

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

[^{F1}TITLE II

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

CHAPTER 5

Conversion rules

Article 36

Plant and plant products

1 For plants and plant products to be considered organic, the production rules as referred to in Articles 9, 10, 11 and 12 of Regulation (EC) No 834/2007 and Chapter 1 of this Regulation and where applicable the exceptional production rules in Chapter 6 of this Regulation must have been applied on the parcels during a conversion period of at least two years before sowing, or, in the case of grassland or perennial forage, at least two years before its use as feed from organic farming, or, in the case of perennial crops other than forage, at least three years before the first harvest of organic products.

2 The competent authority may decide to recognise retroactively as being part of the conversion period any previous period in which:

- a the land parcels were subject of measures defined in a programme implemented pursuant to [^{F1}Regulation (EU) No 1305/2013], or in another official programme, provided that the measures concerned ensure that products not authorised for organic production have not been used on those parcels, or
- b the parcels were natural or agricultural areas which were not treated with products not authorised for organic production.

The period referred to in point (b) of the first subparagraph can be taken into consideration retroactively only where satisfactory proof has been furnished to the competent authority allowing it to satisfy itself that the conditions were met for a period of at least three years.

3 The competent authority may decide, in certain cases, where the land had been contaminated with products not authorised for organic production, to extend the conversion period beyond the period referred to in paragraph 1.

4 In the case of parcels which have already been converted to or were in the process of conversion to organic farming, and which are treated with a product not authorised for organic production, the [^{F2}relevant authority] may shorten the conversion period referred to in paragraph 1 in the following two cases:

- a parcels treated with a product not authorised for organic production as part of a compulsory disease or pest control measure imposed by the competent authority ^{F3}...;

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- b parcels treated with a product not authorised for organic production as part of scientific tests approved by the competent authority ^{F4}....

In the cases provided for in points (a) and (b) of the first subparagraph, the length of the conversion period shall be fixed taking into account of the following factors:

- a the process of degradation of the product concerned shall guarantee, at the end of the conversion period, an insignificant level of residues in the soil and, in the case of a perennial crop, in the plant;
- b the harvest following the treatment may not be sold with reference to organic production methods.

F5 ...

Textual Amendments

- F1** Words in Art. 36(2)(a) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(21)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 36(4) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(21)(b)(i)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 36(4)(a) omitted (31.12.2020) by virtue of The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(21)(b)(i)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 36(4)(b) omitted (31.12.2020) by virtue of The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(21)(b)(i)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 36(4) omitted (31.12.2020) by virtue of The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(21)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F6}Article 36a

Seaweed

- 1 The conversion period for a seaweed harvesting site shall be six months.
- 2 The conversion period for a seaweed cultivation unit shall be the longer of six months or one full production cycle.]

Textual Amendments

- F6** Inserted by Commission Regulation (EC) No 710/2009 of 5 August 2009 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production.

Article 37

Specific conversion rules for land associated with organic livestock production

- 1 The conversion rules as referred to in Article 36 of this Regulation shall apply to the whole area of the production unit on which animal feed is produced.

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2 Notwithstanding the provisions in paragraph 1, the conversion period may be reduced to one year for pasturages and open air areas used by non-herbivore species. This period may be reduced to six months where the land concerned has not during the last year, received treatments with products not authorised for organic production.

Article 38

Livestock and livestock products

1 Where non-organic livestock has been brought onto a holding in accordance with Article 14(1)(a)(ii) of Regulation (EC) No 834/2007 and Article 9 and/or Article 42 of this Regulation and if livestock products 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.

2 Where non-organic animals exist on a holding at the beginning of the conversion period in accordance with Article 14(1)(a)(iii) of Regulation (EC) No 834/2007 their products may be deemed organic if there is simultaneous conversion of the complete production unit, including livestock, pasturage and/or any land used for animal feed. The total combined conversion period for both existing animals and their offspring, pasturage and/or any land used for animal feed, may be reduced to 24 months, if the animals are mainly fed with products from the production unit.

3 Beekeeping products can be sold with references to the organic production method only when the organic production rules have been complied with for at least one year.

4 The conversion period for apiaries does not apply in the case of application of Article 9(5) of this Regulation.

5 During the conversion period the wax shall be replaced with wax coming from organic beekeeping.

^{F6}Article 38a

Aquaculture animal production

1 The following conversion periods for aquaculture production units shall apply for the following types of aquaculture facilities including the existing aquaculture animals:

- a for facilities that cannot be drained, cleaned and disinfected, a conversion period of 24 months;
- b for facilities that have been drained, or fallowed, a conversion period of 12 months;
- c for facilities that have been drained, cleaned and disinfected a conversion period of six months;
- d for open water facilities including those farming bivalve molluscs, a three month conversion period.

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2 The competent authority may decide to recognize retroactively as being part of the conversion period any previously documented period in which the facilities were not treated or exposed to products not authorized for organic production.]

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Textual Amendments

- F6** Inserted by [Commission Regulation \(EC\) No 710/2009 of 5 August 2009 amending Regulation \(EC\) No 889/2008 laying down detailed rules for the implementation of Council Regulation \(EC\) No 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production.](#)

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Changes and effects yet to be applied to :

- Regulation applied (with modifications) by [S.I. 2023/959 reg. 6Sch. 3](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex 2 para. 3 words substituted by [S.I. 2019/693 reg. 3\(56\)](#)
- Art. 29(1)(a) words substituted by [S.I. 2019/693 reg. 3\(17\)\(b\)\(i\)\(bb\)](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2019/693](#), reg. 3(17)(b)(i)(bb) substituted immediately before IP completion day by [S.I. 2020/1400](#), regs. 1(b), 3(3)(e))