



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability
The Director

Brussels
LB/sf/agri.b.4(2022)4205393

Dear Mr Paesano,

I would like to thank you for your email of 4 May 2022¹ regarding the use of derogations for non-organic animals in a holding that plans to ask for organic certification for raising American Bisons (*Bison bison*).

You explain that an Italian operator intends to start a herd of organic American Bisons by importing several American Bisons from North America. You highlight that, for the renewal of the herd, the operator will have to buy new animals from North America as neither conventional nor organic American Bisons are available on the European market. You ask whether the lack of availability on the European market is a sufficient condition for obtaining the derogations referred to in point 1.3.4.4 of Annex II, Part II of Regulation (EU) 2018/848² and purchasing conventional American Bisons from North America or whether the operator will have to check first the possibility of purchasing organic animals from North America and, only if they are not available, could be granted the abovementioned derogation.

Before replying to your specific question, I would like to highlight the following objectives of organic production as laid down in Article 4 (e) and (f) of Regulation (EU) 2018/848:

“Organic production shall pursue the following general objectives:

(e) contributing to high animal welfare standards and, in particular, to meeting the species-specific behavioural needs of animals;

(f) encouraging short distribution channels and local production in the various areas of the Union;”

and the specific principles applicable to agricultural activities of organic production under Article 6 (j) and (n) and (q) of Regulation (EU) 2018/848:

“As regards agricultural activities and aquaculture, organic production shall, in particular, be based on the following specific principles:

¹ Ares(2022)3423002

² [EUR-Lex - 02018R0848-20220101 - EN - EUR-Lex \(europa.eu\)](#)

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(j) in the choosing of animal breeds, having regard to a high degree of genetic diversity, the capacity of animals to adapt to local conditions, their breeding value, their longevity, their vitality and their resistance to disease or health problems;

(n) the production of organic livestock products derived from animals that have been raised on organic holdings throughout their lives since birth or hatching;

(q) avoiding any endangerment of species of conservation interest that might arise from organic production.”

I would also like to recall the following provisions related to the origin of animals of point 1.3.1 and the transport of livestock of point 1.7.6 part II Annex II to Regulation (EU) 2018/848:

1.3.1 *“Without prejudice to the rules on conversion, organic livestock shall be born or hatched and raised on organic production units.”*

1.7.6 *“Duration of transport of livestock shall be minimised.”*

Please note also that, in accordance with its Article 2(4), which states that, except where otherwise provided, Regulation (EU) 2018/848 applies without prejudice to related Union legislation, in particular, legislation in the fields of safety of the food chain, animal health and welfare [...]

On the basis of these provisions, a careful examination should be made of the business plan of the operators and their potential future certification as organic.

Recital (41) of Regulation (EU) 2018/848 states the intention of the co-legislator in relation to derogations to use non-organic animals and states the following: *“organic animals are not always available in sufficient quantity and quality to meet the needs of farmers who wish to constitute a herd or a flock for the first time or to increase or renew their livestock. Under certain conditions, it should therefore be possible to bring non-organically raised animals to an organic production unit.”*

Point 1.3.4.4 of Part II of Annex II to Regulation (EU) 2018/848 states the following: *“By way of derogation from point 1.3.1, where the data collected in the system referred to in point (b) of Article 26(2) shows that the qualitative or quantitative needs of the farmer regarding organic animals are not met, competent authorities may authorise the introduction of non-organic animals into an organic production unit, subject to the conditions provided for in points 1.3.4.4.1 to 1.3.4.4.4. Prior to requesting any such derogation, the farmer shall consult the data collected in the system referred to in point (b) of Article 26(2) in order to verify whether his or her request is justified.[...].*

In the case of the American Bison, the obligation to consult the data collected in the system referred in Article 26(2)(b) of Regulation (EU) 2018/848 remains; in case no American Bisons are available on the European market, then the operators should check first the availability of organic animals on the North American market; only if organic American Bisons are not available there, they can eventually be granted derogations to introduce non-organic American Bisons under the conditions set for bovine animals in point 1.3.4.4 of Part II of Annex II to Regulation (EU) 2018/848.

The present opinion is provided on the basis of the facts as set out in your e-mail of 4 May 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,

A handwritten signature in blue ink, consisting of a large, stylized 'P' followed by 'BASCOU'.

Pierre BASCOU