



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT



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Thank you for your email of 1 July<sup>1</sup> asking five questions regarding the implementation of Regulation (EU) 2018/848<sup>2</sup> and Commission Regulation (EU) 2020/464<sup>3</sup> in relation to organic poultry production.

I will address each of your questions separately as listed in your email.

**Question 1. Is the presence of a veranda obligatory for breeding birds and pullets so that it can be applied as an outdoor area in case of restrictions and obligations related to the protection of human and animal health imposed on the basis of Union legislation (according to 1.9.4.4.f) of Regulation 2018/848)?**

The presence of a veranda is not obligatory for breeding birds and pullets. Point 1.9.4.4 (f) of Part II of Annex II to Regulation (EU) 2018/848 stating “*by way of derogation from point 1.6.5, in the case of breeding birds and pullets aged under 18 weeks, when the conditions specified in point 1.7.3 as regards restrictions and obligations related to the protection of human and animal health imposed on the basis of Union legislation are met and prevent breeding birds and pullets aged under 18 weeks from having access to open air areas, verandas shall be considered as open air areas and, in such cases, shall have a wire mesh barrier to keep other birds out*” does not create an obligation to have a veranda but grants the possibility for organic producers of breeding birds or pullets who have a veranda to have it considered as an open air area in case of avian influenza outbreaks for example.

**Question 2. If a veranda is obligatory, what is the size of the veranda?**

As mentioned above, the veranda is not obligatory.

<sup>1</sup> Ares(2021)4315486

<sup>2</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02018R0848-20201114&qid=1626950934391&from=EN>

<sup>3</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02020R0464-20201215&qid=1626950992615&from=EN>



**Question 3. If a veranda is obligatory: is an additional roofed outdoor area according to Art. 15 (2) c sentence 2 of the Regulation 2020/464 to be considered as equivalent to the veranda with regard to the requirement of 1.9.4.4.f)? (The question arises because at the time of the adoption of 1.9.4.4.f) it was not foreseeable that there would be an additional covered outdoor area). Otherwise, there is a risk, especially for pullets, of falling short of the required access to the outdoor area (one third of their life).**

As mentioned above, the veranda is not obligatory.

**Question 4. With reference to Art 9(7): Is it possible for a farm to have several organic production units with fattening poultry on one site? In this context it has to be taken into account: Art 15 (3a) and (d) of Regulation 2020/464 - no requirement for a maximum number of production units, but information per production unit. Production units must be clearly separated from each other. A holding may manage several production units of the same type of animal or production direction. In each production unit all necessary facilities, including electricity and water supply, must be available separately.**

Subject to further details on the case at hand, a farm with several fattening poultry houses on one site might correspond to the definition of a “holding” as laid down in Article 3, point (8), of Regulation (EU) 2018/848: “*‘holding’ means all the production units operated under single management for the purpose of producing live or unprocessed agricultural products, including products originating from aquaculture and beekeeping, referred to in point a) of Article 2(1) or products listed in Annex I other than essential oils and yeast;*”

Article 3, points (9) and (10), of Regulation (EU) 2018/848 give the following definitions of a production unit and an organic production unit:

*-‘production unit’ means **all assets of a holding, such as primary production premises, land parcels, pasturages, open air areas, livestock buildings or parts thereof, hives, fish ponds, containment systems and sites for algae or aquaculture animals, rearing units, shore or seabed concessions, and premises for the storage of crops, of crop products, of algae products, of animal products, of raw materials and of any other relevant inputs managed as described in point (10), point (11) or point (12).***

*- ‘organic production unit’ means a production unit, excluding during the conversion period referred to in Article 10, which is managed in compliance with the requirements applicable to organic production;*

Article 9 (2) and (7) of Regulation (EU) 2018/848 state that “***the entire holding shall be managed in compliance with the requirements of this Regulation that apply to organic production***” and that “***notwithstanding paragraph 2, a holding may be split into clearly and effectively separated production units for organic, in-conversion and non-organic production, provided that for the non organic production units: a) as regards livestock, different species are involved; b) as regards plants, different varieties that can be easily differentiated are involved; as regards algae and aquaculture animals, the same species may be involved, provided that there is a clear and effective separation between the production sites or units***”.

Furthermore, I would like to recall the provisions of point 1.9.4.4 (m) of Part II of Annex II to Regulation (EU) 2018/848 stating that “*the total usable surface area for fattening poultry in poultry houses of any production unit shall not exceed 1 600 m<sup>2</sup>.*”

In light of the above, and pending a further complete description of the case set out in your email, I would conclude the following: several fattening poultry houses on one site - even if all necessary facilities including electricity and water supply are separated - cannot be considered as separated **organic production units** because the organic production unit includes not only the poultry houses themselves but also the primary production premises, land parcels, open air areas, premises for the storage of crops, of crops products, of animal products, of raw materials and of any relevant inputs. Furthermore, the organic production unit shall comply with the maximum total usable area of 1 600 m<sup>2</sup> for fattening poultry set in of point 1.9.4.4 (m) of Part II of Annex II to Regulation (EU) 2018/848.

**Question 5. For Gallus gallus, Article 3 item 29 of Regulation 2018/848 defines pullets as young animals of the Gallus gallus species that are of an age of less than 18 weeks; it could be deduced from this that pullets and also fattening poultry of the species Gallus gallus up to this age are considered young poultry within the meaning of Annex II Part II item 1.9.4.2 c) iii) of Regulation 2018/848. COM is asked to confirm this interpretation.**

**In addition, COM is requested to provide information on how young poultry can be distinguished from older poultry for the regulation of other animal species or, if necessary, to formulate specific age specifications.**

Regarding the term “young poultry” used in point 1.9.4.2 (c) (iii) Part II of Annex II to Regulation (EU) 2018/848 (in relation to the derogation to use a limited percentage of non-organic protein feed under certain conditions), you explain that “**also fattening poultry of the species Gallus gallus up to this age are considered young poultry**”. I am afraid that it seems difficult to follow your reasoning, and I would like to refer to the position we already shared on this issue at the Committee on organic production. The redacted reply of the Commission services is attached to this letter.

The present opinion is provided on the basis of the facts as set out in your email of 1 July 2021 and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the European Court of Justice to provide a definitive interpretation of the applicable Union law.

Yours sincerely,



Enclosure: redacted reply on the definition of young poultry – including machine translated EN version (Ares (2021) 2220748)