

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

TITLE II

**RULES ON PRODUCTION, PROCESSING, PACKAGING,
TRANSPORT AND STORAGE OF ORGANIC PRODUCTS**

CHAPTER 2

Livestock production

Article 7

Scope

This Chapter lays down detailed production rules for the following species: bovine including *bubalus* and bison, equidae, porcine, ovine, caprine, poultry (species as mentioned in Annex III) and bees.

Section 1

Origin of animals

Article 8

Origin of organic animals

1 In the choice of breeds or strains, account shall be taken of the capacity of animals to adapt to local conditions, their vitality and their resistance to disease. In addition, breeds or strains of animals shall be selected to avoid specific diseases or health problems associated with some breeds or strains used in intensive production, such as porcine stress syndrome, PSE Syndrome (pale-soft-exudative), sudden death, spontaneous abortion and difficult births requiring caesarean operations. Preference is to be given to indigenous breeds and strains.

2 For bees, preference shall be given to the use of *Apis mellifera* and their local ecotypes.

Article 9

Origin of non-organic animals

1 In accordance with Article 14(1)(a)(ii) of Regulation (EC) No 834/2007, non-organic animals may be brought onto a holding for breeding purposes, only when organic animals are not available in sufficient number and subject to the conditions provided for in paragraphs 2 to 5 of this Article.

2 Non-organic young mammals, when a herd or flock is constituted for the first time, shall be reared in accordance with the organic production rules immediately after they are weaned. Moreover, the following restrictions shall apply at the date on which the animals enter the herd:

- a buffalo, calves and foals shall be less than six months old;
- b lambs and kids shall be less than 60 days old;
- c piglets shall weigh less than 35 kg.

3 Non-organic adult male and nulliparous female mammals, for the renewal of a herd or flock, shall be reared subsequently in accordance with the organic production rules. Moreover, the number of female mammals is subject to the following restrictions per year:

- a up to a maximum of 10 % of adult equine or bovine, including *bubalus* and bison species, livestock and 20 % of the adult porcine, ovine and caprine livestock, as female animals;
- b for units with less than 10 equine or bovine animals, or with less than five porcine, ovine or caprine animals any renewal as mentioned above shall be limited to a maximum of one animal per year.

This provision of this paragraph will be reviewed in 2012 with a view to phase it out.

4 The percentages referred to in paragraph 3 may be increased up to 40 %, subject to prior authorisation by the competent authority, in the following special cases:

- a when a major extension to the farm is undertaken;
- b when a breed is changed;
- c when a new livestock specialisation is initiated;
- d when breeds are in danger of being lost to farming as laid down in Annex IV to Commission Regulation (EC) No 1974/2006⁽¹⁾ and in that case animals of those breeds must not necessarily be nulliparous.

5 For the renovation of apiaries, 10 % per year of the queen bees and swarms may be replaced by non-organic queen bees and swarms in the organic production unit provided that the queen bees and swarms are placed in hives with combs or comb foundations coming from organic production units.

Section 2

Livestock housing and husbandry practices

Article 10

Rules pertaining to housing conditions

1 Insulation, heating and ventilation of the building shall ensure that air circulation, dust level, temperature, relative air humidity and gas concentration, are kept within limits which are not harmful to the animals. The building shall permit plentiful natural ventilation and light to enter.

2 Housing for livestock shall not be mandatory in areas with appropriate climatic conditions to enable animals to live outdoors.

3 The stocking density in buildings shall provide for the comfort, the well being and the species-specific needs of the animals which, in particular, shall depend on the species, the breed

and the age of the animals. It shall also take account of the behavioural needs of the animals, which depend in particular on the size of the group and the animals' sex. The density shall ensure the animals' welfare by providing them with sufficient space to stand naturally, lie down easily, turn round, groom themselves, assume all natural postures and make all natural movements such as stretching and wing flapping.

4 The minimum surface for indoor and outdoor areas, and other characteristics of housing for different species and categories of animals, are laid down in Annex III.

Article 11

Specific housing conditions and husbandry practices for mammals

1 Livestock housing shall have smooth, but not slippery floors. At least half of the indoor surface area as specified in Annex III shall be solid, that is, not of slatted or of grid construction.

2 The housing shall be provided with a comfortable, clean and dry laying/rest area of sufficient size, consisting of a solid construction which is not slatted. Ample dry bedding strewn with litter material shall be provided in the rest area. The litter shall comprise straw or other suitable natural material. The litter may be improved and enriched with any mineral product listed in Annex I.

3 Notwithstanding Article 3(3) of Council Directive 91/629/EEC⁽²⁾ the housing of calves in individual boxes shall be forbidden after the age of one week.

4 Notwithstanding Article 3(8) of Council Directive 91/630/EEC⁽³⁾ sows shall be kept in groups, except in the last stages of pregnancy and during the suckling period.

5 Piglets shall not be kept on flat decks or in piglet cages.

6 Exercise areas shall permit dunging and rooting by porcine animals. For the purposes of rooting different substrates can be used.

Article 12

Specific housing conditions and husbandry practices for poultry

1 Poultry shall not be kept in cages.

2 Water fowl shall have access to a stream, pond, lake or a pool whenever the weather and hygienic conditions permit in order to respect their species-specific needs and animal welfare requirements.

3 Buildings for all poultry shall meet the following conditions:

- a at least one third of the floor area shall be solid, that is, not of slatted or of grid construction, and covered with a litter material such as straw, wood shavings, sand or turf;
- b in poultry houses for laying hens, a sufficiently large part of the floor area available to the hens shall be available for the collection of bird droppings;
- c they shall have perches of a size and number commensurate with the size of the group and of the birds as laid down in Annex III.
- d they shall have exit/entry pop-holes of a size adequate for the birds, and these pop-holes shall have a combined length of at least 4 m per 100 m² area of the house available to the birds;

- e each poultry house shall not contain more than:
 - (i) 4 800 chickens,
 - (ii) 3 000 laying hens,
 - (iii) 5 200 guinea fowl,
 - (iv) 4 000 female Muscovy or Peking ducks or 3 200 male Muscovy or Peking ducks or other ducks,
 - (v) 2 500 capons, geese or turkeys;
- f the total usable area of poultry houses for meat production on any single unit, shall not exceed 1 600 m²;
- g poultry houses shall be constructed in a manner allowing all birds easy access to open air area.

4 Natural light may be supplemented by artificial means to provide a maximum of 16 hours light per day with a continuous nocturnal rest period without artificial light of at least eight hours.

5 To prevent the use of intensive rearing methods, poultry shall either be reared until they reach a minimum age or else shall come from slow-growing poultry strains. Where slow-growing poultry strains are not used by the operator the following minimum age at slaughter shall be:

- a 81 days for chickens,
- b 150 days for capons,
- c 49 days for Peking ducks,
- d 70 days for female Muscovy ducks,
- e 84 days for male Muscovy ducks,
- f 92 days for Mallard ducks,
- g 94 days for guinea fowl,
- h 140 days for male turkeys and roasting geese and
- i 100 days for female turkeys.

The competent authority shall define the criteria of slow-growing strains or draw up a list thereof and provide this information to operators, other Member States and the Commission.

Article 13

Specific requirements and housing conditions in beekeeping

1 The siting of the apiaries shall be such that, within a radius of 3 km from the apiary site, nectar and pollen sources consist essentially of organically produced crops and/or spontaneous vegetation and/or crops treated with low environmental impact methods equivalent to those as described in Article 36 of Council Regulation (EC) No 1698/2005⁽⁴⁾ or in Article 22 of Council Regulation 1257/1999⁽⁵⁾ which cannot affect the qualification of beekeeping production as being organic. The above mentioned requirements do not apply where flowering is not taking place, or the hives are dormant.

2 The Member States may designate regions or areas where beekeeping complying with organic production rules is not practicable.

3 The hives shall be made basically of natural materials presenting no risk of contamination to the environment or the apiculture products.

4 The bees wax for new foundations shall come from organic production units.

5 Without prejudice to Article 25, only natural products such as propolis, wax and plant oils can be used in the hives.

6 The use of chemical synthetic repellents is prohibited during honey extractions operations.

7 The use of brood combs is prohibited for honey extraction.

Article 14

Access to open air areas

1 Open air areas may be partially covered.

2 In accordance with Article 14(1)(b)(iii) of Regulation (EC) No 834/2007 herbivores shall have access to pasturage for grazing whenever conditions allow.

3 In cases where herbivores have access to pasturage during the grazing period and where the winter-housing system gives freedom of movement to the animals, the obligation to provide open air areas during the winter months may be waived.

4 Notwithstanding paragraph 2, bulls over one year old shall have access to pasturage or an open air area.

5 Poultry shall have access to an open air area for at least one third of their life.

6 Open air areas for poultry shall be mainly covered with vegetation and be provided with protective facilities and permit fowl to have easy access to adequate numbers of drinking and feeding troughs.

7 Where poultry are kept indoors due to restrictions or obligations imposed on the basis of Community legislation, they shall permanently have access to sufficient quantities of roughage and suitable material in order to meet their ethological needs.

Article 15

Stocking density

1 The total stocking density shall be such as not to exceed the limit of 170 kg of nitrogen per year and hectare of agricultural area as referred to in Article 3(2).

2 To determine the appropriate density of livestock referred to above, the competent authority shall set out the livestock units equivalent to the above limit, taking as a guideline, the figures laid down in Annex IV or the relevant national provisions adopted pursuant to Directive 91/676/EEC.

Article 16

Prohibition of landless livestock production

Landless livestock production, by which the operator of the livestock does not manage agricultural land and/or has not established a written cooperation agreement with another operator according to Article 3(3), is prohibited.

Article 17

Simultaneous production of organic and non-organic livestock

1 Non organic livestock may be present on the holding provided they are reared on units where the buildings and parcels are separated clearly from the units producing in accordance with the organic production rules and a different species is involved.

2 Non-organic livestock may use organic pasturage for a limited period of time each year, provided that such animals come from a farming system as defined in paragraph 3(b) and that organic animals are not present at the same time on that pasture.

3 Organic animals may be grazed on common land, providing that:

- a the land has not been treated with products not authorised for organic production for at least three years;
- b any non-organic animals which use the land concerned are derived from a farming system equivalent to those as described in Article 36 of Regulation (EC) No 1698/2005 or in Article 22 of Regulation 1257/1999;
- c any livestock products from organic animals, whilst using this land, shall not be regarded as being from organic-production, unless adequate segregation from non-organic animals can be proved.

4 During the period of transhumance animals may graze on non-organic land when they are being moved on foot from one grazing area to another. The uptake of non-organic feed, in the form of grass and other vegetation on which the animals graze, during this period shall not exceed 10 % of the total feed ration per year. This figure shall be calculated as a percentage of the dry matter of feedingstuffs from agricultural origin.

5 Operators shall keep documentary evidence of the use of provisions referred to in this Article.

Article 18

Management of animals

1 Operations such as attaching elastic bands to the tails of sheep, tail-docking, cutting of teeth, trimming of beaks and dehorning shall not be carried out routinely in organic farming. However, some of these operations may be authorised by the competent authority for reasons of safety or if they are intended to improve the health, welfare or hygiene of the livestock on a case-by-case basis.

Any suffering to the animals shall be reduced to a minimum by applying adequate anaesthesia and/or analgesia and by carrying out the operation only at the most appropriate age by qualified personnel.

2 Physical castration is allowed in order to maintain the quality of products and traditional production practices but only under the conditions set out in the second subparagraph of paragraph 1.

3 Mutilation such as clipping the wings of queen bees is prohibited.

4 Loading and unloading of animals shall be carried out without the use of any type of electrical stimulation to coerce the animals. The use of allopathic tranquillisers, prior to or during transport, is prohibited.

Section 3

Feed

Article 19

Feed from own holding or from other organic holdings

1 In the case of herbivores, except during the period each year when the animals are under transhumance subject to Article 17(4), at least 50 % of the feed shall come from the farm unit itself or in case this is not feasible, be produced in cooperation with other organic farms primarily in the same region.

2 In the case of bees, at the end of the production season hives shall be left with sufficient reserves of honey and pollen to survive the winter.

3 The feeding of bee colonies shall only be permitted where the survival of the hives is endangered due to climatic conditions and only between the last honey harvest and 15 days before the start of the next nectar or honeydew flow period. Feeding shall be with organic honey, organic sugar syrup, or organic sugar.

Article 20

Feed meeting animals' nutritional requirements

1 All young mammals shall be fed on maternal milk in preference to natural milk, for a minimum period of three months for bovines including *bubalus* and bison species and equidae, 45 days for sheep and goats and 40 days for pigs.

2 Rearing systems for herbivores are to be based on maximum use of grazing pasturage according to the availability of pastures in the different periods of the year. At least 60 % of the dry matter in daily rations of herbivores shall consist of roughage, fresh or dried fodder, or silage. A reduction to 50 % for animals in dairy production for a maximum period of three months in early lactation is allowed.

3 Roughage, fresh or dried fodder, or silage shall be added to the daily ration for pigs and poultry.

4 The keeping of livestock in conditions, or on a diet, which may encourage anaemia, is prohibited.

5 Fattening practices shall be reversible at any stage of the rearing process. Force-feeding is forbidden.

Article 21

In-conversion feed

1 Up to 30 % of the feed formula of rations on average may comprise in-conversion feedingstuffs. When the in-conversion feedingstuffs come from a unit of the holding itself, this percentage may be increased to 60 %.

2 Up to 20 % of the total average amount of feedingstuffs fed to the livestock may originate from the grazing or harvesting of permanent pastures or perennial forage parcels in their first year of conversion, provided that they are part of the holding itself and have not been part of an organic production unit of that holding in the last five years. When both in-conversion feedingstuffs and feedingstuffs from parcels in their first year of conversion are being used, the total combined percentage of such feedingstuffs shall not exceed the maximum percentages fixed in paragraph 1.

3 The figures in paragraph 1 and 2 shall be calculated annually as a percentage of the dry matter of feedingstuffs of plant origin.

Article 22

Products and substances referred to in Article 14(1) (d)(iv) of Regulation (EC) No 834/2007

1 Non-organic feed materials of plant and animal origin may be used in organic production subject to the restrictions laid down in Article 43 and only if they are listed in Annex V and the restrictions laid down therein are complied with.

2 Organic feed materials of animal origin, and feed materials of mineral origin may be used in organic production and only if they are listed in Annex V and the restrictions laid down therein are complied with.

3 Products and by-products from fisheries may be used in organic production only if they are listed in Annex V and the restrictions laid down therein are complied with.

4 Feed additives, certain products used in animal nutrition and processing aids may be used in organic production only if they are listed in Annex VI and the restrictions laid down therein are complied with.

Section 4

Disease prevention and veterinary treatment

Article 23

Disease prevention

1 The use of chemically synthesised allopathic veterinary medicinal products or antibiotics for preventive treatment is prohibited, without prejudice to Article 24(3).

2 The use of substances to promote growth or production (including antibiotics, coccidiostats and other artificial aids for growth promotion purposes) and the use of hormones or similar substances to control reproduction or for other purposes (e.g. induction or synchronisation of oestrus), is prohibited.

3 Where livestock is obtained from non-organic units, special measures such as screening tests or quarantine periods may apply, depending on local circumstances.

4 Housing, pens, equipment and utensils shall be properly cleaned and disinfected to prevent cross-infection and the build-up of disease carrying organisms. Faeces, urine and uneaten or spilt feed shall be removed as often as necessary to minimise smell and to avoid attracting insects or rodents.

For the purpose of Article 14(1)(f) of Regulation (EC) No 834/2007, only products listed in Annex VII may be used for cleaning and disinfection of livestock buildings installations and utensils. Rodenticides (to be used only in traps), and the products listed in Annex II, can be used for the elimination of insects and other pests in buildings and other installations where livestock is kept.

5 Buildings shall be emptied of livestock between each batch of poultry reared. The buildings and fittings shall be cleaned and disinfected during this time. In addition, when the rearing of each batch of poultry has been completed, runs shall be left empty to allow vegetation to grow back. Member States shall establish the period for which runs must be empty. The operator shall keep documentary evidence of the application of this period. These requirements shall not apply where poultry is not reared in batches, is not kept in runs and is free to roam, throughout the day.

Article 24

Veterinary treatment

1 Where despite preventive measures to ensure animal health as laid down in Article 14(1)(e)(i) of Regulation (EC) No 834/2007 animals become sick or injured they shall be treated immediately, if necessary in isolation and in suitable housing.

2 Phytotherapeutic, homeopathic products, trace elements and products listed in Annex V, part 3 and in Annex VI, part 1.1. shall be used in preference to chemically-synthesised allopathic veterinary treatment or antibiotics, provided that their therapeutic effect is effective for the species of animal, and the condition for which the treatment is intended.

3 If the use of measures referred to in paragraph 1 and 2 is not effective in combating illness or injury, and if treatment is essential to avoid suffering or distress of the animal,

chemically-synthesised allopathic veterinary medicinal products or antibiotics may be used under the responsibility of a veterinarian.

4 With the exception of vaccinations, treatments for parasites and compulsory eradication schemes where an animal or group of animals receive more than three courses of treatments with chemically-synthesised allopathic veterinary medicinal products or antibiotics within 12 months, or more than one course of treatment if their productive lifecycle is less than one year, the livestock concerned, or produce derived from them, may not be sold as organic products, and the livestock shall undergo the conversion periods laid down in Article 38(1).

Records of documented evidence of the occurrence of such circumstances shall be kept for the control body or control authority.

5 The withdrawal period between the last administration of an allopathic veterinary medicinal product to an animal under normal conditions of use, and the production of organically produced foodstuffs from such animals, is to be twice the legal withdrawal period as referred to in Article 11 of Directive 2001/82/EC or, in a case in which this period is not specified, 48 hours.

Article 25

Specific rules on disease prevention and veterinary treatment in beekeeping

1 For the purposes of protecting frames, hives and combs, in particular from pests, only rodenticides (to be used only in traps), and appropriate products listed in Annex II, are permitted.

2 Physical treatments for disinfection of apiaries such as steam or direct flame are permitted.

3 The practice of destroying the male brood is permitted only to isolate the infestation of *Varroa destructor*.

4 If despite all preventive measures, the colonies become sick or infested, they shall be treated immediately and, if necessary, the colonies can be placed in isolation apiaries.

5 Veterinary medicinal products may be used in organic beekeeping in so far as the corresponding use is authorised in the Member State in accordance with the relevant Community provisions or national provisions in conformity with Community law.

6 Formic acid, lactic acid, acetic acid and oxalic acid as well as menthol, thymol, eucalyptol or camphor may be used in cases of infestation with *Varroa destructor*.

7 If a treatment is applied with chemically synthesised allopathic products, during such a period, the colonies treated shall be placed in isolation apiaries and all the wax shall be replaced with wax coming from organic beekeeping. Subsequently, the conversion period of one year laid down in Article 38(3) will apply to those colonies.

8 The requirements laid down in paragraph 7 shall not apply to products listed in paragraph 6.

- (1) OJ L 368, 23.12.2006, p. 15.
- (2) OJ L 340, 11.12.1991, p. 28.
- (3) OJ L 340, 11.12.1991, p. 33.
- (4) OJ L 277, 21.10.2005, p. 1.
- (5) OJ L 160, 26.6.1999, p. 80.