

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

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⁽¹⁾ 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⁽²⁾ 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⁽³⁾ or in Article 22 of Council Regulation 1257/1999⁽⁴⁾ 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.

Status: This is the original version (as it was originally adopted).

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.

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