



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Deputy Director General, in charge of Directorates A, B and C

Brussels,
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Dear Director,

Thank you for your letter of 25 October 2017 regarding the exception for the use of non-organically reared pullets for egg production of not more than 18 weeks into an organic livestock unit.

In your letter, you asked whether meat obtained from laying hens which were brought into an organic farm as no more than 18 weeks non-organic pullets, can be placed on the market as organic. You highlight that clarification on this issue is urgent as the exception allowing the use of non-organically reared pullets for egg production of not more than 18 weeks into an organic livestock unit will expire by 31 December 2017.

Article 22 of Regulation (EC) No 834/2007 lays down the possibility to grant exceptions from the production rules in limited cases and under certain conditions. Such exceptions are to be kept to the minimum according to the second paragraph of the same Article.

The exception allowing the use of non-organically reared pullets for egg production of not more than 18 weeks into an organic livestock unit is laid down in Article 42(b) of Commission Regulation (EC) No 889/2008¹ which states "*non-organically reared pullets for egg production of not more than 18 weeks may be brought into an organic livestock unit until 31 December 2017, 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*". This exceptional production rule has been justified by the non-availability of organic pullets for egg production of not more than 18 weeks on the basis of the aforesaid Article 22.

Article 38(1) of Regulation (EC) No 889/2009 lays down specific rules for livestock products to be sold as organic products in case non organic livestock has been brought onto a holding in accordance with referred Article 42; it states that "*if livestock products*

¹ 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 (O.J. L 250, 18.09.2008, p. 1)

Mr Boguslaw Rzeźnicki
Director
Ministry of Agriculture and Rural Development of the Republic of Poland
Department of Plant Breeding and Protection
Wspolna 30 Street
PL 00-930 Warsaw
Secretariat.hor@minrol.gov.pl

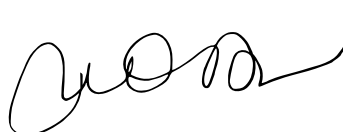
are to be sold as organic products, the production rules as referred to in Articles 9, 10, 11 and 14 of Regulation (EC) No 834/2007 and in Chapter 2 of Title II and where applicable in Article 42 of this Regulation must have been applied for at least: (a) 12 months in the case of equidae and bovines, including bubalus and bison species, for meat production, and in any case at least three quarters of their lifetime; (b) six months in the case of small ruminants and pigs and animals for milk production (c) 10 weeks for poultry for meat production, brought in before they are three days old; (d) six weeks in the case of poultry for egg production".

It therefore follows that the exception in Article 42(b) is intended only for egg production, while meat from laying hens obtained from non-organically reared pullets for egg production of not more than 18 weeks brought into an organic livestock unit cannot be sold as organic poultry meat.

Finally, I would like to inform you that the Commission took into account the concerns expressed by several Member States, including Poland, at the last Committee on Organic Production regarding the end of this exception. The Commission launched a written procedure to adopt an Implementing Regulation extending this specific exception until 31 December 2018.

The present opinion is provided on the basis of the facts as set out in your letter of 25 October 2017 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 Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours sincerely,



María Angeles BENITEZ SALAS

Cc: Mr Krystian Keciek, Permanent Representation of the Republic of Poland