



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels

agri.b.4(2022)2189775

Dear [REDACTED],

I would like to thank you for your email of 2 March, in which you express your concern that certain organic poultry producers will not be able to meet the requirements for being certified as organic because they can no longer introduce non-organic pullets into their holdings.

One of the objectives of the organic reform was to limit the number of derogations in organic production. Against this background, the previous provisions of Article 42 of Regulation (EC) No 889/2008<sup>1</sup> are no longer applicable since 1 January 2022 and those of point 1.3.4.3 of part II of Annex II to Regulation (EU) 2018/848<sup>2</sup> apply: *“By way of derogation from point 1.3.1, where a flock is constituted for the first time, or is renewed or reconstituted, and where the qualitative and quantitative needs of farmers cannot be met, the competent authority may decide that non-organically reared poultry may be brought into an organic poultry production unit, **provided that the pullets for the production of eggs and poultry for meat production are less than three days old.** Products derived from them may only be considered as organic if the conversion period specified in point 1.2 has been complied with.”*

Hence, I can confirm that from 1 January 2022, under these provisions, the competent authority may only authorise the introduction into an organic poultry production unit of non-organic pullets that are less than three days old. Subject to the provisions of Article

<sup>1</sup> Article 42 Use of non-organic animals Where the conditions laid down in Article 22(2)(b) of Regulation (EC) No 834/2007 apply, and with prior authorisation of the competent authority, (a) when a flock is constituted for the first time, renewed or reconstituted and organically reared poultry are not available in sufficient numbers, non-organically reared poultry may be brought into an organic poultry production unit, provided that the pullets for the production of eggs and poultry for meat production are less than three days old; (b) non-organically reared pullets for egg production of not more than 18 weeks may be brought into an organic livestock unit until 31 December 2021, when organically reared pullets are not available and provided that the relevant provisions laid down in Section 3 and 4 of Chapter 2 are complied with.

<sup>2</sup> [CL2018R0848EN0020010.0001.3bi\\_cp 1..1 \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2018/848/20180804/0001/3bi_cp_1..1)

53 (2)(b) of Regulation (EU) 2018/848, this derogation will expire on 31 December 2036 as laid down in Article 53 (1) of that same Regulation.

This opinion is provided on the basis of the facts set out in your letter of 2 March 2022 and expresses the opinion 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 Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours faithfully,

