technical standards</p> <p>New implementing rules needed for wine processing.</p> <p>New implementing rules needed for tillage and cultivation (crop production)</p>
<p>(b) detailed rules as regards the labelling rules laid down in Title IV;</p>		<p>New implementing rules needed for “EU-ORGANIC” text fragment.</p>
<p>(c) detailed rules as regards the control system established under Title V, in particular as regards the specific criteria for delegation of tasks to private control bodies and the criteria for approval of such bodies;</p>		<p>New implementing rules needed for delegation of certain control tasks.</p>
<p>(d) detailed rules as regards the rules on imports from third countries laid down in Title VI, in particular as regards the criteria and procedures to be followed with regard to the recognition under Article 27 of third countries and control bodies, including the publication of lists of recognised third countries and control bodies, and as regards the certificate referred to in Article 27(3), point (d).</p>		<p>New implementing rules needed for direct access.</p> <p>New implementing rules needed for: criteria, procedure and list of equivalent control bodies, taking account of experiences with article 11(1) &amp; (6), and Com. Reg. 94/92</p>
<p style="text-align: center;"><i>Article 33</i> <b>Repeal of Regulation (EEC) No 2092/91</b></p> <p>1. Regulation (EEC) No 2092/91 is hereby repealed from 1 January 2009.</p> <p>2. References to the repealed Regulation (EEC) No 2092/91 shall be construed as references to this Regulation.</p>		

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<p style="text-align: center;"><i>Article 34</i> <b>Transitional measures</b></p> <p>Measures to facilitate the transition from the rules established by Regulation (EEC) No 2092/91 to this Regulation may be adopted in accordance with the procedure referred to in Article 31(2).</p>		
<p style="text-align: center;"><i>Article 35</i> <b>Entry into force and application</b></p> <p>This Regulation shall enter into force on the seventh day following that of its publication in the <i>Official Journal of the European Union</i>.</p> <p>It shall apply as from 1 January 2009.</p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p>Done at Brussels,</p>		
<p style="text-align: center;"><b><u>ANNEX I</u></b> <b>Terms referred to in Article 17(1)</b></p> <p>ES: ecológico, CS: ekologické, DA: økologisk, DE: ökologisch, biologisch, ET: mahe, ökoloogiline, EL: βιολογικό, EN: organic, FR: biologique, GA: orgánach, IT: biologico, LV: bioloģiskā, LT: ekologiškias, HU: ökológiai, MT: organiku, NL: biologisch, PL: ekologiczne, PT: biológico, SK: ekologické, SL: ekološki, FI: luonnonmukainen, SV: ekologisk.</p>		

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ANNEX II

Indications referred to in Article 18(1)(b)

UE-ECOLÓGICO,  
EU-EKOLOGICKÉ,  
EU-ØKOLOGISK,  
EU-ÖKOLOGISCH,  
EL-MAHE,  
EL-ÖKOLOGILINE,  
EE-BIOΛΟΓΙΚΟ,  
EU-ORGANIC,  
UE-BIOLOGIQUE,  
AE-ORGÁNACH,  
UE-BIOLOGICO,  
ES-BIOLOGISKÁ,  
ES-EKOLOGIŠKAS,  
EU-ÖKOLÓGIAI,  
EU-ORGANIKU,  
EU-BIOLOGISCH,  
UE-EKOLOGICZNE  
EU-EKOLOGICKE,  
EU-EKOLOSKI,  
EU-LUONNONMUKAINEN,  
EU-EKOLOGISK.