

2022 No. 1279

AGRICULTURE

The Organic Production (Amendment) (No. 2) Regulations 2022

<i>Made</i> - - - -	<i>5th December 2022</i>
<i>Laid before Parliament</i>	<i>6th December 2022</i>
<i>Coming into force</i> - -	<i>31st December 2022</i>

The Secretary of State^(a) makes these Regulations in exercise of the powers conferred by Articles 22(1) and 38b(8) of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products^(b).

The Scottish Ministers and the Welsh Ministers have consented to the Secretary of State making these Regulations for the purposes of Article 38a(3) of that Regulation.

In accordance with Article 38b(9) of that Regulation, the Secretary of State has consulted such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as the Secretary of State considers appropriate.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Organic Production (Amendment) (No. 2) Regulations 2022, and come into force on 31st December 2022.

(2) These Regulations extend to England and Wales and Scotland.

Commission Regulation (EC) No 889/2008

2.—(1) Commission Regulation (EC) No 889/2008 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^(c) is amended as follows.

(2) In Article 42(b) (use of non-organic animals), for “31 December 2022” substitute “31 December 2025”.

(3) In Article 43 (use of non-organic protein feed of plant and animal origin for livestock), in the second paragraph, for “2021 and 2022” substitute “2022, 2023, 2024 and 2025”.

(a) See the definition of “appropriate authority” in EUR 2007/834, Article 38a.

(b) EUR 2007/834, amended by S.I. 2019/693, 831 (itself amended by S.I. 2020/1453). There are other amending instruments but none is relevant.

(c) EUR 2008/889, amended by S.I. 2020/1400 and S.I. 2022/360. There are other amending instruments but none is relevant.

(4) In Annex 8, in the table in Section A (food additives, including carriers), in the row for which the entry in the first column is “E 418”, in the fifth column, for “1 January 2023” substitute “1 January 2026”.

Mark Spencer
Minister of State

5th December 2022

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Commission Regulation (EC) No 889/2008 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 (EUR 2008/889). They specify exemptions to organic production rules.

Regulation 2(2) of this instrument amends Article 42(b) of Regulation (EC) No 889/2008 so as to provide that until 31st December 2025, non-organically reared pullets of not more than 18 weeks may be introduced into an organic flock for egg production when organically reared pullets are not available, subject to conditions.

Regulation 2(3) amends Article 43 of Regulation (EC) No 889/2008 so as to provide that, where farmers are unable to obtain protein feed for porcine and poultry species exclusively from organic production, up to 5% of non-organic protein feed may be used in each period of 12 months for the additional calendar years 2023, 2024 and 2025.

Regulation 2(4) amends the table in Section A of Annex 8 of Regulation (EC) No 889/2008, which lists food additives which may be used in the processing of organic food, subject to conditions and restrictions. It amends the entry relating to E 418, gellan gum, to provide that from 1st January 2026 only organically produced gum, in its high acyl form, may be used in processing organic food.

A regulatory impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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