**Procedure regarding the applicable Derogations, Permits and References to competent authorities referred to in Regulation 2021/1698 and the notification procedure for activities in third countries**

The procedure lays down the procedure for the References to Competent Authorities and Member States applied in Annex II to Regulation (EU) 2018/848 and the requirements for the Annual Report on authorizations granted and derogations referred to in Article 4 of Regulation 2021/1698 applicable to art.30 of Regulation 2021/1698.

I. In the following paragraphs of Annex II to Regulation (EU) 2018/848, references to competent authorities shall be understood as references to the controlling authority recognized in accordance with Art. 46, paragraph 1 of Regulation 2018/848:

a) part I of clause 1.7.2. and clause 1.7.3., part one;

b) part II of para. 1.3.4.3., 1.3.4.4.3., 1.6.7., 1.7.5., 1.7.8., 1.9.3.1., 1.9.4.1. and 1.9.4.2.;

c) part III of paragraph 3.1.2.1. and 3.1.3.1.

The information referred to in part II, clause 1.9.4.1 is sent only to the Commission.

2. In point 1.9.4.4(c) of Part II of Annex II to Regulation (EU) 2018/848, reference to Member States shall be understood as reference to control institutions and bodies recognized in accordance with Article 46 point 1 of this Regulation.

1. Permits

1. For retroactive recognition of an earlier period as part of the transition period

1.1. In order to retroactively recognize an earlier period as part of the transitional period for the purposes of applying Article 10(3)(b) of Regulation (EU) 2018/848, the supervisory authority must act in accordance with procedure ANN-R-BL-024 “Procedure for reduction of the transitional period developed in accordance with Article 25 of Regulation (EU) 2021/1698.”

1.2. The supervisory authority must immediately notify the Commission, the Member States and the accreditation body of the retroactive recognition granted in accordance with Art. 25(4) of Regulation (EU) 2021/1698.

1.3. For each granted recognition with retroactive effect, the supervisory authority draws up a final report in accordance with Art. 25 (3) Regulation (EU) 2021/1698.

2. Permits for the use of inorganic plant germinal material

2.1. Permits for the use of non-organic non-organic plant reproductive material are issued in accordance with the procedure of the CB ANN-P-BL-017 "Permit for the use of conventional seeds, seed potatoes and vegetative propagation material in organic production", Part I, point 1.8.5.2 of Annex II to the Regulation (EU) 2018/848,

2.2. For the annual report on the authorizations referred to in Article 4 of Regulation 2021/1698, the following information shall be included in the authorizations for the use of non-organic plant reproductive material issued in accordance with point 1.8.5.2 of Part I of Annex II to Regulation (EU) 2018/848 Procedure Control Body ANN-P-BL-017 "Permission for the use of conventional seeds, seed potatoes and vegetative propagating material in organic production":

(a) scientific and common name (common name and Latin name);

(b) variety;

(c) the number of derogations and the total seed weight or number of plants to which the derogations apply;

(d) the number of operators or groups of operators to which the authorization has been granted.

3. Use of non-organically raised birds and animals

3.1. Terms:

3.1.1. Provisions set out in paragraphs 1.3.4.3 and 1.3.4.4 of Part II of Annex II to Regulation 2018/848

Derogating from point 1.3.1 of part II of Annex II to Regulation 2018/848, if a bird flock is established for the first time, or if it is renewed or restored, and if the needs of farmers in quality and quantity cannot be met, the control authority may decide that non-organically reared poultry may be introduced into organic poultry production provided that the laying hen for egg production and poultry for meat production is less than three days old. Products obtained from them can only be recognized as organic if the transition period specified in paragraph 1.2 is observed.

3.1.2. 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) of Annex II of Reg 2018/848 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. of Part II of Annex II to Regulation 2018/848.

3.1.3. 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..

3.1.4. For operators in third countries, control authorities and control bodies recognised in accordance with Article 46(1) may authorise the introduction of non-organic animals into an organic production unit where organic animals are not available in sufficient quality or quantity in the territory of the country where the operator is located.

3.1.5. The percentages referred to in point 1.3.4.4.2 of Annex II to Regulation 2018/848, Part II may be increased up to 40%, provided that the supervisory authority has confirmed the fulfillment of any of the following conditions:

- the economy is significantly expanded;

- one breed is replaced by another;

- A new specialization in animal husbandry has been launched.

3.2. Before granting derogations regarding the use of non-organically raised livestock species (cattle, horses, sheep, goats, pigs and deer, rabbits and poultry) in accordance with paragraphs 1.3.4.3 and 1.3.4.4 of Part II of Annex II to the Regulation ( EU) 2018/848, the control authority, upon receipt of the operator's application ANN-F-BL-093 "Approval for the use of animals reared in non-organic conditions", evaluates the following information and prepares a justification for each derogation:

(a) scientific and common name (common name and name in Latin, i.e. species and genus);

b) breeds and lines;

c) production purposes: meat, milk, eggs, dual use or breeding;

d) total number of animals;

e) availability of relevant animal species raised under organic farming conditions in relevant third country;

f) documentation or notice to the operator confirming that the requirements set out in points 1.3.4.3 and 1.3.4.4 of Part II of Annex II to Regulation (EU) 2018/848 have been met.

3.3.The CB considers each such case on a case-by-case basis and decides on the grounds for each derogation.

3.4. Relevant information on the granting of derogations in accordance with points 1.3.4.3 and 1.3.4.4 of Part II of Annex II to Regulation (EU) 2018/848 for each type of non-organically reared animal (cattle, horses, sheep, goats, pigs and animals of the deer family , rabbits and poultry) is included by the control body or institution in the annual report referred to in Art. 4 of Regulation 2021/1698.

3.5. Animal keeping and breeding practices, clause 1.6.7 of Part II of Annex II to Regulation (EU) 2018/848

In order to determine the appropriate livestock density referred to in point 1.6.6 of Regulation 2018/848, the supervisory authority determines livestock stock units equivalent to the limit specified in point 1.6.6 (total livestock density not more than 170 kg of organic nitrogen per hectare of agricultural area per year), taking into account the indicators established for each of the specific requirements for the type of livestock production, taking into account the requirements set out in Procedure ANN-P-BL-007.1 annex 4 to this procedure.

4. Animal welfare

4.1. Clause 1.7.5. Part II of Annex II to Regulation (EU) 2018/848

The tying or isolation of farm animals is prohibited, except for individual animals for a limited period of time and to the extent justified on veterinary grounds. The isolation of farm animals may only be allowed for a limited period of time and only if the safety of workers is at risk or for animal welfare reasons. The regulatory authorities may allow enterprises with a population of not more than 50 animals (excluding young animals) to keep cattle on a leash if it is not possible to keep animals in groups that meet their ethological needs, provided that they have access to pasture during the grazing period and to open sites at least twice a week if grazing is not possible.

4.2. Clause 1.7.8. Part II of Annex II to Regulation (EU) 2018/848

Without prejudice to developments in Union legislation in the field of animal welfare, amputation of sheep's tails, beak cutting in the first three days of life and removal of horns may be permitted in exceptional circumstances, but only on a case-by-case basis and only if it improves health, welfare or hygiene farm animals or where the safety of workers would otherwise be compromised. The removal of antlers may only be permitted on a case-by-case basis if it improves the health, welfare or hygiene of the animals or if the safety of workers would otherwise be endangered. The supervising body authorizes such action only if the operator has duly notified and justified this operation to the supervising body and if this operation must be carried out by qualified personnel.

The control authority considers each such case separately after receiving an application from the operator and makes a decision on issuing an individual permit.

5. In the case of pig animals

Clause 1.9.3.1. Part II of Annex II to Regulation (EU) 2018/848

If farmers are unable to provide feed containing only organically produced protein, and the regulatory authority has confirmed that feed containing organic protein is not available in sufficient quantity, then feed containing inorganic protein may be used until December 31, 2026, subject to the following conditions:

- it is not available in organic form;

- it is produced or prepared without the use of chemical solvents;

- it is used exclusively for feeding specific protein compounds to piglets weighing less than 35 kg; and

- the maximum percentage permitted during a 12-month period for these animals must not exceed 5%. The percentage of dry matter of feed of agricultural origin is calculated.

The control authority considers each such case separately after receiving an application from the operator and makes a decision on issuing an individual permit.

1. With respect to poultry - Origin of animals

Clause 1.9.4.1. Part II of Annex II to Regulation (EU) 2018/848

To avoid the use of intensive rearing methods, poultry is reared to a minimum age or is a slow growing breed of poultry adapted to outdoor rearing.

**The control authority shall establish criteria for slow growing breeds or draw up a list of such breeds and communicate this information to the Commission.**

If the farmer does not use slow growing breeds of poultry, the following minimum slaughter age applies:

- 81 days for chickens;

- 150 days for capons;

- 49 days for Peking duck;

- 70 days for a female Muscovy duck;

- 84 days for male Muscovy ducks;

- 92 days for Mulard duck;

- 94 days for guinea fowl;

- 140 days for male turkeys and gooses; and

- 100 days for female turkeys.

1. For poultry - Feeding

Clause 1.9.4.2. Part II of Annex II to Regulation (EU) 2018/848

If farmers are unable to provide feed containing only organically produced protein, and the regulatory authority has confirmed that feed containing organic protein is not available in sufficient quantity, then feed containing inorganic protein may be used until December 31, 2026, subject to the following conditions:

- it is not available in organic form;

- it is produced or prepared without the use of chemical solvents;

- it is used exclusively for feeding young birds with specific protein compounds; and

- the maximum percentage permitted during a 12-month period for these animals does not exceed 5%. The percentage of dry matter of feed of agricultural origin is calculated.

1. Use of non-organic aquaculture animals in accordance with point 3.1.2.1(d) of Part III of Annex II to Regulation (EU) 2018/848:
   1. Before granting derogations for the use of juvenile non-organic aquaculture animals in accordance with point 3.1.2.1 of Part III of Annex II to Regulation (EU) 2018/848, the supervisory authority, upon receipt of the application ANN-F-BL-094 "APPROVAL FOR THE USE OF PUPPY NON-ORGANIC AQUACULTURE" from operator, evaluates the following information and prepares a rationale for each deviation:

(a) species and genus (common name and Latin name);

b) breeds and lines, as appropriate;

c) the life stage (eg eggs, larvae, young) that are available for sale as organically raised;

d) available quantity as estimated by the operator;

e) total number of young animals;

f) availability of appropriate organically grown aquaculture breeds;

f) documentation or operator notification confirming that the requirements set out in point 3.1.2.1 of part III of Annex II to Regulation (EU) 2018/848 have been met.

8.2. The control authority considers each such case separately after receiving the application from the operator and makes a decision on each deviation.

8.3. Relevant information on each derogation granted for the use of young non-organic aquaculture animals in accordance with point 3.1.2.1 of Part III of Annex II to Regulation (EU) 2018/848 must be included by the control authority or institution in the annual report referred to in Article 4 of Regulation 2021 /1698.

1. The practice of keeping and breeding animals in accordance with paragraph 1.9.4.4. (c) Part II of Annex II to Regulation (EU) 2018/848

- During the inter-breeding period of some poultry flocks, barns must be vacated.

- Sheds and equipment are being cleaned and disinfected at this time.

- When rearing of each flock of poultry is completed, the pens are left empty for a period of **28 days**, as determined by the regulatory authority, to allow vegetation to grow back.

- The operator shall keep records or keep documentation of the application of such period.

- The mentioned requirements do not apply to poultry that is not reared in herds or pens and has the opportunity to free-range during the day;

1. Reporting on prior authorizations issued for the use of non-organic constituents of agricultural origin in processed organic foods in accordance with Art. 27 of Regulation 2021/1698

The CB immediately notify the Commission, the Member States, the accrediting institution and other control bodies and authorities recognized in accordance with Article 46(1) of Regulation (EU) 2018/848 of any prior authorization granted in accordance with Article 25(4 ) of this regulation for the use of inorganic constituents of agricultural origin in processed organic food. The said notification shall include the justification that such authorization has been granted in accordance with Article 25(1) of Regulation (EU) 2018/848 and shall be prepared using the specific form provided by the Commission.

11. Derogations from Regulation (EU) 2018/848 in the event of a disaster:

11.1. Recognition of the circumstances of the disaster in accordance with Art. 28 of Regulation (EU) 2021/1698 on the basis of the application of the exclusion rules to proceedings referred to in Art. 22(1) and Art. 45(3) of Regulation 2018/848,

11.2. In order for the Supervisory Authority to classify a situation as a disaster or catastrophe resulting from "adverse climatic conditions", "animal disease", "environmental incident", "natural disaster" or "catastrophic event" or other similar situations, the Supervisory Authority may declare the situation disaster on the basis of a notification issued by the relevant authority of the third country where the situation occurred, if any. In the absence of such notification, the controlling body or agency bases such recognition on data provided by official organizations confirming the circumstances of the disaster.

11.3. Upon recognizing the Circumstances of Distress, the Controlling Authority shall identify the affected operators in the area concerned or, at the request of an individual operator or a member of a group of operators concerned, grant the appropriate derogations set out in Art. 3 of Delegated Regulation (EU) 2020/2146 and lay down the conditions if these derogations and conditions apply:

a) for a limited period of time and no longer than is necessary for the continuation or resumption of organic production carried out before the date of application of these derogations, but in any case not more than 12 months;

b) in respect of particularly affected production or, where appropriate, plots of land; and

c) to individual operators or relevant members of a group of operators.

* 1. The application of derogations to distress conditions shall not affect the validity of the certificates referred to in Art. 45(1)(b)(i) of Regulation (EU) 2018/848 during the period in which the derogations apply, provided that the operator or operators concerned comply with the conditions on which derogations are granted.
  2. . The control authorities shall immediately notify the Commission, the Member States and the accrediting body of the derogations they have granted in accordance with this Regulation, using the system indicated in the Organic Agriculture Information System (OFIS), indicating:
     1. the name/title of the relevant operator or operators,
     2. the period of time during which the derogation applies,
     3. type of production or, in the relevant case, land plots,

11.5.4 grounds for derogation, including the notices referred to in Art. 28 of the relevant authority of the third country. If such a notice is not available, the controlling agency or organization shall indicate the reason for not including such a notice and provide the relevant data on the basis of which the recognition has been made.

11.6. The controlling agency shall ensure that the operator to which the granted derogations relate keeps documentary evidence of the derogations granted, as well as documentary evidence of the use of these derogations during the period of time in which these derogations apply. The supervising authority verifies the compliance of the operator or operators with the conditions of the granted derogations.