



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

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

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)

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.

COMMISSION IMPLEMENTING REGULATION (EU) .../...

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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 2092/91¹, 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 889/2008². 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 fertilisers³ 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 products⁴ 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.

¹ OJ L 189, 20.7.2007, p. 1.

² Commission Regulation (EC) No 889/2008 of 5 September 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 (OJ L 250, 18.9.2008, p. 1).

³ Final report on fertilisers III https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/farming/documents/final-report-egtop-fertilizers-iii_en.pdf.

⁴ Final report on plant protection products IV https://ec.europa.eu/info/publications/egtop-reports-organic-production_en.

- (4) In its recommendations with regard to feed⁵ EGTOP concluded, inter alia, that the substances “guar gum” as a feed additive, “sweet chestnut extract” as a sensory additive, and “betain 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 food⁶ 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.

⁵ Final report on feed III and food V https://ec.europa.eu/info/publications/egtop-reports-organic-production_en.

⁶ Final report on food IV and final report on feed III and food V https://ec.europa.eu/info/publications/egtop-reports-organic-production_en.

Done at Brussels,

*For the Commission
The President
Jean-Claude Juncker*

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