

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2021/642

of 30 October 2020

amending Annex III to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards certain information to be provided on the labelling of organic products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 ⁽¹⁾, and in particular Article 23(2)(a) thereof,

Whereas:

- (1) Chapter III of Regulation (EU) 2018/848 lays down production rules applicable to organic production, while Annex III to that Regulation set out rules on, inter alia, packaging and transport of organic and in-conversion products. In particular, point 2.1 of that Annex requires certain information to be stated on the label or on an accompanying document.
- (2) The feeding of livestock and aquatic animals with organic feed is one of the principles of organic production. However, the production rules allow, under certain conditions, the use of certain non-organic and in-conversion feed materials.
- (3) In order to comply with organic production rules, the operators should be appropriately informed as regards the feed they use. In particular, they should know whether the feed is authorised in organic production, what is its exact composition and the proportion of organic, in-conversion and non-organic compounds of the feed.
- (4) Plant reproductive material, including seeds, used for the organic production of plants or plant products has to be organic in accordance with point 1.8.1 of Part I of Annex II to Regulation (EU) 2018/848. However, due to the unavailability of organic plant reproductive material for certain species, subspecies or varieties, point 1.8.5 of Part I of that Annex allows the use of in-conversion plant reproductive material and provides for the authorisation to use non-organic plant reproductive material under certain conditions.
- (5) Pursuant to Council Directive 66/401/EEC ⁽²⁾, seeds in mixtures of various genera, species or varieties of fodder plants may be placed on the market, provided that, inter alia, the percentage by weight of the various components, shown by species and, where appropriate, by variety, is reported on the official label.

⁽¹⁾ OJ L 150, 14.6.2018, p. 1.

⁽²⁾ Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (OJ 125, 11.7.1966, p. 2298).

- (6) In view of the importance of the use of mixtures of fodder plant seeds to grant high nutritional quality of fodder, and including when not intended for use as fodder plants, to improve the adaptability of the plants to the regional agronomic conditions and to increase soil fertility and biodiversity, in particular when the seeds mixtures are used in agronomic practices for soil and water conservation such as cover crops and taking into account the lack of available organic or in-conversion seeds, it is possible to use seeds mixtures in compliance with organic production rules, even when containing organic and, in-conversion and authorised non-organic seeds of different plant species. For that purpose, precise information on the presence and amount of organic and in-conversion components of the mixtures should be available for the users, without prejudice to the requirements and information required under Directive 66/401/EEC.
- (7) However, the label of the packaging of such mixtures should also indicate that their use is allowed only within the scope of the authorisation issued under point 1.8.5 of Part I of Annex II to Regulation (EU) 2018/848 and therefore, only in the territory of the Member State of the competent authority who granted it.
- (8) Moreover, in order to promote the use of organic and in-conversion seeds and to ensure a harmonised quantitative minimum threshold, it is appropriate to set a minimum total percentage by weight of organic and in-conversion seeds that should be part of the mixture when reference to organic and in-conversion components will appear on the label.
- (9) Point 2.1 of Annex III to Regulation (EU) 2018/848 should therefore be amended accordingly.
- (10) In the interest of clarity and legal certainty, this Regulation should apply from the date of application of Regulation (EU) 2018/848,

HAS ADOPTED THIS REGULATION:

Article 1

Point 2.1 of Annex III to Regulation (EU) 2018/848 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2022.

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

Done at Brussels, 30 October 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Point 2.1 of Annex III to Regulation (EU) 2018/848 is replaced by the following:

‘2.1. Information to be provided

2.1.1. Operators shall ensure that organic products and in-conversion products are transported to other operators or units, including wholesalers and retailers, only in appropriate packaging, containers or vehicles closed in such a manner that alteration, including substitution, of the content cannot be achieved without manipulation or damage of the seal and provided with a label stating, without prejudice to any other indications required by Union law:

- (a) the name and address of the operator and, where different, of the owner or seller of the product;
- (b) the name of the product;
- (c) the name or the code number of the control authority or control body to which the operator is subject; and
- (d) where relevant, the lot identification mark in accordance with a marking system either approved at national level or agreed with the control authority or control body and which permits the linking of the lot with the records referred to in Article 34(5).

2.1.2. Operators shall ensure that compound feed authorised in organic production transported to other operators or holdings, including wholesalers and retailers, are provided with a label stating, in addition to any other indications required by Union law:

- (a) the information provided in point 2.1.1;
- (b) where relevant, by weight of dry matter:
 - (i) the total percentage of organic feed materials;
 - (ii) the total percentage of in-conversion feed materials;
 - (iii) the total percentage of feed materials not covered by points (i) and (ii);
 - (iv) the total percentage of feed of agricultural origin;
- (c) where relevant, the names of organic feed materials;
- (d) where relevant, the names of in-conversion feed materials; and
- (e) for compound feed that cannot be labelled in accordance with Article 30(6), the indication that such feed may be used in organic production in accordance with this Regulation.

2.1.3. Without prejudice to Directive 66/401/EEC, operators shall ensure that on the label of the packaging of a mixture of fodder plant seeds containing organic and in-conversion or non-organic seeds of certain different plant species for which an authorisation has been issued under the relevant conditions laid down in point 1.8.5 of Part I of Annex II to this Regulation, information is provided on the exact components of the mixture, shown by percentage by weight of each component species, and where appropriate varieties.

In addition to the relevant requirements under Annex IV to Directive 66/401/EEC, that information shall include besides the indications required in the first paragraph of this point also the list of the component species of the mixture that are labelled as organic or in-conversion. The minimum total percentage by weight of organic and in-conversion seeds in the mixture shall be at least 70 %.

In case the mixture contains non-organic seeds, the label shall also include the following statement: “The use of the mixture is only allowed within the scope of the authorisation and in the territory of the Member State of the competent authority which authorised the use of this mixture in conformity with point 1.8.5 of Annex II to Regulation (EU) 2018/848 on organic production and labelling of organic products.”

The information referred to in points 2.1.1 and 2.1.2 may be presented solely on an accompanying document, if such a document can be undeniably linked with the packaging, container or vehicular transport of the product. This accompanying document shall include information on the supplier or the transporter.'
