

Introduction of EU Legislation for the organics

Introduction on legal acts

Since 1 January 2022, [Regulation \(EU\) 2018/848](#) of the European Parliament and of the Council of 30 May 2018 is the applicable legislative act, also known as the basic act, laying down the rules on organic production and labelling of organic products, repealing and replacing Council [Regulation \(EC\) No 834/2007](#) of 28 June 2007. The new regulation provides for transitional periods for the implementation of certain new provisions, in particular on trade. Please refer to section 2 of Chapter IX of Regulation (EU) 2018/848, where provisions under previous Council [Regulation \(EC\) No 834/2007](#) and Commission [Regulation \(EC\) No 889/2008](#) may apply for a limited period.

In addition, a further legislative act was published in 2023, providing for specific labelling requirements for pet food produced in accordance with the rules laid down in Regulation (EU) 2018/848:

- [Regulation \(EU\) 2023/2419](#) of 18 October 2023 on the labelling of organic pet food (OJ L, 2023/2419, 27.10.2023).

It is on the basis of Regulation (EU) 2018/848 that the Commission adopts further detailed secondary legal acts.

The types of secondary legal acts are the following:

- delegated acts, also known as Commission Delegated Regulations, which are acts of general application to supplement (“Commission Delegated Regulation supplementing”) or amend (“Commission Delegated Regulation amending”) certain non-essential (in the sense of complementary) elements of the legislative act;
- implementing acts, also known as Commission Implementing Regulations, which are used where uniform conditions for implementation are needed.

Delegated acts amending the basic act are progressively incorporated into the so-called “consolidated” text of the legislative act and become part of it. Please note that the [consolidated version of Regulation \(EU\) 2018/848](#) is made available only for informative

purposes, but has no legal effect. The authentic versions of the relevant acts, including their preambles, are those published in the Official Journal of the European Union and available in [EUR-Lex](#).

The list of secondary acts concerning organic farming covers three main areas: production and labelling, controls and trade.

Production and labelling

The following secondary acts cover organic production and labelling of organic products.

Delegated regulations

[Delegated Regulation \(EU\) 2020/427](#) of 13 January 2020 amending Annex II to Regulation (EU) 2018/848 on certain detailed production rules for organic products (OJ L 87, 23.3.2020)

Main content:

- amending point 1.3 of Part I of Annex II to Regulation (EU) 2018/848 on derogations on the production of sprouted seeds;
- amending point 1.9.6.2 of Part II of Annex II to Regulation (EU) 2018/848 on feeding bees in case of risk for survival;
- adding Part III of Annex II to Regulation (EU) 2018/848 a new point 3.1.2.3. on aquaculture juvenile production;
- amending point 3.1.3.3 by deletion of the maximum percentage of feed from plant origin in aquaculture.

[Delegated Regulation \(EU\) 2020/1794](#) of 16 September 2020 amending Part I of Annex II to Regulation (EU) 2018/848 on the use of in-conversion and non-organic plant reproductive material (OJ L 402, 1.12.2020)

Main content:

- amending point 1.8.5 of Part I of Annex II to Regulation (EU) 2018/848 with regards the use of in-conversion and organic plant reproductive material allowing the use of in-conversion plant reproductive material and setting conditions for use of non-organic plant reproductive material when organic material is not available.

[Delegated Regulation \(EU\) 2021/642](#) of 30 October 2020 amending Annex III to Regulation (EU) 2018/848 on certain information to provide on the labelling of organic products (OJ L 133, 20.4.2021)

Main content:

- amending point 2.1 of Annex III to add requirements on information to be provided on labelling of compound feed to be used in organic production and on labelling of mixtures of fodder seeds as plant reproductive material.

[Delegated Regulation \(EU\) 2021/716](#) of 9 February 2021 amending Annex II to Regulation (EU) 2018/848 on organic production rules on sprouted seeds and chicory heads, on feed for certain aquaculture animals and on aquaculture parasite treatments (OJ L 151, 3.5.2021).

Main content:

- replacing point 1.3 of Part I of Annex II to Regulation (EU) 2018/848 with detailed production rules for sprouted seeds and chicory heads;
- amending Part III of Annex II to Regulation (EU) 2018/848, point 3.1.3.4 to allow use of organic cholesterol in the feed of penaeid shrimps and freshwater prawns;
- replacing point 3.1.4.2 to amend requirements on frequency of parasite treatments for all species other than salmon and setting a maximum number of treatments for all aquaculture species.

[Delegated Regulation \(EU\) 2022/474](#) of 17 January 2022 amending Annex II to Regulation (EU) 2018/848 on specific requirements for the production and use of non-organic, in-conversion and organic seedlings and other plant reproductive material.

Main content:

- amending point 1.8.5. of Part I of Annex II to Regulation (EU) 2018/848 on the use of in-conversion and non-organic plant reproductive material (PRM) by setting conditions for in-conversion seedlings and for use of PRM in line with conditions set under new point 1.8.6;
- adding point 1.8.5.8. on the prohibition to authorise non-organic seedlings of species having a short cultivation cycle;
- adding point 1.8.6. with requirements for authorisation of production of PRM in case mother plants or, where relevant,

other plants intended for the production of PRM and produced in compliance with point 1.8.2 are not available in sufficient quantity or quality.

[Delegated Regulation \(EU\) 2020/2146](#) of 24 September 2020 supplementing Regulation (EU) 2018/848 on exceptional production rules in organic production (OJ L 428, 18.12.2020)

Main content:

- supplementing Regulation (EU) 2018/848 as regards exceptional production rules on the recognition of catastrophic circumstances, conditions and types of derogations, which can be issued to operators by competent authorities in case of catastrophic events, and for their monitoring and reporting.

[Delegated Regulation \(EU\) 2021/1189](#) of 7 May 2021 supplementing Regulation (EU) 2018/848 on the production and marketing of plant reproductive material of organic heterogeneous material of particular genera or species (OJ L 258, 20.7.2021)

Main content:

- supplementing Regulation (EU) 2018/848 as regards specific requirements for the production and marketing of organic heterogeneous material, in particular with respect to description, identity, sanitary quality, analytical purity and germination requirements, packaging and labelling, information to be kept by operators, maintenance and official controls.

[Delegated Regulation \(EU\) 2022/1450](#) of 27 June 2022 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the use of non organic protein feed for the production of organic livestock due to Russia' s invasion of Ukraine (OJ L 228, 2.9.2022)

Main content:

- due to Russia' s invasion of Ukraine on 24 February 2022, serious temporary impact on the supply of organic protein feed occurred in a few Member States, this threatened the continuity of the organic production;
- the act allows the few Member States that had recognised this situation as catastrophic circumstance to give up to 5% of non-

organic protein feed to older categories of porcine animals and poultry for a maximum period of one year.

Implementing regulations

[Implementing Regulation \(EU\) 2020/464](#) of 26 March 2020 laying down certain rules for the application of Regulation (EU) 2018/848 on the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by EU countries (OJ L 98, 31.3.2020)

Main content:

- documents to be supplied in case of retroactive recognition of previous periods for the conversion to organic production;
- production rules on livestock and aquaculture animals, processed food and feed with related transitional provisions;
- information to be transmitted by EU countries concerning the availability on the market of organic and in-conversion plant reproductive material, organic animals and organic aquaculture juveniles.

[Implementing Regulation \(EU\) 2021/1165](#) of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists (OJ L 253, 16.7.2021)

Main content:

- conditions for the authorisation of substances and products for use in organic production;
- procedure to grant specific authorisation for the use of products and substances in certain areas of third countries;
- transitional measures for cleaning and disinfection of organic production and non-organic agricultural ingredients listed in relevant Annexes of Regulation (EC) No 889/2008;
- transition period up to 31 December 2022 for the validity of documentary evidence under Article 68 of Regulation (EC) No 889/2008.

[Implementing Regulation \(EU\) 2023/121](#) of 17 January 2023 amending and correcting Implementing Regulation (EU) 2021/1165 authorising certain products and substances for use in organic production and establishing their lists (OJ L 16, 18.1.2023)

Main content:

- Amendments of the lists of products and substances which can be used in organic following the examinations by the Expert Group for Technical Advice on Organic Production (EGTOP) and the Commission of the dossiers submitted by Member States.

Controls

The following secondary acts cover controls in the organic sector.

Delegated regulations

[Delegated Regulation \(EU\) 2021/715](#) of 20 January 2021 amending Regulation (EU) 2018/848 on the requirements for groups of operators (OJ L 151, 3.5.2021)

Main content:

- amending Article 36 of Regulation (EU) 2018/848 in order to establish requirements for the geographical proximity of the members of a group of operators, the system for internal controls (ICS) and the responsibilities of the members of the group, of the ICS manager and ICS inspectors;
- amending Article 36 of Regulation (EU) 2018/848 in order to establish a list of situations which can be considered deficiencies of the internal control system.

[Delegated Regulation \(EU\) 2021/1006](#) of 12 April 2021 amending Regulation (EU) 2018/848 on the model of certificate attesting compliance with the rules on organic production (OJ L 222, 22.6.2021)

Main content:

- replacing Annex VI to Regulation (EU) 2018/848 with a model for the certificate to operators and groups of operators as set under Article 35.

[Delegated Regulation \(EU\) 2021/1691](#) of 12 July 2021 amending Annex II to Regulation (EU) 2018/848 on the requirements for records keeping from operators in organic production (OJ L 334, 22.9.2021)

Main content:

- introduction of detailed record keeping requirements for operators and groups of operators applying specific organic production rules.

[Delegated Regulation \(EU\) 2021/771](#) of 21 January 2021 supplementing Regulation (EU) 2018/848 laying down specific criteria and conditions for the checks of documentary accounts in the framework of official controls in organic production and the official controls of groups of operators (OJ L 165, 11.5.2021)

Main content:

- supplementing basic act with rules on the traceability and mass balance checks during the official controls of operators and groups of operators;
- additional requirements for the official controls of groups of operators.

[Delegated Regulation \(EU\) 2021/2304](#) of 18 October 2021 supplementing Regulation (EU) 2018/848 with rules on the issuance of complementary certificates certifying the non-use of antibiotics in organic production of animal products for the purpose of export (OJ L 461, 27.12.2021)

Main content:

- supplementing basic act with provisions and template for a complementary certificate for the non-use of antibiotics in organic production of animal products for the purpose of export.

[Delegated Regulation \(EU\) 2023/207](#) of 24 November 2022 amending Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the model of the certificate attesting compliance with the rules on organic production (OJ L 29, 1.2.2023)

Main content:

- modification of Annex VI to Regulation (EU) 2018/848 with respect to the model of certificate pursuant to Article 35(1)

Implementing regulations

[Implementing Regulation \(EU\) 2021/279](#) of 22 February 2021 laying down detailed rules for implementation of Regulation (EU) 2018/848 on controls and other measures ensuring traceability and compliance in organic production and the labelling of organic products (OJ L 62, 23.2.2021)

Main content:

- setting procedural steps to be followed by operators in case of a suspicion of non-compliance due to the presence of non-authorised products or substances;
- establishing a methodology of official investigation in the event of the presence of non-authorised products or substances;
- establishing detailed conditions for the reference to in-conversion and other indications on label of organic products;
- setting composition requirements and maximum size of a group of operators;
- setting requirements for documents and records for the purpose of the system of internal controls and for notifications from the managers of the system for internal controls, setting the minimum percentages of controls and sampling;
- setting minimum requirements for the national catalogue of measures in case of established non-compliance as well as optional guidelines;
- establishing the mandatory use from the competent authorities of the Organic Farming Information System (OFIS) for exchange of information with the Commission and other EU countries;
- setting a transitional period up to 1 January 2025 for groups of operators in third countries with respect to compliance to maximum size of group.

[Implementing Regulation \(EU\) 2021/1935](#) of 8 November 2021 amending Implementing Regulation (EU) 2019/723 on the information and data on organic production and labelling of organic products to be submitted by means of the standard model (OJ L 396, 10.11.2021, p. 17 - 26)

Main content:

- establishing the use of the Organic Farming Information System for the submission of information and data on organic production and labelling of organic products in the framework of the annual reports;
- providing the templates for the organic data in the annual reports.

[Implementing Regulation \(EU\) 2021/2119](#) of 1 December 2021 on records and declarations required from operators and groups of operators and on the technical means for the issuance of certificates in accordance with Regulation (EU) 2018/848 and amending Implementing Regulation (EU) 2021/1378 of 19 August 2021 on the issuance of the certificate

for operators, groups of operators and exporters in third countries (OJ L 430, 2.12.2021)

Main content:

- detailed provisions on issuance of certificate under Article 35 in electronic form, on record keeping requirements by operators and groups of operators, on declarations and other communications to be made available to control authorities or control bodies.

[Implementing Regulation \(EU\) 2023/1195](#) of 20 June 2023 laying down rules for the details and the format of the information to be made available by Member States on the results of official investigations concerning cases of contamination with products or substances not authorised for use in organic production (OJ L 158, 21.6.2023)

Main content:

- OFIS template to be used by Member States to report results on official investigations conducted in accordance with Article 29(1)(a) of Regulation (EU) 2018/848

Trade

The following secondary acts cover trade in the organic sector.

Delegated regulations

[Delegated Regulation \(EU\) 2021/1697](#) of 13 July 2021 amending Regulation (EU) 2018/848 on the criteria for the recognition of control authorities and control bodies competent to carry out controls on organic products in third countries, and on the withdrawal of their recognition (OJ L 336, 23.9.2021)

Main content:

- amending Article 46 of the basic act on the criteria for the recognition of control authorities and control bodies to carry out controls in third countries, including additional information and conditions required for the performance of their tasks, the capacity and competences of their staff;
- additional criteria concerning the withdrawal of the recognition of control authorities and control bodies such as

in case of failure to provide relevant information for their supervision or to take adequate corrective measures.

[Delegated Regulation \(EU\) 2021/1698](#) of the 13 July 2021 supplementing Regulation (EU) 2018/848 with procedural requirements for the recognition of control authorities and control bodies that are competent to carry out controls on operators and groups of operators certified organic, and on organic products in third countries, and with rules on their supervision and the controls and other actions to be performed by those control authorities and control bodies (OJ L 336, 23.9.2021)

Main content:

- setting procedures and requirements for the recognition of control authorities and control bodies in third countries;
- details on technical dossier to be submitted to the Commission and request for extension of the scope of recognition;
- general requirements for the supervision of control authorities and control bodies from the Commission, annual reports, spot examinations and audits, traceability checks, ad hoc requests by the Commission, list of high-risk products;
- controls requirements in respect of operators and group of operators, checks for the certification, methods and techniques of control, sampling and selection of laboratories, documented control procedures and records of controls;
- specific control requirements for aquaculture;
- verification of consignments intended for import into the Union, actions to be carried out by the control authorities and control bodies in terms of exchange of information, additional rules in case of non-compliance;
- checks to be carried out and reporting for retroactive recognition of previous conversion periods;
- reporting on authorisations for the use of non-organic plant reproductive material;
- derogations for use of non-organic animals and aquaculture juveniles;
- reporting of authorisations of use of non-organic ingredients;
- recognition of catastrophic circumstances and conditions for derogations.

[Delegated Regulation \(EU\) 2021/1342](#) of 27 May 2021 supplementing Regulation (EU) 2018/848 with rules on the information to be sent by third countries and by control authorities and control bodies for the purpose of supervision of their recognition under Article 33(2) and

(3) of Regulation (EC) No 834/2007 of 28 June 2007 for imported organic products and the measures to be taken in the exercise of that supervision (OJ L 292, 16.8.2021)

Main content:

- provisions concerning the supervision of third countries under equivalence recognition until 31 December 2026 for exporting organic products to the EU;
- provisions concerning the supervision of control authorities and control bodies under equivalence recognition until 31 December 2024 including information to be provided, on the spot examination, notifications and follow up on cases of irregularities;
- provisions concerning rules for the review of the recognition of third countries, control authorities and control bodies.

[Delegated Regulation \(EU\) 2021/2305](#) of 21 October 2021 supplementing Regulation (EU) 2017/625 with rules on the cases where and conditions under which organic products and in-conversion products are exempted from official controls at border control posts, the place of official controls for such products and amending Commission Delegated Regulations (EU) 2019/2123 and (EU) 2019/2124 (OJ L 461, 27.12.2021)

Main content:

- supplementing Regulation (EU) 2017/625 as regards the conditions under which certain organic and in-conversion products entering the EU and posing a low risk or no specific risk to human, animal or plant health, animal welfare or to the environment, are exempted from official controls at border control posts performed for the verification of compliance with the rules on organic production and labelling of organic products and the place where the official controls for such products intended to be placed on the EU market are to be carried out;
- amending Delegated Regulations (EU) 2019/2123 and (EU) 2019/2124. The amendment ensures that Regulations (EU) 2019/2123 and (EU) 2019/2124 apply to plants, plant products and other objects currently under their scope, including where such goods are organic products or in-conversion products subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848.

[Delegated Regulation \(EU\) 2021/2306](#) of 21 October 2021 supplementing Regulation (EU) 2018/848 with rules on the official controls in respect of consignments of organic products and in-conversion products intended for import into the EU and on the certificate of inspection (OJ L 461, 27.12.2021)

Main content:

- supplementing the basic act as regards the certificate of inspection and the official controls carried out by EU countries before the release for free circulation into the EU of the organic products originating in third countries;
- the provisions regarding the information to be provided by a competent authority, control authority or control body in a third country on cases of non-compliances on consignments intended for import into the EU.

[Delegated Regulation \(EU\) 2022/760](#) of 8 April 2022 amending Delegated Regulation (EU) 2021/2306 as regards the transitional provisions for certificates of inspection issued in Ukraine (OJ L 139, 18.5.2022)

Main content:

- due to the disruption of postal services in Ukraine caused by Russia' s invasion on 24 February 2022, control authorities and control bodies recognised for the purpose of the export of organic products to the EU issuing a paper certificate of inspection (COI) with a hand signature in Ukraine are having difficulties ensuring that the paper COI is presented with organic goods upon entry into EU territory;
- the act allows, until 30 June 2022, in addition to paper COIs and COIs issued with an electronic seal, the possibility for COIs to be issued electronically without the application of a qualified electronic seal.

[Delegated Regulation \(EU\) 2022/2238](#) of 22 August 2022 amending Delegated Regulation (EU) 2021/2306 as regards the transitional provisions for certificates of inspection and extracts thereof and as regards the transitional provisions for certificates of inspection issued in Ukraine (OJ L 294, 15.11.2022)

Main content:

- amendments of Article 11 of Delegated Regulation (EU) 2021/2306 to extend the applicability of transitional provisions so that

the extract of the certificate of inspection may also be endorsed on paper after being completed in TRACES and printed until 30 November 2022 in order to allow all actors concerned to finalise the enrolment for the qualified electronic seal;

- in addition, in the light of the unpredictable duration of Russia's invasion of Ukraine an authorised person located in Ukraine of a control authority or a control body which is not equipped with a qualified electronic seal may produce and submit in TRACES the certificate of inspection in electronic format without the application of a qualified electronic seal in box 18 until 30 November 2022.

Implementing regulations

[Implementing Regulation \(EU\) 2021/1378](#) of 19 August 2021 laying down certain rules concerning the certificate issued to operators, groups of operators and exporters in third countries involved in the imports of organic and in-conversion products into the Union and establishing the list of recognised control authorities and control bodies in accordance with Regulation (EU) 2018/848 (OJ L 297, 20.8.2021)

Please note that this act was amended by above-mentioned Commission Implementing Regulation (EU) 2021/2119.

Main content:

- setting provisions and the model of the certificate issued to operators, groups of operators and exporters in third countries and the list of recognised control authorities and control bodies in third countries in accordance with Article 46 of the basic act.

[Implementing Regulation \(EU\) 2021/2307](#) of 21 October 2021 on documents and notifications required for organic and in-conversion products intended for import into the EU (OJ L 461, 27.12.2021)

Main content:

- provisions concerning the declarations and communications by importers, operators responsible for the consignments, first consignees and consignees for the import of products from third countries for the purpose of placing those products on the market within the EU as organic products or in-conversion products;

- provisions on the notification by the competent authorities of suspected or established non-compliance of consignments.

[Implementing Regulation \(EU\) 2021/2325](#) of 16 December 2021 establishing, pursuant to Regulation (EU) 2018/848 the list of third countries and the list of control authorities and control bodies that have been recognised under Article 33(2) and (3) of Regulation (EC) No 834/2007 for the purpose of importing organic products into the EU (OJ L 465, 29.12.2021)

Main content:

- lists of third countries recognised for the purpose of equivalence and information concerning their recognition including the specific product categories;
- lists of control authorities and control bodies recognised for the purpose of equivalence and information on the countries and product categories for which they are recognised.

In addition, please refer to specific information concerning trade on organic products covered by specific [agreements with Chile, Switzerland and the UK](#).

[Implementing Regulation \(EU\) 2022/2240](#) of 20 October 2022 amending Implementing Regulation (EU) 2021/1378, Implementing Regulation (EU) 2021/2119 and Implementing Regulation (EU) 2021/2307 as regards the use of the qualified electronic seal for the issuance of certificates (OJ L 294, 15.11.2022)

Main content:

- amendments of certain provisions of Implementing Regulation (EU) 2021/2119 and of Implementing Regulation (EU) 2021/1378 for the introduction of use of a qualified electronic seal for the issuance of organic certificates from 1 July 2023 onwards
- in addition, in Part II of the Annex to Implementing Regulation (EU) 2021/2307, in the fourth paragraph of the notes concerning box 12 and in the second paragraph of the notes concerning box 13, the date ‘30 June 2022’ is replaced by ‘30 November 2022’ to align it to new provisions of Delegated Regulation (EU) 2022/2238.

OFFICAL hyperlink of EU Legislation for the organics:

https://agriculture.ec.europa.eu/farming/organic-farming/legislation_en

Special Note:

- OFDC can provide applicants with Chinese translations and Russian translations of the main EU organic regulations for reference, but please refer to the official EU version.
- For Chinese translation or Russian translation of major EU organic regulations, please contact:
OFDC Inspection Department, Division II,
Jian Sheng Li, Tel: 15062273180 E-mail: lijiansheng@ofdc.org.cn