

Kiwa BCS Organic Production Standard applied for equivalent EU-organic certification in Third Countries

1. INTRODUCTION__Preamble

As a general policy, Kiwa BCS applies the EU-Regulations 834/2007 and 889/2008 in full compliance when conducting inspections and certifications of operators in third countries. However, some requirements of the mentioned regulations cannot be implemented 'one-to-one' in the third countries, due to socio-economic, climatic and agricultural restraints, or the availability of identical inputs. Therefore Kiwa BCS, partially together with other international certification bodies, has developed its own organic production standards regarding those specific aspects, which are describing equivalent measures to meet the objectives and principles of the above mentioned regulation. The production rules described are designed to grant the same level of assurance of conformity and are based on the Codex Alimentarius Guidelines for the Production, Processing, Marketing and Labelling of Organically Produced Foods (GL 32 - 1999).

In the past those rules have already been considered as equivalent by the responsible import-authorities of the EU member states through granting import authorisations to producers from Third Countries working according to those rules.

In the following chapters each of the relevant aspects is listed which Kiwa BCS during its about 20 years of practical work in more than 80 Third Countries on four continents has identified to be in need to be adapted to the situation in Third Countries.

1.1 Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'organic production' means the use of the production method compliant with the rules established in this Regulation, at all stages of production, preparation and distribution;
- (b) 'stages of production, preparation and distribution' means any stage from and including the primary production of an organic product up to and including its storage, processing, transport, sale or supply to the final consumer, and where relevant labelling, advertising, import, export and subcontracting activities;
- (c) 'organic' means coming from or related to organic production;
- (d) 'operator' means the natural or legal persons responsible for ensuring that the requirements of this Regulation are met within the organic business under their control;
- (e) 'plant production' means production of agricultural crop products including harvesting of wild plant products for commercial purposes;
- (f) 'livestock production' means the production of domestic or domesticated terrestrial animals (including insects);
- (g) the definition of 'aquaculture' is that given in Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund (5);
- (h) 'conversion' means the transition from non organic to organic farming within a given period of time, during which the provisions concerning the organic production have been applied;

- (i) 'preparation' means the operations of preserving and/or processing of organic products, including slaughter and cutting for livestock products, and also packaging, labelling and/or alterations made to the labelling concerning the organic production method;
- (j) the definitions of 'food', 'feed' and 'placing on the market' are those given in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (6);
- (k) 'labelling' means any terms, words, particulars, trade marks, brand name, pictorial matter or symbol relating to and placed on any packaging, document, notice, label, board, ring or collar accompanying or referring to a product;
- (l) the definition of 'pre-packaged foodstuff' is that given in Article 1(3)(b) of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (7);
- (m) 'advertising' means any representation to the public, by any means other than a label, that is intended or is likely to influence and shape attitude, beliefs and behaviours in order to promote directly or indirectly the sale of organic products;
- (n) 'competent authority' means the central authority of a Member State competent for the organisation of official controls in the field of organic production in accordance with the provisions set out under this Regulation, or any other authority on which that competence has been conferred to; it shall also include, where appropriate, the corresponding authority of a third country;
- (o) 'control authority' means a public administrative organisation of a Member State to which the competent authority has conferred, in whole or in part, its competence for the inspection and certification in the field of organic production in accordance with the provisions set out under this Regulation; it shall also include, where appropriate, the corresponding authority of a third country or the corresponding authority operating in a third country;
- (p) 'control body' means an independent private third party carrying out inspection and certification in the field of organic production in accordance with the provisions set out under this Regulation; it shall also include, where appropriate, the corresponding body of a third country or the corresponding body operating in a third country;
- (q) 'mark of conformity' means the assertion of conformity to a particular set of standards or other normative documents in the form of a mark;
- (r) the definition of 'ingredients' is that given in Article 6(4) of Directive 2000/13/EC;
- (s) the definition of 'plant protection products' is that given in Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (8);
- (t) the definition of 'Genetically modified organism (GMO)' is that given in Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (9) and which is not obtained through the techniques of genetic modifications listed in Annex I.B of that Directive;
- (u) 'produced from GMOs' means derived in whole or in part from GMOs but not containing or consisting of GMOs;
- (v) 'produced by GMOs' means derived by using a GMO as the last living organism in the production process, but not containing or consisting of GMOs nor produced from GMOs;
- (w) the definition of 'feed additives' is that given in Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition (10);

- (x) 'equivalent', in describing different systems or measures, means that they are capable of meeting the same objectives and principles by applying rules which ensure the same level of assurance of conformity;
- (y) 'processing aid' means any substance not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or their ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the unintentional but technically unavoidable presence of residues of the substance or its derivatives in the final product, provided that these residues do not present any health risk and do not have any technological effect on the finished product;
- (z) the definition of 'ionising radiation' is that given in Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation (11) and as restricted by Article 1(2) of Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (12).
- (aa) 'mass catering operations' means the preparation of organic products in restaurants, hospitals, canteens and other similar food business at the point of sale or delivery to the final consumer.

1.2 Definitions II

In addition to the definitions laid down in chapter 1.1 the following definitions shall apply for the purposes of this Regulation:

- (a) 'non-organic': means not coming from or not related to a production in accordance to Regulation (EC) No 834/2007 and this Regulation;
- (b) 'veterinary medicinal products': means products as defined in Article 1(2) of Directive 2001/82/EC of the European Parliament and of the Council (7) concerning the Community code relating to veterinary medicinal products;
- (c) 'importer': means the natural or legal person within the community who presents a consignment for release for free circulation into the Community, either in person, or through a representative;
- (d) 'first consignee' means the natural or legal person to whom the imported consignment is delivered and who will receive it for further preparation and/or marketing;
- (e) 'holding' means all the production units operated under a single management for the purpose of producing agricultural products;
- (f) 'production unit' means all assets to be used for a production sector such as production premises, land parcels, pasturages, open air areas, livestock buildings, fish ponds, containment systems for seaweed or aquaculture animals, shore or seabed concessions, the premises for the storage of crops, crop products, seaweed products, animal products, raw materials and any other input relevant for this specific production sector;

- (g) ‘hydroponic production’ means the method of growing plants with their roots in a mineral nutrient solution only or in an inert medium, such as perlite, gravel or mineral wool to which a nutrient solution is added;
- (h) ‘veterinary treatment’ means all courses of a curative or preventive treatment against one occurrence of a specific disease;
- (i) ‘in-conversion feedingstuffs’ means feedingstuffs produced during the conversion period to organic production, with the exclusion of those harvested in the 12 months following the beginning of the conversion as referred to in Article 17(1)(a) of Regulation (EC) No 834/2007;
- (j) ‘closed recirculation aquaculture facility’ means a facility where aquaculture takes place within an enclosed environment on land or on a vessel involving the recirculation of water, and depending on permanent external energy input to stabilize the environment for the aquaculture animals;
- (k) ‘energy from renewable sources’ means renewable non-fossil energy sources: wind, solar, geothermal, wave, tidal, hydropower, landfill gas, sewage treatment plant gas and biogases;
- (l) ‘hatchery’ means a place of breeding, hatching and rearing through the early life stages of aquaculture animals, finfish and shellfish in particular;
- (m) ‘nursery’ means a place where an intermediate farming system, between the hatchery and grow-out stages is applied. The nursery stage is completed within the first third of the production cycle with the exception of species undergoing a smoltification process;
- (n) ‘pollution’ in the framework of aquaculture and seaweed production means the direct or indirect introduction into the aquatic environment of substances or energy as defined in Directive 2008/56/EC of the European Parliament and of the Council (8) and in Directive 2000/60/EC of the European Parliament and of the Council (9), in the waters where they respectively apply;
- (o) ‘polyculture’ in the framework of aquaculture and seaweed production, means the rearing of two or more species usually from different trophic levels in the same culture unit;
- (p) ‘production cycle’ in the framework of aquaculture and seaweed production, means the lifespan of an aquaculture animal or seaweed from the earliest life stage to harvesting;
- (q) ‘locally grown species’ in the framework of aquaculture and seaweed production, means those which are neither alien nor locally absent species under Council Regulation (EC) No 708/2007 (10). Those species listed in Annex IV of Regulation (EC) No 708/2007 may be considered as locally grown species.
- (r) ‘stocking density’ in the framework of aquaculture, means the live weight of animals per cubic metre of water at any time during the grow-out phase and in the case of flatfish and shrimp the weight per square metre of surface;

(s) 'control file' means all the information and documents transmitted, for the purposes of the control system, to the competent authorities of the Member State or to control authorities and control bodies by an operator subject to the control system as referred to in Article 28 of Regulation (EC) No 834/2007, including all the relevant information and documents relating to that operator or the activities of that operator held by competent authorities, control authorities and control bodies, with the exception of information or documents that have no bearing on the operation of the control system.

1.3 Aim and scope

1. This Regulation provides the basis for the sustainable development of organic production while ensuring the effective functioning of the market, guaranteeing fair competition, ensuring consumer confidence and protecting consumer interests.

It establishes common objectives and principles to underpin the rules set out under this Regulation concerning:

- (a) all stages of production, preparation and distribution of organic products and their control;
- (b) the use of indications referring to organic production in labelling and advertising.

2. This Regulation shall apply to the following products originating from agriculture, including aquaculture, where such products are placed on the market or are intended to be placed on the market:

- (a) live or unprocessed agricultural products;
- (b) processed agricultural products for use as food;
- (c) feed;
- (d) vegetative propagating material and seeds for cultivation.

The products of hunting and fishing of wild animals shall not be considered as organic production.

This Regulation shall also apply to yeasts used as food or feed.

3. This Regulation shall apply to any operator involved in activities, at any stage of production, preparation and distribution, relating to the products set out in paragraph 2.

However, mass catering operations shall not be subject to this Regulation.

4. This Regulation shall apply without prejudice to other community provisions or national provisions, in conformity with Community law concerning products specified in this Article, such as provisions governing the production, preparation, marketing, labelling and control, including legislation on foodstuffs and animal nutrition.

5. This Regulation shall not apply to:

- (a) livestock species other than those referred to in chapter 5.1; and
- (b) to aquaculture animals other than those referred to in chapter 4.2.

Operators shall comply with the production rules set out in this chapter and with the implementing rules provided.

1.4 Objectives

Organic production shall pursue the following general objectives:

- (a) establish a sustainable management system for agriculture that:

- (i) respects nature's systems and cycles and sustains and enhances the health of soil, water, plants and animals and the balance between them;
 - (ii) contributes to a high level of biological diversity;
 - (iii) makes responsible use of energy and the natural resources, such as water, soil, organic matter and air;
 - (iv) respects high animal welfare standards and in particular meets animals' species-specific behavioural needs;
- (b) aim at producing products of high quality;
- (c) aim at producing a wide variety of foods and other agricultural products that respond to consumers' demand for goods produced by the use of processes that do not harm the environment, human health, plant health or animal health and welfare.

1.5 Overall principles

Organic production shall be based on the following principles:

(a) the appropriate design and management of biological processes based on ecological systems using natural resources which are internal to the system by methods that:

- (i) use living organisms and mechanical production methods;
- (ii) practice land-related crop cultivation and livestock production or practice aquaculture which complies with the principle of sustainable exploitation of fisheries;
- (iii) exclude the use of GMOs and products produced from or by GMOs with the exception of veterinary medicinal products;
- (iv) are based on risk assessment, and the use of precautionary and preventive measures, when appropriate;

(b) the restriction of the use of external inputs. Where external inputs are required or the appropriate management practices and methods referred to in paragraph (a) do not exist, these shall be limited to:

- (i) inputs from organic production;
- (ii) natural or naturally-derived substances;
- (iii) low solubility mineral fertilisers;

(c) the strict limitation of the use of chemically synthesised inputs to exceptional cases these being:

- (i) where the appropriate management practices do not exist; and
- (ii) the external inputs referred to in paragraph (b) are not available on the market; or
- (iii) where the use of external inputs referred to in paragraph (b) contributes to unacceptable environmental impacts;

(d) the adaptation, where necessary, and within the framework of this Regulation, of the rules of organic production taking account of sanitary status, regional differences in climate and local conditions, stages of development and specific husbandry practices.

1.6 Prohibition on the use of GMOs

1. GMOs and products produced from or by GMOs shall not be used as food, feed, processing aids, plant protection products, fertilisers, soil conditioners, seeds, vegetative propagating material, micro-organisms and animals in organic production.

2. For the purpose of the prohibition referred to in paragraph 1 concerning GMOs or products produced from GMOs for food and feed, operators may rely on the labels accompanying a product or any other accompanying document, affixed or provided pursuant to Directive 2001/18/EC, Regulation (EC) 1829/2003 of the European Parliament and the Council of 22 September 2003 on genetically modified food and feed (14) or Regulation (EC) 1830/2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms.

Operators may assume that no GMOs or products produced from GMOs have been used in the manufacture of purchased food and feed products when the latter are not labelled, or accompanied by a document, pursuant to those Regulations, unless they have obtained other information indicating that labelling of the products in question is not in conformity with those Regulations.

3. For the purpose of the prohibition referred to in paragraph 1, with regard to products not being food or feed, or products produced by GMOs, operators using such non-organic products purchased from third parties shall require the vendor to confirm that the products supplied have not been produced from or by GMOs.

1.7 Prohibition on the use of ionising radiation and Prohibition of hydroponic production

The use of ionising radiation for the treatment of organic food or feed, or of raw materials used in organic food or feed is prohibited.

Hydroponic production is prohibited.

1.8 Documentary evidence

1. Kiwa BCS shall provide documentary evidence to any such operator who is subject to their controls and who in the sphere of his activities, meets the requirements laid down in this Regulation. The documentary evidence shall at least permit the identification of the operator and the type or range of products as well as the period of validity.

2. The operator shall verify the documentary evidence of his suppliers.

The form of the documentary evidence referred to in paragraph 1 shall be in accordance with Annex XII of EC regulation 889/2008, taking into account the advantages of electronic certification.

1.9 Measures in case of infringements and irregularities

1. Where an irregularity is found as regards compliance with the requirements laid down in this Regulation, Kiwa BCS shall ensure that according to their catalogue of sanctions no reference to the organic production method is made in the labelling and advertising of the entire lot or production run affected by this irregularity, where this would be proportionate to the relevance of the requirement that has been violated and to the nature and particular circumstances of the irregular activities.

Where a severe infringement or an infringement with prolonged effect is found, Kiwa BCS in accordance with their catalogue of sanctions shall prohibit the operator concerned from marketing products which refer to the organic production method in the labelling and advertising.

2. Information on cases of irregularities or infringements affecting the organic status of a product shall be immediately communicated between Kiwa BCS and other CBs working in the country of origin, as well as to competent authorities and, where appropriate, to the Commission.

The level of communication shall depend on the severity and the extent of the irregularity or infringement found.

The Commission may, in accordance with the procedure referred to in Article 37(2), lay down specifications regarding the form and modalities of such communications.

3. Exchange of information: Upon a request duly justified by the necessity to guarantee that a product has been produced in accordance with this Regulation, Kiwa BCS shall exchange relevant information on the results of their controls with other competent authorities, control authorities and control bodies. Kiwa BCS may also exchange such information on their own initiative.

2. AGRICULTURE_

2.1 Specific principles applicable to farming

In addition to the overall principles set out in chapter 1.5, organic farming shall be based on the following specific principles:

- (a) the maintenance and enhancement of soil life and natural soil fertility, soil stability and soil biodiversity preventing and combating soil compaction and soil erosion, and the nourishing of plants primarily through the soil ecosystem;
- (b) the minimisation of the use of non-renewable resources and off-farm inputs;
- (c) the recycling of wastes and by-products of plant and animal origin as input in plant and livestock production;
- (d) taking account of the local or regional ecological balance when taking production decisions;
- (e) the maintenance of animal health by encouraging the natural immunological defence of the animal, as well as the selection of appropriate breeds and husbandry practices;
- (f) the maintenance of plant health by preventative measures, such as the choice of appropriate species and varieties resistant to pests and diseases, appropriate crop rotations, mechanical and physical methods and the protection of natural enemies of pests;
- (g) the practice of site-adapted and land-related livestock production;
- (h) the observance of a high level of animal welfare respecting species-specific needs;
- (i) the production of products of organic livestock from animals that have been raised on organic holdings since birth or hatching and throughout their life;
- (j) the choice of breeds having regard to the capacity of animals to adapt to local conditions, their vitality and their resistance to disease or health problems;
- (k) the feeding of livestock with organic feed composed of agricultural ingredients from organic farming and of natural non-agricultural substances;
- (l) the application of animal husbandry practices, which enhance the immune system and strengthen the natural defence against diseases, in particular including regular exercise and access to open air areas and pastureland where appropriate;
- (m) the exclusion of rearing artificially induced polyploid animals;

(n) the maintenance of the biodiversity of natural aquatic ecosystems, the continuing health of the aquatic environment and the quality of surrounding aquatic and terrestrial ecosystems in aquaculture production;

(o) the feeding of aquatic organisms with feed from certified sustainable exploitation of fisheries (e.g. MSC, Friends of the Sea, etc.) and sustainable exploitation of fisheries resources under the Common Fisheries Policy (OJ L 358, 31.12.2002, p. 59) or with organic feed composed of agricultural ingredients from organic farming and of natural non-agricultural substances.

2.2 General farm production rules

The entire agricultural holding shall be managed in compliance with the requirements applicable to organic production.

However, in accordance with specific conditions, a holding may be split up into clearly separated units or aquaculture production sites which are not all managed under organic production. As regards animals, different species shall be involved. As regards aquaculture the same species may be involved, provided that there is adequate separation between the production sites. As regards plants, different varieties that can be easily differentiated shall be involved.

Where, in accordance with the second subparagraph, not all units of a holding are used for organic production, the operator shall keep the land, animals, and products used for, or produced by, the organic units separate from those used for, or produced by, the non-organic units and keep adequate records to show the separation.

2.3 General Rules on conversion

1. The following rules shall apply to a farm on which organic production is started:

(a) the conversion period shall start at the earliest when the operator has notified his activity to Kiwa BCS and subjected his holding to the Kiwa BCS control system;

(b) during the conversion period all rules established by this Regulation shall apply;

(c) conversion periods specific to the type of crop or animal production shall be defined;

(d) on a holding or unit partly under organic production and partly in conversion to organic production, the operator shall keep the organically produced and in-conversion products separate and the animals separate or readily separable and keep adequate records to show the separation;

(e) in order to determine the conversion period referred to above, a period immediately preceding the date of the start of the conversion period, may be taken into account, in so far as certain conditions concur;

(f) animals and animal products produced during the conversion period referred to in subparagraph (c) shall not be marketed with the indications referred to in chapter 7 used in the labelling and advertising of products.

2.4 Plant Production Rules

1. In addition to the general farm production rules laid down in this regulation, the following rules shall apply to organic plant production:

(a) organic plant production shall use tillage and cultivation practices that maintain or increase soil organic matter, enhance soil stability and soil biodiversity, and prevent soil compaction and soil erosion;

- (b) the fertility and biological activity of the soil shall be maintained and increased by multiannual crop rotation including legumes and other green manure crops, and by the application of livestock manure or organic material, both preferably composted, from organic production;
 - (c) the use of biodynamic preparations is allowed;
 - (d) in addition, fertilisers and soil conditioners may only be used if they have been authorised for use in organic production and are listed in the corresponding annexes to this regulation;
 - (e) mineral nitrogen fertilisers shall not be used;
 - (f) all plant production techniques used shall prevent or minimise any contribution to the contamination of the environment;
 - (g) the prevention of damage caused by pests, diseases and weeds shall rely primarily on the protection by natural enemies, the choice of species and varieties, crop rotation, cultivation techniques and thermal processes;
 - (h) in the case of an established threat to a crop, plant protection products may only be used if they have been authorised for use in organic production and listed in the corresponding annexes to this regulation;
 - (i) for the production of products other than seed and vegetative propagating material only organically produced seed and propagating material shall be used. To this end, the mother plant in the case of seeds and the parent plant in the case of vegetative propagating material shall have been produced in accordance with the rules laid down in this Regulation for at least one generation, or, in the case of perennial crops, two growing seasons;
 - (j) products for cleaning and disinfection in plant production shall be used only if they have been authorised for use in organic production under this regulation and are listed in the corresponding annexes to this regulation;
2. The collection of wild plants and parts thereof, growing naturally in natural areas, forests and agricultural areas is considered an organic production method provided that:
- (a) those areas have not, for a period of at least three years before the collection, received treatment with products other than those authorised for use in organic production under this regulation and are listed in the corresponding annexes to this regulation;
 - (b) the collection does not affect the stability of the natural habitat or the maintenance of the species in the collection area.

2.4.1 Soil management and fertilisation

1. Where the nutritional needs of plants cannot be met by measures provided for in chapter 2.4, (1)(a), (b) and (c) of this regulation, only fertilisers and soil conditioners referred to in chapter 0 to this Regulation may be used in organic production and only to the extent necessary. Operators shall keep documentary evidence of the need to use the product.
2. The total amount of livestock manure, as defined in Council Directive 91/676/EEC (11) concerning the protection of waters against pollution caused by nitrates from agricultural sources, applied on the holding may not exceed 170 kg of nitrogen per year/hectare of agricultural area used. This limit shall only apply to the use of farmyard manure, dried farmyard manure and dehydrated poultry manure, composted animal excrements, including poultry manure, composted farmyard manure and liquid animal excrements as excess nitrogen fertilizer rates are an environmental hazard and therefore manure application rates should be at levels that do not contribute to ground and/or surface water contamination. The timing of application and application methods should not increase the potential for run-off into ponds, rivers and streams.

However, in tropical and sub-tropical climates, where a year round production is possible, and soils have a completely different dynamic (up-down movement of water), such amounts of nitrogen from a point of view of sustainability and long term soil fertility, are not sufficient in order to produce a crop which are demanding high levels of available nutrients in the soil, e.g. banana or vegetables such as cabbage, tomatoes, etc.

Thus, if manure application should exceed 170kgN/ha/year, nitrogen fertilization measures should be calculated considering the level of available nitrogen in the soil, the nitrogen mineralization potential from organic matter, as well as the crops' nitrogen demand/uptake compared against the expected harvest volume.

3. Organic-production holdings may establish written cooperation agreements exclusively with other holdings and enterprises which comply with the organic production rules, with the intention of spreading surplus manure from organic production. The maximum limit as referred to in paragraph 2, shall be calculated on the basis of all of the organic-production units involved in such cooperation.

4. Appropriate preparations of micro-organisms may be used to improve the overall condition of the soil or the availability of nutrients in the soil or in the crops.

5. For compost activation appropriate plant-based preparations or preparations of micro-organisms may be used.

2.4.2 Pest, disease and weed management

1. Where plants cannot be adequately protected from pests and diseases by measures provided for in chapter 2.4 (1)(a), (b), (c) and (g) of this regulation, only products referred to in chapter 12 to this Regulation may be used in organic production. Operators shall keep documentary evidence of the need to use the product.

2. For products used in traps and dispensers, except pheromone dispensers, the traps and/or dispensers, shall prevent the substances from being released into the environment and prevent contact between the substances and the crops being cultivated. The traps shall be collected after use and disposed off safely.

2.4.3 General conversion rules for plants and plant products

1. For plants and plant products to be considered organic, the production rules referred to in this regulation and this chapter 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. Kiwa BCS may decide to recognise retroactively as being part of the conversion period any previous period under the conditions defined in chapter 2.5 provided that the measures concerned ensure that products not authorised for organic production have not been used on those parcels, or the parcels were natural or agricultural areas which were not treated with products not authorised for organic production.

The period referred to in 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. Kiwa BCS 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.

2.5 Conversion Period and Retrospective Approval of Previous Agricultural Management - Equivalence provisions

2.5.1 __Definitions/Terms

General duration of conversion period

- Annual crops: 24 months before sowing
- Perennial crops: 36 months before harvest

Beginning of conversion period

- Official beginning of conversion is the date of first inspection by an accredited/approved organic certification body

2.5.2 __Kiwa BCS Production Standard on conversion period

The EU regulations allow the certification body to retrospectively approve the previous management of fields/farms applying for organic certification. This can lead to a shortening of the conversion period. It is not clearly defined under which circumstances such retrospective approval can be accepted. Therefore, Kiwa BCS defines a set of guidelines under which retrospective approval of previous management can be considered as acceptable, provided that the parcels were natural **or agricultural areas** which were not treated with products not authorised for organic production.

Under the following circumstances the Kiwa BCS inspector/certifier can evaluate, if a retrospective approval - fully or partly - of the conversion period is possible. The land, for which certification is applied for, must have fulfilled at least one of the following conditions:

- a) Virgin soil (with exclusion of primary forests)
- b) Fallow and uncultivated land for at least 3 years
- c) Abandoned plantations, proved not cultivated during 3 years. Harvest possible. Low input agriculture (such as traditional agricultural systems, agro forestry system, meadows etc.)
- d) Land under agricultural cultivation or management, being part of a public/governmental program or being under supervision of a competent responsible authority which has visited and supervised the agricultural practises in the past

The basis for retrospective approval/shortening of conversion in is based on an analysis weighting the following points

- Risk of the country; general conditions of the agricultural environment

- Risk of the crop; previous management of fields during the last two/three years. (Land or parcels which were used for agricultural production in the past present a higher risk or probability for applications of unauthorized substances)
- Organic knowledge and history of the operator(s). Has the operator been in OA before or a newcomer, have there been problems with this operator before.

If the verification of the information presented has doubtlessly demonstrated that there is no probability of any application of non-allowed inputs during the last three years and in addition, the operator has a satisfying knowledge on the principles of organic agriculture, a partial or complete retrospective approval can be considered by the certifier.

However, providing all relevant information as mentioned before does not automatically result in the right to gain full retroactive recognition of the conversion period. Likewise, it may not be necessary to provide all information, if the previous land use clearly reveals that prohibited inputs were not used (e.g. fallow land).

2.5.3 Application process for retroactive recognition of the conversion period

(1) Application for retrospective approval/shortening of conversion

All requests for retrospective recognition or shortening of the conversion period need an application by the operator. The application (D-EN_09-108.01_APPL_Application retrospective recognition_conversion period) can be downloaded on the Kiwa website or requested at the nearest Kiwa-BCS office. The request including all supporting information/documentation must be sent to Kiwa-BCS before any tillage, sowing, pruning or other work is done on the plots involved. Kiwa BCS certifiers will conduct a desk top evaluation based on the information/evidence presented and assesses its plausibility and credibility.

In a special case where there is sufficient evidence that no products not authorised for organic production have been used for one year, while the evidence for the time prior to this is not sufficient, then the conversion period can be reduced by one year.

Possible results respectively outcomes of the desk top evaluation may be:

- a) **Retroactive recognition or shortening of the conversion seems possible:**
Letter to the operator informing him about the outcome of the evaluation. A request to inspect the plots before any work is being done on it is included in the letter. Final decision depends on findings of onsite inspection.
- b) **Retroactive recognition or shortening of the conversion seems possible, but some information missing**
Kiwa BCS will request additional information.
 - i. Operator is informed that missing information needs to be shown to inspector during on-site visit. A request to inspect the plots before any work is being done on it is included in the letter. Final decision depends on findings of onsite inspection. Procedure point a.
 - ii. Operator is informed by letter to send in missing information. Once all information is available, the certifier will complete of the evaluation and send a letter to the operator in-forming about the outcome of the evaluation. (see procedure point a or c)

- c) **Recognition or shortening of the conversion seems impossible and request is rejected**
Kiwa BCS will send a letter to the operator informing about the outcome of the evaluation with an explanation. The letter informs operator about possible appeal procedure.

(2) Onsite check and decision

All plots for which the desk evaluations showed, that recognition or shortening of the conversion seems possible, must be inspected by an authorized Kiwa BCS auditor/inspector prior to any cultivation. (Exception: Not all plots of grower groups need to be visited, see below). During the visit the Kiwa BCS inspector will verify the condition of the fields/plots and check for evidence of it previous agricultural management during the last three years, using a checklist.

After the visit of the inspector, the report is sent to the certifier who is responsible for the final decision (full/partly approval/rejection).

The operator is informed about the decision in written form.

(3) Details about required information:

The following information must be presented with the application:

- a. Google-Map of plots
- b. Pictures of the related plots, with date of picture. (not older that two months)
- c. Kiwa-BCS Seeds_Confirmation _non_treatment
- d. Kiwa-BCS Vendor Declaration
- e. Organic certificate of used inputs (if available)
- f. Certificate of former certifications
- g. Details of plots for which retrospective acceptance of conversion period is sought: Farming records that disclose previous agricultural practise such as use and origin of seeds and propagation materials, use of fertilizers and plant protection products. List 1 included in application forms.
- h. Evidence regarding the previous land use proving the previous agricultural manage-ment such as invoices or delivery notes with regards to seeds and propagation materi-als, purchase of farming inputs, invoices of sales of crops, etc. Any record (including invoices) issued by a third party must be accompanied with the contact details of the person signing or confirming the document. Contact details must include at the least address and telephone number.
- i. Explication of knowledge of organic farming and requirements by the operator. Can al-so be confirmed by a consultant of the operator.
- j. If applicable: Third party confirmation on behalf of a competent responsible authority which confirms that the parcels/fields have either been part of a public/governmental program or being under supervision of a competent responsible authority which has visited and supervised the agricultural practises in the past and can confirm/inform what type of agricultural practises were applied on the land in question (origin of seeds and propagation materials, use of fertilizers/plant protection products, etc.).
- k. If applicable: Sampling report and Pesticide analysis reports from accredited laboratories (please describe sampling place and method. During the onsite inspection the authorized Kiwa BCS inspector may take representative sampling for residue analysis by an ac-credited laboratory. For retroactive recognition of the conversion period analytical re-sults must be negative.

For groups of small scale farmers:

- a) Well-functioning ICS in place, including documented internal inspection of all group members (100%)
- b) The ICS management approves new group members according to their own internal procedures (please refer to BCS policy on groups with ICS)
- c) Retrospective approval or shortening of the conversion period for the plots of those farmers will follow the same guidelines as described above in the present document.
- d) Decision will be taken by internal ICS Management and verified by KIWA BCS certifier based on the presented evidence during Kiwa-BCS inspection.
- e) Inspection of the plots concerned can be gathered in an external or an internal inspection.
- f) Training of new smallholders has been conducted and documented

2.6 Seeds and Vegetative Propagation Materials - Equivalence provisions

2.6.1 __Legal Basis

834/2007: Art. 12 (1), i)

889/2008: Art. 45, 48, 49, 55 and 56, and Annex X

Codex Alimentarius (GL 32 - 1999), Annex 1, A., 8.

2.6.2 __Definitions/Terms

Conventional Seeds and Propagation Material

Seeds, seedlings, etc. are not treated with substances that are not listed in Annex II of 889/2008 (only listed organic pesticides allowed; use of conventional fertilizers is tolerated (889/2008, Art. 45 (2))

Organic Seeds and Propagation Material

Organic Seeds	<ul style="list-style-type: none"> ▪ Mother plant is not genetically modified. ▪ In general, seeds must be certified organic. ▪ In case of annual crops, mother plant has been cultivated at least one vegetation period organically. In case of perennial crops, mother plant has been cultivated at least two growth periods organically.
Organic vegetative propagation material (incl. grafting material for annual crops)	<ul style="list-style-type: none"> ▪ Parental plant is not genetically modified. ▪ Parental plant has been cultivated during the last year resp. - in case of perennial field crops - two years organically. ▪ Retrospective approval of cultivation of parental plant is possible. ▪ Except, organic vegetative propagation material is not available for the species or variety.

Production of planting stocks, scions for grafting and young trees (perennial crops)	<ol style="list-style-type: none"> 1. Parental plant is not genetically modified. 2. Conventional untreated young trees can be certified as organic - provided the growing area has organic status.
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2.6.3 Kiwa BCS Production Standard on seed and vegetative propagation materials

For the production of products other than seed and vegetative propagating material only organically produced seed and propagating material shall be used.

Exceptions are only considered as being acceptable in the context of conservation of biodiversity of cultural plants or in order to enable organic production to be initiated.

Conventional (non-organic) seeds and vegetative propagation material to be used in organic agriculture shall be produced respecting the following:

Seeds, seedlings, etc. are not treated with substances that are not listed in Annex II of COMMISSION REGULATION (EC) No 889/2008 (only listed organic pesticides allowed)

Conventional Seeds, Seedlings and Vegetative Propagating Material

In case of certifications outside the EU, due to the history of development of organic agriculture, the availability of organic seed cannot be compared to the situation within the EU, and operators outside the EU many times may not have access to the varieties mentioned in Annex X of (EC) 889/2008.

Therefore, in third countries UNTREATED conventional seeds and planting stocks/young trees may be used, even though if not mentioned in Annex X of 889/2008, provided that sufficient proof is presented that organic planting material is commercially not available in that third country and where they are necessary in order to ensure access to feed, seed and farm inputs:

- Use of conventional seedlings not permitted; no certification of the respective harvest.
- Operator submits proof of at least 3 relevant suppliers - meaning an operator who markets seed or seed potatoes to other operators - where none of them is able to deliver the required organic seed or seed potatoes before sowing or planting in situations, always under the condition that the operator has ordered the seed or seed potatoes right on time, including a reasonable reserve.
- A positive statement of the Kiwa BCS regional office/inspector concerning the local or national situation on organic seeds and/or vegetative propagation material.
- Promote own, local or national organic seed production.

Authorisations are based on a case to case decision, evaluating the individual situation of each operator.

Application for use of non-organic seed in organic agriculture

Conventional seeds and propagation material can be used in organic agriculture under the following conditions:

1. Operator applies for its use at his local Kiwa-BCS office or at Kiwa-BCS Germany with the form: *Application for the use of non-organic seeds and/or propagation material*.

2. Operator submits from at least 3 relevant suppliers on form **Confirmation of non-availability** that organic planting material is not available in the county/country.
3. A positive statement of the regional office/inspector concerning the local or national situation on organic seeds and/or vegetative propagation material. (Included in Application form)
4. Operator submits from: **Confirmation of Non-Treatment of Seeds and/or propagation material**
5. Promote own, local or national organic seed production.

All forms are can be downloaded at our Homepage. [Click: Kiwa Germany](#)

The granted permission refers to the designated crop, variety, quantity and for the effective growing season only.

Applications must be presented annually, respectively per growing season or growing cycle and before each sowing of the crop. Kiwa BCS reserves the right to reject applications if those conditions were not met. Using unauthorised or unapproved seeds/propagation material may result in loss of the organic status of crops or affected fields.

Treated Seeds and propagation material

Seed / propagation material, treated with plant protection products NOT listed Annex II of 889/2008, cannot be used to produce an organic crop.

In case of use of treated seeds for an organic crop - despite the fact that untreated seeds were available - the effected land/plot will be decertified.

Record keeping

Kiwa BCS maintains records of all exceptions and makes them available on request.

Conventional Seeds of GMO Risk Crops

1. GMO risk crop: NON GMO confirmation always has to be presented
2. The following crops are always considered high risk crops: maize, soybeans, cotton, rice, rape seeds, tomatoes (list under permanent update)
3. Other crops: assess local situation with help of: www.transgen.de/Datenbank/Nutzpflanzen - as soon as crop tests with GMO material are done in a country, it has to be considered GMO risk crop.
4. Promote clients' own responsibility to prevent any possible contamination by GMO (evaluation of GMO risk in production, processing, transport, etc.)

2.7 AGRICULTURE__Farming inputs - Equivalence provisions

2.7.1 __Legal Basis

834/2007: Art. 12 and 16

889/2008: Art. 3 (1) (4) (5) and 5, Annex I and II

Codex Alimentarius (GL 32 - 1999), Annex 1 5./6., Annex 2

2.7.2 __Definitions/Terms

Farming inputs refer to all different kinds of organic and mineral fertilizers, micronutrients, growth stimulators, insecticides, fungicides, bactericides, etc., including substances used in post-harvest treatment.

Factory farming: Landless farming which relies on the preventive application of veterinary medicine such as antibiotics and/or hormones.

2.7.3 __Kiwa BCS Production Standard for Farming Inputs

The EU regulation 889/2008 has defined in its Annexes I and II a 'positive list' of substances which are allowed to be used in organic agriculture.

The operator must inform Kiwa BCS prior to using the substance /product and provide all relevant information, so Kiwa BCS will be enabled to assess the situation against the before mentioned criteria. Which substances are allowed is specified in Annex I and II of this regulation. Other substances are not allowed.

Fermentation products or fitohormones which are highly concentrated as well as mineral nitrogen fertilizers (such as (Sodium Nitrate / Chile-Nitrate are not permitted under any circumstances.

Inputs used in post-harvest treatment i.e. for cleaning and disinfection of fresh organic products must comply with the above mentioned criteria. The use of substances/products which are authorized as ingredient or processing aid in organic processed food per Annex VIII, tables A. and B. of 889/2008 is considered to equivalent to be used in post-harvest treatment of fresh organic products.

Inputs produced from plants growing inside the certified organic farm allowed without further restrictions.

2.7.4 __Evaluation of animal manure (Farmyard manure) from non organic agriculture.

FYM of conventional systems may be used in organic systems:

1. Provided that two of the following three preconditions are fulfilled:
 - a. the manure is of a system where stock is predominantly able to turn freely through 360° and/or
 - b. Stock is not predominantly kept in the dark and/or
 - c. Stock is predominantly kept with bedding.

OR

2. When the manure is of a system where stock has access to grazing or open air areas.

FYM that fulfils one of these criteria may be used in organic agriculture as long as it is composted.

If FYM is not composted the animal species must have been raised without hormones or the preventive application of antibiotics.

2.7.5 Acceptance of farming inputs with conformity assessments from third parties

Kiwa BCS accept the following types of conformity assessments from third parties:

- FiBL Betriebsmittelliste in its most current version
- Written confirmation from other organic certification bodies provided they are from bodies which are accredited according to ISO 65 respectively ISO 17065 and which are recognized as equivalent in Annex IV of regulation EC 1235/2008 for the respective product category in which the input is used. The written confirmation should specify the legal base of the conformity assessment and specify the use for which the input is permitted.

2.8 Specific rules on mushroom production

For production of mushrooms, substrates may be used, if they are composed only of the following components:

- (a) farmyard manure and animal excrements:
 - (i) either from holdings producing according to the organic production method;
 - (ii) or referred to in Annex I, only when the product referred to in point (i) is not available; and when they do not exceed 25 % of the weight of total components of the substrate, excluding the covering material and any added water, before composting;
- (b) products of agricultural origin, other than those referred to in point (a), from holdings producing according to organic production method;
- (c) peat not chemically treated;
- (d) wood, not treated with chemical products after felling;
- (e) mineral products referred to in Annex I, water and soil.

2.9 Parallel production

1. Parallel production can be applied when it is necessary in order to ensure that organic production can be initiated or maintained on holdings confronted with climatic, geographical or structural constraints, a producer may run organic and non-organic production units in the same area:

- (a) in the case of the production of perennial crops, which require a cultivation period of at least three years, where varieties cannot be easily differentiated, provided the following conditions are met:
 - (i) the production in question forms part of a conversion plan in respect of which the producer gives a firm undertaking and which provides for the beginning of the conversion of the last part of the area concerned to organic production in the shortest possible period which may not in any event exceed a maximum of five years;
 - (ii) appropriate measures have been taken to ensure the permanent separation of the products obtained from each unit concerned;

- (iii) upon completion of the harvest and before selling the product on to another operator the producer informs Kiwa BCS of the exact quantities harvested on the units concerned and of the measures applied to separate the products;
- (iv) the conversion plan must have been approved by Kiwa BCS prior to certification; this approval shall be confirmed each year after the start of the conversion plan;
- (b) in the case of production of seed, vegetative propagating material and transplants and provided the conditions set out in point (a)(ii)(iii)(iv) are met;
- (c) in the case of grassland exclusively used for grazing.

3. BEEKEEPING

3.1 Specific conversion periods for bees

- 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 chapter 3.4 of this Regulation.
- 5. During the conversion period the wax shall be replaced with wax coming from organic beekeeping.

3.2 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 (16) or in Article 22 of Council Regulation 1257/1999 (17) 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. Kiwa BCS 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.

3.3 Management of animals

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

3.4 Origin of non-organic bees

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.

3.5 Use of non-organic beeswax

In the case of new installations or during the conversion period, non-organic beeswax may be used only

- (a) where beeswax from organic beekeeping is not available on the market;
- (b) where it is proven free of contamination by substances not authorised for organic production; and
- (c) provided that it comes from the cap.

3.6 Feed from own holding and other sources

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.

- (a) where beeswax from organic beekeeping is not available on the market;
- (b) where it is proven free of contamination by substances not authorised for organic production; and
- (c) provided that it comes from the cap.

3.7 Artificial feeding and veterinary medicinal treatment

3.7.1 __Legal Basis

889/2008: Art. 19 (3), Art. 25 (5)

Codex Alimentarius (GL 32 - 1999), Annex 1, B. 66. and B. 73.

3.7.2 __Definitions/Terms

Artificial feeding - in beekeeping refers to the supplementary feeding of bees with sugar, honey (or other sugar sources) or pollen / pollen substitutes to help the bees to overcome periods with no or little resources of pollen/nectar (i.e. dry or cold periods).

Veterinary medicinal treatments - mean all courses of a curative or preventive treatment against one occurrence of a specific disease.

3.7.3 __Artificial feeding in organic beekeeping

At the end of the production season sufficient reserves of honey and pollen must be left for the colony to survive the period with insufficient or no flowering. In case of long lasting exceptional weather conditions or catastrophic circumstances, which hamper the nectar or honeydew production organically produced honey or sugars may be fed to the colonies.

However, if no organic honey or sugar is available Kiwa BCS may permit the use of non-organically produced honey or sugars and sets time-limits for such derogations. Feeding should be carried out only between the last honey harvest and the start of the next nectar or honeydew flow period.

The beekeeper must present prove to Kiwa BCS that no organic honey or sugar is available, when applying to use non-organic sugar or honey.

If non-organic sugar or honey is used, the harvest subsequent to the feeding cannot be sold as organic. Beekeepers must keep documentary evidence of the non-organic feedings and as well of the sales of the subsequently honey harvest as non-organic.

3.7.4 Specific rules on disease prevention and veterinary treatment in beekeeping

1. For the purpose of cleaning and disinfection of frames, hives and combs, sodium hydroxide may be used. 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 chapter 12, 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. Where preventative measures fail, veterinary medicinal products may be used provided that preference is given to phytotherapeutic and homeopathic treatment. If allopathic chemically synthesised medicinal products are used, only such products may be used which are authorized for that purpose in the EU-member country where to the bee product should be exported to. Bee products harvested subsequent to application must not be sold as organic. Treated hives must be placed in isolation and undergo a conversion period of one year. All the wax must be replaced with organic wax. Veterinary medicinal treatment must be clearly documented.
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. The requirements laid down in paragraph 5 shall not apply to products listed in paragraph 6.

3.8 Management of beekeeping units for the purpose of pollination

Where the conditions are fulfilled that parallel production is necessary in order to ensure that organic production can be initiated or maintained on holdings confronted with climatic, geographical or structural constraints laid, for the purpose of pollination actions an operator may run organic and non-organic beekeeping units on the same holding, provided that all the requirements of the organic

production rules are fulfilled, with the exception of the provisions for the siting of the apiaries. In that case the product cannot be sold as organic.

The operator shall keep documentary evidence of the use of this provision.

4. AQUACULTURE__Seaweed, Animal and (Micro)Algae Production

4.1 Legal Basis

834/2007: Art. 13, 15 and 42

889/2008: Art. 6a to 6e, 25a to 25t, 36a, 38a, 73a and 73b, 79a to 79d, and Annex XIIIa

4.2 Subject matter and scope

This Regulation shall not apply to the following products:
to aquaculture animals other than those referred to in this chapter.

The Chapters lay down as well detailed production rules for seaweed, microalgae, species of fish, crustaceans, echinoderms and molluscs as covered by Annex XIIIa.

4.3 Definitions/Terms

The definitions given in chapter 1.2 apply.

4.4 Specific principles, sustainable management and transitional measures

Operations shall be situated in locations that are not subject to contamination by products or substances not authorised for organic production, or pollutants that would compromise the organic nature of the products.

The maintenance of the biodiversity of natural aquatic ecosystems, the continuing health of the aquatic environment and the quality of surrounding aquatic and terrestrial ecosystems in aquaculture production;

The feeding of aquatic organisms with feed from sustainable exploitation of fisheries as defined in Article 3 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (OJ L 358, 31.12.2002, p. 59) or with organic feed composed of agricultural ingredients from organic farming and of natural non-agricultural substances.

In case of producing/harvesting more than 20 tons of aquaculture products or seaweed per year an environmental impact assessment must be prepared. The assessment should ascertain the conditions of the production unit and its immediate environment and likely effects of its operation. This includes:

- a description of the physical characteristics of the unit
- a description of the main characteristics of the production processes,
- an estimate, by type and quantity, of expected residues and emissions

- a description of the aspects of the environment likely to be significantly affected by aquaculture production, including, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.
 - a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- The operator shall provide the environmental assessment to the control body.
 - The environmental impact assessment may be part of the sustainable management plan.

The operator shall provide a sustainable management plan proportionate to the production unit for aquaculture and seaweed harvesting.

The plan shall be updated annually and shall detail the environmental effects of the operation, the environmental monitoring to be undertaken, and list measures to be taken to minimize negative impacts on the surrounding aquatic and terrestrial environments, including, where applicable, nutrient discharge into the environment per production cycle or per annum. The plan shall also record specifically:

- the surveillance and repair of technical equipment
- defensive and preventive measures for predators control
- use renewable energy sources and re-cycle materials
- a waste reduction schedule
- coordination of activity with other aquaculture production units or harvesting companies operating in geographic proximity

4.5 AQUACULTURE__SEAWEED and (MICRO)ALGAE: **Production rules / Suitability of aquatic medium**

This chapter lays down detailed production rules for seaweed. For the purposes of this chapter “seaweed” includes multi-cellular marine algae, phytoplankton and microalgae.

The collection of wild seaweeds and parts thereof, growing naturally in the sea, is considered as an organic production method provided that:

- the growing areas are of high ecological quality as defined national regulations in the country of production and in case absent as defined by Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p.1. Directive as amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p.1)) and, pending its implementation, of a quality equivalent to designated waters under Directive 2006/113/EC of the European Parliament and of the Council of 12 December 2006 on the quality required of shellfish waters (OJ L 376, 27.12.2006, p. 1)), and are not unsuitable from a health point of view. Pending more detailed rules to be introduced in implementing legislation, wild edible seaweeds shall not be collected in areas which would not meet the criteria for Class A or Class B areas as defined in Annex II of Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on

products of animal origin intended for human consumption (OJ L 139, 30.4.2004, p. 206. Corrected version in OJ L 226, 25.6.2004, p.83);

- the collection does not affect the long term stability of the natural habitat or the maintenance of the species in the collection area.
- The farming of seaweeds shall take place in coastal areas with environmental and health characteristics at least equivalent to those outlined in paragraph 1 in order to be considered organic. In addition to this:
 - o sustainable practices shall be used in all stages of production, from collection of juvenile seaweed to harvesting;
 - o to ensure that a wide gene-pool is maintained, the collection of juvenile seaweed in the wild should take place on a regular basis to supplement indoor culture stock;
 - o fertilizers shall not be used except in indoor facilities and only if they have been authorised for use in organic production for this purpose.

Aquaculture and seaweed business operators shall by preference use renewable energy sources and re-cycle materials and shall draw up as part of the sustainable management plan a waste reduction schedule to be put in place at the commencement of operations. Where possible, the use of residual heat shall be limited to energy from renewable sources.

For seaweed harvesting a once-off biomass estimate shall be undertaken at the outset.

4.5.1 __ Parallel production of seaweed and (micro)algae

Organic and non-organic production units shall be separated adequately. Such separation measures shall be based on the natural situation, separate water distribution systems, distances, the tidal flow, the upstream and the downstream location of the organic production unit.

Kiwa BCS may designate locations or areas which they consider to be unsuitable for organic seaweed/microalgae cultivation and may also set up minimum separation distances between organic and nonorganic production units.

4.5.2 __ Sustainable harvesting of wild seaweed and algae

Documentary accounts shall be maintained in the unit or premises and shall enable the operator to identify and the control authority or control body to verify that the harvesters have supplied only wild seaweed produced in accordance with the Kiwa BCS Organic Production Standards.

Harvesting shall be carried out in such a way that the amounts harvested do not cause a significant impact on the state of the aquatic environment. Measures shall be taken to ensure that seaweed can regenerate, such as harvest technique, minimum sizes, ages, reproductive cycles or size of remaining seaweed.

If seaweed is harvested from a shared or common harvest area, documentary evidence shall be available that the total harvest complies with this Regulation. With respect to harvest estimate (volumes) per season and sources of possible pollution for harvest beds these records must provide evidence of sustainable management and of no long-term impact on the harvesting areas.

4.5.3 __ Seaweed/(micro)algae cultivation

Seaweed culture at sea shall only utilise nutrients naturally occurring in the environment, or from organic aquaculture animal production, preferably located nearby as part of a polyculture system.

In facilities on land where external nutrient sources are used the nutrient levels in the effluent water shall be verifiably the same, or lower, than the inflowing water. Only nutrients of plant or mineral origin and as listed in Annex I may be used.

Culture density or operational intensity shall be recorded and shall maintain the integrity of the aquatic environment by ensuring that the maximum quantity of seaweed which can be supported without negative effects on the environment is not exceeded.

Ropes and other equipment used for growing seaweed shall be re-used or recycled where possible.

Antifouling measures and cleaning of production equipment and facilities

1. Bio-fouling organisms shall be removed only by physical means or by hand and where appropriate returned to the sea at a distance from the farm.
2. Cleaning of equipment and facilities shall be carried out by physical or mechanical measures. Where this is not satisfactory only substances as listed in Annex VII, Section 2 may be used.

4.5.4 __Conversion rules for seaweed/(micro)algae

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

4.5.5 __Specific provisions for post-harvest handling of seaweed and (micro)algae

If the final product is fresh seaweed/microalgae, flushing of freshly harvested seaweed/microalgae shall use seawater. If the final product is dehydrated seaweed, potable water may also be used for flushing. Salt may be used for removal of moisture.

The use of direct flames which come in direct contact with the seaweed/microalgae shall be prohibited for drying. If ropes or other equipment are used in the drying process they shall be free of anti-fouling treatments and cleaning or disinfection substances except where a product is listed in Annex VII (2.1 and 2.2) for this use.

4.6 AQUACULTURE__ANIMAL: Production rules

Scope - This Chapter lays down detailed production rules for species of fish, crustaceans, echinoderms and molluscs as covered by Annex XIIIa.

It applies *mutatis mutandis* to zooplankton, micro-crustaceans, rotifers, worms and other aquatic feed animals.

4.6.1 __Suitability of aquatic medium and sustainable management plan

The provisions of chapter 4.4 shall apply to this Chapter.

Defensive and preventive measures taken against predators under Council Directive 92/43/EEC (*) and national rules shall be recorded in the sustainable management plan.

Verifiable coordination shall take place with the neighbouring operators in drawing up their management plans where applicable.

For aquaculture animal production in fishponds, tanks or raceways, farms shall be equipped with either natural-filter beds, settlement ponds, biological filters or mechanical filters to collect waste nutrients or use seaweeds and/or animals (bivalves and algae) which contribute to improving the quality of the effluent. Effluent monitoring shall be carried out at regular intervals where appropriate.

4.6.2 __Simultaneous production of organic and non-organic aquaculture animals

Kiwa BCS may permit hatcheries and nurseries to rear both organic and non-organic juveniles in the same holding provided there is clear physical separation between the units and a separate water distribution system exists.

In case of grow-out production, Kiwa BCS may permit organic and non-organic aquaculture animal production units on the same holding provided chapter 4.5.1 of this Regulation is complied with and where different production phases and different handling periods of the aquaculture animals are involved.

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

4.6.3 __Origin of aquaculture animals

With regard to the origin of the aquaculture animals:

- organic aquaculture shall be based on the rearing of young stock originating from organic broodstock and organic holdings;
- when young stock from organic broodstock or holdings are not available, non-organically produced animals may be brought on to a holding under specific conditions;

Locally grown species shall be used and breeding shall aim to give strains which are more adapted to farming conditions, good health and good utilisation of feed resources. Documentary evidence of their origin and treatment shall be provided to Kiwa BCS.

Species shall be chosen which can be farmed without causing significant damage to wild stocks

4.6.4 __Origin and management of non-organic aquaculture animals

For breeding purposes or for improving genetic stock and when organic aquaculture animals are not available, wild caught or non-organic aquaculture animals may be brought into a holding. Such animals shall be kept under organic management for at least three months before they may be used for breeding.

For on-growing purposes and when organic aquaculture juvenile animals are not available non-organic aquaculture juveniles may be brought into a holding. At least the latter two thirds of the duration of the production cycle shall be managed under organic management.

The maximum percentage of non-organic aquaculture juveniles introduced to the farm shall be: 80 % by 31 December 2011, 50 % by 31 December 2014 and 0 % by 31 December 2016.

For on-growing purposes the collection of wild aquaculture juveniles is specifically restricted to the following cases:

- natural influx of fish or crustacean larvae and juvenile then filling ponds, containment systems and enclosures;
- European glass eel, provided that an approved eel management plan is in place for the location and artificial reproduction of eel remains unsolved.
- the collection of wild fry of species other than European eel for on-growing in traditional extensive aquaculture farming inside wetlands, such as brackish water ponds, tidal areas and coastal lagoons, closed by levees and banks, provided that:
 - (i) the restocking is in line with management measures approved by the relevant authorities in charge of the management of the fish stocks in question to ensure the sustainable exploitation of the species concerned, and
 - (ii) the fish are fed exclusively with feed naturally available in the environment.

In the case of high mortality of aquaculture animals caused by circumstances listed in Article 57(1)(a) to (d) of Regulation (EU) No 508/2014 of the European Parliament and of the Council, the renewal or reconstitution of the aquaculture stock with non-organic aquaculture animals, when organically reared animals are not available and provided that at least the latter two thirds of the duration of the production cycle are managed under organic management.

4.6.5 __Conversion rules for aquaculture animal production

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.

Kiwa BCS 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 provided that sufficient evidence is provided by the operator and the on-site inspection does not reveal any indication for use of prohibited substances during the time frames indicated above.

4.7 AQUACULTURE__ ANIMAL: Husbandry practices

With regard to husbandry practices:

- personnel keeping animals shall possess the necessary basic knowledge and skills as regards the health and the welfare needs of the animals;
- husbandry practices, including feeding, design of installations, stocking densities and water quality shall ensure that the developmental, physiological and behavioural needs of animals are met;
- husbandry practices shall minimise negative environmental impact from the holding, including the escape of farmed stock;
- organic animals shall be kept separate from other aquaculture animals;
- transport shall ensure that the welfare of animals is maintained;
- any suffering of the animals including the time of slaughtering shall be kept to a minimum;

4.7.1 __General aquaculture husbandry rules

The husbandry environment of the aquaculture animals shall be designed in such a way that, in accordance with their species specific needs, the aquaculture animals shall:

- have sufficient space for their wellbeing;
- be kept in water of good quality with sufficient oxygen levels, and
- be kept in temperature and light conditions in accordance with the requirements of the species and having regard to the geographic location;
- in the case of freshwater fish the bottom type shall be as close as possible to natural conditions;
- in the case of carp the bottom shall be natural earth.

Stocking density is set out in Annex XIIIa by species or group of species. In considering the effects of stocking density on the welfare of farmed fish, the condition of the fish (such as fin damage, other injuries, growth rate, behaviour expressed and overall health) and the water quality shall be monitored.

The design and construction of aquatic containment systems shall provide flow rates and physiochemical parameters that safeguard the animals' health and welfare and provide for their behavioural needs.

Containment systems shall be designed, located and operated to minimize the risk of escape incidents.

If fish or crustaceans escape, appropriate action must be taken to reduce the impact on the local ecosystem, including recapture, where appropriate. Documentary evidence shall be maintained.

4.7.2 __Specific rules for aquatic containment systems

Closed recirculation aquaculture animal production facilities are prohibited, with the exception of hatcheries and nurseries or for the production of species used for organic feed organisms.

Rearing units on land shall meet the following conditions:

- for flow-through systems it shall be possible to monitor and control the flow rate and water quality of both inflowing and out-flowing water;
- (b) at least five percent of the perimeter ("land-water interface") area shall have natural vegetation.

Containment systems at sea shall:

- be located where water flow, depth and water-body exchange rates are adequate to minimize the impact on the seabed and the surrounding water body;
- shall have suitable cage design, construction and maintenance with regard to their exposure to the operating environment.

Artificial heating or cooling of water shall only be permitted in hatcheries and nurseries. Natural borehole water may be used to heat or cool water at all stages of production.

4.7.3 __Management of aquaculture animals

Handling of aquaculture animals shall be minimised, undertaken with the greatest care and proper equipment and protocols used to avoid stress and physical damage associated with handling procedures. Broodstock shall be handled in a manner to minimize physical damage and stress and under anaesthesia where appropriate. Grading operations shall be kept to a minimum and as required to ensure fish welfare.

The following restrictions shall apply to the use of artificial light:

- for prolonging natural day-length it shall not exceed a maximum that respects the ethological needs, geographical conditions and general health of farmed animals, this maximum shall not exceed 16 hours per day, except for reproductive purposes;
- Abrupt changes in light intensity shall be avoided at the changeover time by the use of dimmable lights or background lighting.

Aeration is permitted to ensure animal welfare and health, under the condition that mechanical aerators are preferably powered by renewable energy sources. All such use is to be recorded in the aquaculture production record.

The use of oxygen is only permitted for uses linked to animal health requirements and critical periods of production or transport, in the following cases:

- exceptional cases of temperature rise or drop in atmospheric pressure or accidental pollution,
- occasional stock management procedures such as sampling and sorting,
- in order to assure the survival of the farm stock.

Documentary evidence shall be maintained.

Slaughter techniques shall render fish immediately unconscious and insensible to pain. Differences in harvesting sizes, species, and production sites must be taken into account when considering optimal slaughtering methods.

4.7.4 __Transport of live fish

1. Live fish shall be transported in suitable tanks with clean water which meets their physiological needs in terms of temperature and dissolved oxygen.

2. Before transport of organic fish and fish products, tanks shall be thoroughly cleaned, disinfected and rinsed.
3. Precautions shall be taken to reduce stress. During transport, the density shall not reach a level which is detrimental to the species.
4. Documentary evidence shall be maintained for paragraphs 1 to 3.

4.8 AQUACULTURE__ANIMAL: Breeding

With regard to breeding:

- artificial induction of polyploidy, artificial hybridisation, cloning and production of monosex strains, except by hand sorting, shall not be used;
- the appropriate strains shall be chosen;
- species-specific conditions for broodstock management, breeding and juvenile production shall be established;
-

4.8.1 __Prohibition of hormones

The use of hormones and hormone derivatives is prohibited.

4.8.2 __Feed for fish, crustaceans and echinoderms

With regard to feed for fish and crustaceans:

- animals shall be fed with feed that meets the animal's nutritional requirements at the various stages of its development;
- the plant fraction of feed shall originate from organic production and the feed fraction derived from aquatic animals shall originate from sustainable exploitation of fisheries;
- in the case of feed materials from mineral origin, feed additives, certain products used in animal nutrition and processing aids shall be used only if they have been listed for use in organic production as per Annex V and VI of this regulation;
- growth promoters and synthetic amino-acids shall not be used;

With regard to bivalve molluscs and other species which are not fed by man but feed on natural plankton:

- such filter-feeding animals shall receive all their nutritional requirements from nature except in the case of juveniles reared in hatcheries and nurseries;
- they shall be grown in waters which meet the criteria for Class A or Class B areas as defined in Annex II of Regulation (EC) No 854/2004;
- the growing areas shall be of high ecological quality as defined by Directive 2000/60/EC and, pending its implementation of a quality equivalent to designated waters under Directive 2006/113/EC;

4.8.3 __General rules on feeds

Feeding regimes shall be designed with the following priorities:

- animal health;
- high product quality, including the nutritional composition which shall ensure high quality of the final edible product;
- low environmental impact.

4.8.4 __Specific rules on feeds for carnivorous aquaculture animals

Feed for carnivorous aquaculture animals shall be sourced with the following priorities:

- organic feed products of aquaculture origin;
- fish meal and fish oil from organic aquaculture trimmings;
- fish meal and fish oil and ingredients of fish origin derived from trimmings of fish already caught for human consumption in sustainable fisheries;
- organic feed materials of plant origin and of animal origin.
- feed products derived from whole fish caught in fisheries certified as sustainable under a scheme recognised by the competent authority in line with the principles laid down in Regulation (EU) No 1380/2013 of the European Parliament and of the Council

The feed ration may comprise a maximum of 60 % organic plant products.

Astaxanthin derived primarily from organic sources, such as organic crustacean shells may be used in the feed ration for salmon and trout within the limit of their physiological needs. If organic sources are not available natural sources of astaxanthin (such as *Phaffia* yeast) may be used.

Histidine produced through fermentation may be used in the feed ration for salmonid fish when the feed sources listed in paragraph 1 do not provide a sufficient amount of histidine to meet the dietary needs of the fish and prevent the formation of cataracts.

4.8.5 ___ Specific rules on feeds for certain aquaculture animals

In the grow-out stages, aquaculture animals as referred to in Annex XIIIa, Section 6, Section 7 and Section 9 shall be fed with feed naturally available in ponds and lakes.

Where natural feed resources are not available in sufficient quantities as referred to above, organic feed of plant origin, preferably grown on the farm itself or seaweed may be used. Operators shall keep documentary evidence of the need to use additional feed.

Where natural feed is supplemented according to paragraph above the feed of siamese catfish (*Pangasius* spp.) as mentioned in section 9 may comprise a maximum of 10 % fishmeal or fish oil derived from sustainable fisheries.

The feed ration of penaeid shrimps and freshwater prawns (*Macrobrachium* spp.) referred to in Section 7 of Annex XIIIa may comprise a maximum of 25 % fishmeal and 10 % fish oil derived from sustainable fisheries. In order to secure the quantitative dietary needs of those shrimps and prawns, organic cholesterol may be used to supplement their diets. Where organic cholesterol is not available, non-organic cholesterol derived from wool, shellfish or other sources may be used. The option to supplement their diet with cholesterol applies both in the grow-out stage and in earlier life stages in nurseries and hatcheries.';

4.8.6 Specific rules on feeds for organic juveniles

In the larval rearing of organic juveniles, conventional phytoplankton and zooplankton may be used as feed.

4.8.7 __Feed materials from mineral origin, feed additives, certain products used in animal nutrition and processing aids

Feed materials of mineral origin may be used in organic aquaculture only if listed in Section 1 of Annex V.

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

4.9 AQUACULTURE__ANIMAL: Specific rules for molluscs

4.9.1 __Growing area

Bivalve mollusc farming may be carried out in the same area of water as organic finfish and seaweed farming in a polyculture system to be documented in the sustainable management plan. Bivalve molluscs may also be grown together with gastropod molluscs, such as periwinkles, in polyculture.

Organic bivalve mollusc production shall take place within areas delimited by posts, floats or other clear markers and shall, as appropriate, be restrained by net bags, cages or other man made means.

Organic shellfish farms shall minimise risks to species of conservation interest. If predator nets are used their design shall not permit diving birds to be harmed.

4.9.2 __Sourcing of seed

Provided that there is no significant damage to the environment and if permitted by local legislation, wild seed from outside the boundaries of the production unit can be used in the case of bivalve shellfish provided it comes from:

- settlement beds which are unlikely to survive winter weather or are surplus to requirements, or
- natural settlement of shellfish seed on collectors.

Records shall be kept of how, where and when wild seed was collected to allow traceability back to the collection area. However, seed from non-organic bivalve shellfish hatcheries may be introduced to the organic production units with the following maximum percentages: 80 % by 31 December 2011, 50 % by 31 December 2013 and 0 % by 31 December 2016.

For the cupped oyster, *Crassostrea gigas*, preference shall be given to stock which is selectively bred to reduce spawning in the wild.

4.9.3 __Management

Production shall use a stocking density not in excess of that used for non-organic shellfish in the locality. Sorting, thinning and stocking density adjustments shall be made according to the biomass and to ensure animal welfare and high product quality.

Biofouling organisms shall be removed by physical means or by hand and where appropriate returned to the sea away from shellfish farms. Shellfish may be treated once during the production cycle with a lime solution to control competing fouling organisms.

4.9.4 __Cultivation rules

Cultivation on mussel ropes and other methods listed in Annex XIIIa, Section 8 may be eligible for organic production.

Bottom cultivation of molluscs is only permitted where no significant environmental impact is caused at the collection and growing sites. The evidence of minimal environmental impact shall be supported by a survey and report on the exploited area to be provided by the operator to the control body or control authority. The report shall be added as a separate chapter to the sustainable management plan.

4.9.5 __Specific cultivation rules for oysters

Cultivation in bags on trestles is permitted. These or other structures in which the oysters are contained shall be set out so as to avoid the formation of a total barrier along the shoreline. Stock shall be positioned carefully on the beds in relation to tidal flow to optimise production. Production shall meet the criteria listed in the Annex XIIIa, Section 8.

4.10 AQUACULTURE__ ANIMAL: Disease prevention and veterinary treatment

With regard to disease prevention and veterinary treatment:

- disease prevention shall be based on keeping the animals in optimal conditions by appropriate siting, optimal design of the holdings, the application of good husbandry and management practices, including regular cleaning and disinfection of premises, high quality feed, appropriate stocking density, and breed and strain selection; -
- disease shall be treated immediately to avoid suffering to the animal; chemically synthesised allopathic veterinary medicinal products including antibiotics may be used where necessary and under strict conditions, when the use of phytotherapeutic, homeopathic and other products is inappropriate. In particular restrictions with respect to courses of treatment and withdrawal periods shall be defined; -
- the use of immunological veterinary medicines is allowed;
- treatments related to the protection of human and animal health imposed on the basis of Community legislation shall be allowed.

With regard to cleaning and disinfection, only products for cleaning and disinfection in ponds, cages, buildings and installations, shall be used which are listed for use in organic production as per Annex VII, section 2.

4.10.1 __General rules on disease prevention

The animal health management plan in conformity with Article 9 of Directive 2006/88/EC shall detail biosecurity and disease prevention practices including a written agreement for health counselling, proportionate to the production unit, with qualified aquaculture animal health

services who shall visit the farm at a frequency of not less than once per year and not less than once every two years in the case of bivalve shellfish.

Holding systems, equipment and utensils shall be properly cleaned and disinfected. Only products listed in Annex VII, section 2.

With regard to fallowing:

- Kiwa BCS shall determine whether fallowing is necessary and the appropriate duration which shall be applied and documented after each production cycle in open water containment systems at sea. Fallowing is also recommended for other production methods using tanks, fishponds, and cages;
- it shall not be mandatory for bivalve mollusc cultivation;
- during fallowing the cage or other structure used for aquaculture animal production is emptied, disinfected and left empty before being used again.

Where appropriate, uneaten fish-feed, faeces and dead animals shall be removed promptly to avoid any risk of significant environmental damage as regards water status quality, minimize disease risks, and to avoid attracting insects or rodents.

Ultraviolet light and ozone may be used only in hatcheries and nurseries.

For biological control of ectoparasites preference shall be given to the use of cleaner fish.

4.10.2 __Veterinary treatments

When despite preventive measures to ensure animal health, according to chapter 4.10.1 a health problem arises, veterinary treatments may be used in the following order of preference:

- substances from plants, animals or minerals in a homoeopathic dilution;
- plants and their extracts not having anaesthetic effects, and
- substances such as: trace elements, metals, natural immunostimulants or authorised probiotics.

The use of allopathic treatments is limited to two courses of treatment per year, with the exception of vaccinations and compulsory eradication schemes. However, in the cases of a production cycle of less than a year a limit of one allopathic treatment applies. If the mentioned limits for allopathic treatments are exceeded the concerned aquaculture animals cannot be sold as organic products.

The use of parasite treatments shall be limited to twice per year or once per year where the production cycle is less than 18 months.

The withdrawal period for allopathic veterinary treatments and parasite treatments according to paragraph above including treatments under compulsory control and eradication schemes shall be twice the 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.

Whenever veterinary medicinal products are used, such use is to be declared to Kiwa BCS before the animals are marketed as organic. Treated stock shall be clearly identifiable.

4.11 AQUACULTURE__Specific control requirements

4.11.1 __Control arrangements for seaweed/microalgae and production records

When the control system applying specifically to seaweed is first implemented, the full description of the unit and/or premises and/or activity shall include:

- a) a full description of the installations on land and at sea;
- b) the environmental assessment as outlined in chapter 7.5.1 4.4 where applicable;
- c) the sustainable management plan as outlined in chapter 7.5.1 4.4 where applicable;
- d) for wild seaweed a full description and a map of shore and sea collection areas and land areas where post collection activities take place shall be drawn up.

Seaweed production records shall be compiled in the form of a register by the operator and kept available for the control authorities or control bodies at all times at the premises of the holding. It shall provide at least the following information:

- a) list of species, date and quantity harvested;
- b) date of application, type and amount of fertiliser used.

For collection of wild seaweeds the register shall also contain:

- a) history of harvesting activity for each species in named beds;
- b) harvest estimate (volumes) per season;
- c) sources of possible pollution for harvest beds;
- d) sustainable annual yield for each bed.

4.11.2 __Control arrangements for aquaculture animal production and production records

When the control system applying specifically to aquaculture animal production is first implemented, the full description of the unit and/or premises and/or activity shall include:

- a) a full description of the installations on land and at sea;
- b) the environmental assessment as outlined in chapter 4.4 where applicable;
- c) the sustainable management plan as outlined in chapter 4.4 where applicable;
- d) in the case of molluscs a summary of the special chapter of the sustainable management plan as required by chapter 7.9.4.

The following information shall be provided by the operator in the form of a register which shall be kept up to date and made available for the control authorities or control bodies at all times at the premises of the holding

- (a) the origin, date of arrival and conversion period of animals arriving at the holding;
- (b) the number of lots, the age, weight and destination of animals leaving the holding;
- (c) records of escapes of fish;
- (d) for fish the type and quantity of feed and in the case of carp and related species a documentary record of the use additional feed;
- (e) veterinary treatments giving details of the purpose, date of application, method of application, type of product and withdrawal period;

(f) disease prevention measures giving details of following, cleaning and water treatment.

4.11.3 __Specific control visits for bivalve molluscs

For bivalve mollusc production inspection visits shall take place before and during maximum biomass production.

4.11.4 __Several production units run by the same operator

When an operator manages several production units as provided for in chapter 7.6.2, the units which produce non-organic aquaculture animals shall also be subject to the control system as laid down in Chapter 1 and this Chapter of this Title

5. AGRICULTURE__LIVESTOCK: Production rules

5.1 Definitions/Terms

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.

‘Livestock production’ means the production of domestic or domesticated terrestrial animals (including insects);

5.2 Specific principles applicable to organic livestock production

- a) the practice of site-adapted and land-related livestock production;
- b) the observance of a high level of animal welfare respecting species-specific needs;
- c) the production of products of organic livestock from animals that have been raised on organic holdings since birth or hatching and throughout their life;
- d) the choice of breeds having regard to the capacity of animals to adapt to local conditions, their vitality and their resistance to disease or health problems;
- e) the feeding of livestock with organic feed composed of agricultural ingredients from organic farming and of natural non-agricultural substances;
- f) the application of animal husbandry practices, which enhance the immune system and strengthen the natural defense against diseases, in particular including regular exercise and access to open air areas and pastureland where appropriate;
- g) the exclusion of rearing artificially induced polyploid animals;

5.3 Livestock production rules

In addition to the general farm production rules laid down in chapter 2, the following rules shall apply to livestock production:

- a) with regard to the origin of the animals:
 - (i) organic livestock shall be born and raised on organic holdings;
 - (ii) for breeding purposes, non-organically raised animals may be brought onto a holding under specific conditions. Such animals and their products may be deemed organic after compliance with the conversion period referred to in chapter 5.15;
 - (iii) animals existing on the holding at the beginning of the conversion period and their products may be deemed organic after compliance with the conversion period referred to in Article chapter 5.15.

- b) with regard to husbandry practices and housing conditions:
- (i) personnel keeping animals shall possess the necessary basic knowledge and skills as regards the health and the welfare needs of the animals;
 - (ii) husbandry practices, including stocking densities, and housing conditions shall ensure that the developmental, physiological and ethological needs of animals are met;
 - (iii) the livestock shall have permanent access to open air areas, preferably pasture, whenever weather conditions and the state of the ground allow this unless restrictions and obligations related to the protection of human and animal health are imposed on the basis of Community legislation;
 - (iv) the number of livestock shall be limited with a view to minimising overgrazing, poaching of soil, erosion, or pollution caused by animals or by the spreading of their manure;
 - (v) organic livestock shall be kept separate from other livestock. However, grazing of common land by organic animals and of organic land by non-organic animals is permitted under certain restrictive conditions;
 - (vi) tethering or isolation of livestock shall be prohibited, unless for individual animals for a limited period of time, and in so far as this is justified for safety, welfare or veterinary reasons;
 - (vii) duration of transport of livestock shall be minimised;
 - (viii) any suffering, including mutilation, shall be kept to a minimum during the entire life of the animal, including at the time of slaughter;
- c) with regard to breeding:
- (i) reproduction shall use natural methods. Artificial insemination is however allowed;
 - (ii) reproduction shall not be induced by treatment with hormones or similar substances, unless as a form of veterinary therapeutic treatment in case of an individual animal;
 - (iii) other forms of artificial reproduction, such as cloning and embryo transfer, shall not be used;
 - (iv) appropriate breeds shall be chosen. The choice of breeds shall also contribute to the prevention of any suffering and to avoiding the need for the mutilation of animals;
- d) with regard to feed:
- (i) primarily obtaining feed for livestock from the holding where the animals are kept or from other organic holdings in the same region;
 - (ii) livestock shall be fed with organic feed that meets the animal's nutritional requirements at the various stages of its development. A part of the ration may contain feed from holdings which are in conversion to organic farming;
 - (iii) with the exception of bees, livestock shall have permanent access to pasture or roughage;
 - (iv) non organic feed materials from mineral origin, feed additives, certain products used in animal nutrition and processing aids shall be used only if they have been authorised for use in organic production in annex V and annex VI;
 - (v) growth promoters and synthetic amino-acids shall not be used;
 - (vi) suckling mammals shall be fed with natural, preferably maternal, milk;
- e) with regard to disease prevention and veterinary treatment:

- (i) disease prevention shall be based on breed and strain selection, husbandry management practices, high quality feed and exercise, appropriate stocking density and adequate and appropriate housing maintained in hygienic conditions;
 - (ii) disease shall be treated immediately to avoid suffering to the animal; chemically synthesised allopathic veterinary medicinal products including antibiotics may be used where necessary and under strict conditions, when the use of phytotherapeutic, homeopathic and other products is inappropriate. In particular restrictions with respect to courses of treatment and withdrawal periods shall be defined;
 - (iii) the use of immunological veterinary medicines is allowed;
 - (iv) treatments related to the protection of human and animal health imposed on the basis of Community legislation shall be allowed;
- f) with regard to cleaning and disinfection, products for cleaning and disinfection in livestock buildings and installations, shall be used only if they have been authorized for use in organic production in annex f listed in Annex VII

5.4 Origin of organic animals

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.

5.5 Origin of non-organic animals

1. In accordance with chapter 5.3 0 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 chapter.
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.
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 and in that case animals of those breeds must not necessarily be nulliparous.

5.6 Livestock housing and husbandry practices

5.6.1 __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 behavioral 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.

5.6.2 __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 (14) 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 (15) 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.

5.6.3 __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.

5.6.4 ___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.

5.6.5 __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.

5.7 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.

5.8 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.

5.9 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.

5.10 Feed from own holding and other sources

1. In case of herbivores, except during the period each year when the animals are under transhumance subject to Article 17(4), at least 60 % 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 in the same region.

2. In case of pigs and poultry, at least 20 % of the feed shall come from the farm unit itself or in case this is not feasible, be produced in the same region in cooperation with other organic farms or feed business operators.

3. 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.

The feeding of bee colonies shall only be permitted where the survival of the hives is endangered due to climatic conditions. Feeding shall be with organic honey, organic sugar syrups, or organic sugar.

5.11 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.

5.12 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 100 %.

2. Up to 20 % of the total average amount of feedingstuffs fed to livestock may originate from the grazing or harvesting of permanent pastures, perennial forage parcels or protein crops, sown under organic management on lands 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.

5.13 Use of certain products and substances in feed

For the purposes of chapter 5.3 (1)(d)(iv) of this regulation only the following substances may be used in the processing of organic feed and feeding organic animals:

(a) non-organic feed materials of plant or animal origin, or other feed materials that are listed in chapter 15, provided that:

(i) they are produced or prepared without chemical solvents; and

(b) non-organic spices, herbs, and molasses, provided that:

(i) their organic form is not available;

(ii) they are produced or prepared without chemical solvents; and

(iii) their use is limited to 1 % of the feed ration of a given species, calculated annually as a percentage of the dry matter of feed from agricultural origin;

(c) organic feed materials of animal origin;

(d) feed materials of mineral origin that are listed in chapter 15;

(e) products from sustainable fisheries, provided that:

(i) they are produced or prepared without chemical solvents;

(ii) their use is restricted to non-herbivores; and

(iii) the use of fish protein hydrolysate is restricted solely to young animals;

(f) salt as sea salt, coarse rock salt;

(g) feed additives listed in chapter 15.

5.14 Disease prevention and veterinary treatment

5.14.1 __Disease prevention

1. The use of chemically synthesised allopathic veterinary medicinal products or antibiotics for preventive treatment is prohibited, without prejudice to chapter 5.14.2.

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 chapter 5.3 (1)(f) of this regulation, only products listed in chapter 17 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 chapter 12, 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. 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.

5.14.2 __Veterinary treatment

1. Where despite preventive measures to ensure animal health as laid down in chapter 5.3 (1)(e)(i) of this regulation animals become sick or injured they shall be treated immediately, if necessary in isolation and in suitable housing.

2. Phytotherapeutic and homeopathic products, trace elements and products listed in chapter 16 and in 15 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 defined by this regulation in chapter 5.15.

Records of documented evidence of the occurrence of such circumstances shall be kept for Kiwa BCS.

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 the description of the applied allopathic veterinary medicinal product, or, in a case in which this period is not specified, 48 hours.

5.15 Conversion of Livestock and livestock products

1. Where non-organic livestock has been brought onto a holding and if livestock products are to be sold as organic products, the production rules as referred to in this regulation and the respective chapters 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.

5.16 Specific conversion rules for land associated with organic livestock production

1. The conversion rules as referred to in this regulation in chapter 2.4.3 of this Regulation shall apply to the whole area of the production unit on which animal feed is produced.

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.

5.17 Exceptional livestock production rules

5.17.1 __Use of non-organic animals

Under the condition that it is necessary in order to ensure access to feed, seed and vegetative propagating material, live animals and other farm inputs, where such inputs are not available on the market in organic form, and with prior authorization of Kiwa BCS, the following applies:

(a) when a flock is constituted for the first time, renewed or reconstituted and organically reared poultry are not available in sufficient numbers, non-organically reared poultry may be brought into an organic poultry production unit, provided that the pullets for the production of eggs and poultry for meat production are less than three days old;

(b) non-organically reared pullets for egg production of not more than 18 weeks may be brought into an organic livestock unit until 31 December 2020, when organically reared pullets are not available and provided that the relevant provisions laid down in chapters 5.3 and 5.14.1 are complied with.

5.17.2 __Use of non-organic protein feed of plant and animal origin for livestock

Under the condition that it is necessary in order to ensure access to feed, seed and vegetative propagating material, live animals and other farm inputs, where such inputs are not available on the market in organic form and where farmers are unable to obtain protein feed exclusively from organic production, the use of a limited proportion of non-organic protein feed is allowed for porcine and poultry species.

The maximum percentage of non-organic protein feed authorised per period of 12 months for those species shall be 5 % for calendar years 2018, 2019 and 2020.

The figures shall be calculated annually as a percentage of the dry matter of feed from agricultural origin. The maximum percentage authorised of non-organic feed in the daily ration shall be 25 % calculated as a percentage of the dry matter. The operator shall keep documentary evidence of the need for the use of this provision.

5.17.3 __Specific management problems in organic livestock

The final fattening phase of adult bovines for meat production may take place indoors, provided that this indoors period does not exceed one fifth of their lifetime and in any case for a maximum period of three months.

5.17.4 __Exceptional rules pertaining to housing conditions

If the minimum surface for indoor and outdoor areas, and other characteristics of housing for different species and categories of animals as laid down in Annex III cannot be fulfilled due to climatic or catastrophic circumstances the competent authority may authorize deviating stocking densities under the following conditions:

- (a) the operator informs the competent authority and provides evidences for the need to deviate from the conditions specified in Annex III;
- (b) the principles as defined in chapter 5.2 must be met
- (c) records about measures taken must be kept by the operator

Example: In arid regions where indoor stables are not common practice due to climatic conditions the operator must provide equivalent shading area for animals.

5.18 Control arrangements

1. When the control system applying specifically to livestock production is first implemented, the full description of the unit referred shall include:

- (a) a full description of the livestock buildings, pasturage, open air areas, etc., and, where applicable, the premises for the storage, packaging and processing of livestock, livestock products, raw materials and inputs;
- (b) a full description of the installations for the storage of livestock manure.

2. The practical measures shall include:

- (a) a plan for spreading manure agreed with the control body or authority, together with a full description of the areas given over to crop production;
- (b) where appropriate, as regards the spreading of manure, the written arrangements with other holdings as referred to in Article 3(3) complying with the provisions of the organic production rules;
- (c) a management plan for the organic-production livestock unit.

5.18.1 Identification of livestock

The livestock shall be identified permanently using techniques adapted to each species, individually in the case of large mammals and individually or by batch in the case of poultry and small mammals.

5.18.2 Livestock records

Livestock records shall be compiled in the form of a register and kept available to the control authorities or bodies at all times at the premises of the holding. Such records shall provide a full description of the herd or flock management system comprising at least the following information:

- (a) as regards animals arriving at the holding: origin and date of arrival, conversion period, identification mark and veterinary record;
- (b) as regards livestock leaving the holding: age, number of heads, weight in case of slaughter, identification mark and destination;
- (c) details of any animals lost and reasons thereof;
- (d) as regards feed: type, including feed supplements, proportions of various ingredients of rations and periods of access to free-range areas, periods of transhumance where restrictions apply;
- (e) as regards disease prevention and treatment and veterinary care: date of treatment, details of the diagnosis, the posology; type of treatment product, the indication of the active pharmacological substances involved method of treatment and veterinary prescription for veterinary care with reasons and withdrawal periods applying before livestock products can be marketed labelled as organic.

5.18.3 Control measures on veterinary medicinal products for livestock

Whenever veterinary medicinal products are used the information according to chapter 5.18.2 (e) is to be declared to the control authority or body before the livestock or livestock products are marketed as organically produced. Livestock treated shall be clearly identified, individually in the case of large animals; individually, or by batch, or by hive, in the case of poultry, small animals and bees.

5.18.4 __Several production units run by the same operator

Where an operator manages several production units the units which produce non-organic livestock or non-organic livestock products shall also be subject to the control system as laid down in this chapter.

6. PROCESSED FOOD AND FEED__Production rules

6.1 Rules for the production of processed feed and food

1. Additives, processing aids and other substances and ingredients used for processing food or feed and any processing practice applied, such as smoking, shall respect the principles of good manufacturing practice.
2. Operators producing processed feed or food shall establish and update appropriate procedures based on a systematic identification of critical processing steps.
3. The application of the procedures referred to in paragraph 2 shall guarantee at all times that the produced processed products comply with the organic production rules.
4. Operators shall comply with and implement the procedures referred to in paragraph 2. In particular, operators shall:
 - a) take precautionary measures to avoid the risk of contamination by unauthorised substances or products;
 - b) implement suitable cleaning measures, monitor their effectiveness and record these operations;
 - c) guarantee that non-organic products are not placed on the market with an indication referring to the organic production method.
5. Further to the provisions laid down, when non-organic products are also prepared or stored in the preparation unit concerned, the operator shall:
 - a) carry out the operations continuously until the complete run has been dealt with, separated by place or time from similar operations performed on non-organic
 - b) store organic products, before and after the operations, separate by place or time from non-organic products;
 - c) inform the control authority or control body thereof and keep available an updated register of all operations and quantities processed;
 - d) take the necessary measures to ensure identification of lots and to avoid mixtures or exchanges with non-organic products;
 - e) carry out operations on organic products only after suitable cleaning of the production equipment.

6.2 General rules on the production of processed food

1. The preparation of processed organic food shall be kept separate in time or space from non-organic food.
2. The following conditions shall apply to the composition of organic processed food:
 - (a) the product shall be produced mainly from ingredients of agricultural origin; in order to determine whether a product is produced mainly from ingredients of agricultural origin added water and cooking salt shall not be taken into account;
 - (b) only additives, processing aids, flavourings, water, salt, preparations of micro-organisms and enzymes, minerals, trace elements, vitamins, as well as amino acids and other micronutrients in food-stuffs for particular nutritional uses may be used, and only in so far as they have been listed in chapter 18;
 - (c) non-organic agricultural ingredients may be used only if they have been listed in chapter 20;

(d) an organic ingredient shall not be present together with the same ingredient in non-organic form or an ingredient in conversion;

(e) food produced from in-conversion crops shall contain only one crop ingredient of agricultural origin.

Substances and techniques that reconstitute properties that are lost in the processing and storage of organic food, that correct the results of negligence in the processing of these products or that otherwise may be misleading as to the true nature of these products shall not be used.

6.2.1 Specific principles applicable to processing of organic food

In addition to the overall principles the production of processed organic food shall be based on the following specific principles:

- h) the production of organic food from organic agricultural ingredients, except where an ingredient is not available on the market in organic form;
- i) the restriction of the use of food additives, of non organic ingredients with mainly technological and sensory functions and of micronutrients and processing aids, so that they are used to a minimum extent and only in case of essential technological need or for particular nutritional purposes;
- j) the exclusion of substances and processing methods that might be misleading regarding the true nature of the product;
- k) the processing of food with care, preferably with the use of biological, mechanical and physical methods.

6.2.2 Criteria for certain products and substances in processing

The authorisation of products and substances for use in organic production and their inclusion in a restricted list of the products and substances referred to in chapter 18.

Kiwa BCS shall, in accordance with the EU regulation EC 834/2007 and EC 889/2008, update the restricted list whenever changes to the EU regulation occurs so that Annex VII and Annex IX of this regulation always coincides with Annex VIII and Annex IX of EC 889/2008.

6.2.3 Use of certain products and substances in processing of food

1. For the purposes of chapter 9.1, only the following substances can be used in the processing of organic food, with the exception of products of the wine sector, for which the provisions of chapter 11 shall apply:
 - a) substances listed in Annex VIII to this Regulation;
 - b) preparations of micro-organisms and enzymes normally used in food processing; however, enzymes to be used as food additives have to be listed in Annex VIII;
 - c) substances, and products as defined in Articles 1(2)(b)(i) and 1(2)(c) of Council Directive 88/388/EEC (OJ L 184, 15.7.1988, p. 61.) labelled as natural flavoring substances or natural flavoring preparations, according to Articles 9(1)(d) and (2) of that Directive.
 - d) colors for stamping meat and eggshells in accordance with, respectively, Article 2(8) and Article 2(9) of European Parliament and Council Directive 94/36/EC (OJ L 237, 10.9.1994, p. 13.);
 - e) drinking water and salt (with sodium chloride or potassium chloride as basic components) generally used in food processing;

- f) minerals (trace elements included), vitamins, aminoacids, and micronutrients, only authorised as far their use is legally required in the foodstuffs in which they are incorporated.

minerals (trace elements included), vitamins, amino acids and micronutrients, provided that:

- (i) their use in food for normal consumption is ‘directly legally required’, in the meaning of being directly required by provisions of Union law or provisions of national law compatible with Union law, with the consequence that the food cannot be placed at all on the market as food for normal consumption if those minerals, vitamins, amino acids or micronutrients are not added; or
 - (ii) as regards food placed on the market as having particular characteristics or effects in relation to health or nutrition or in relation to needs of specific groups of consumers:
 - in products referred to in points (a) and (b) of Article 1(1) of Regulation (EU) No 609/2013 of the European Parliament and of the Council (*1), their use is authorised by that Regulation and acts adopted on the basis of Article 11(1) of that Regulation for the products concerned,
 - in products regulated by Commission Directive 2006/125/EC (*2), their use is authorised by that Directive, or
 - in products regulated by Commission Directive 2006/141/EC (*3), their use is authorised by that Directive.
2. For the purpose of the calculation if processed foods can be labelled as organic or its synonyms at least 95 % by weight, of its ingredients of agricultural origin must be organic.
- a) food additives listed in Annex VIII and marked with an asterisk in the column of the additive code number, shall be calculated as ingredients of agricultural origin;
 - b) preparations and substances referred to in chapter 9.4.1(b),(c),(d),(e) and (f) and substances not marked with an asterisk in the column of the additive code number shall not be calculated as ingredients of agricultural origin.
 - c) yeast and yeast products shall be calculated as ingredients of agricultural origin as of 31 December 2013.

6.2.4 Use of certain non-organic ingredients of agricultural origin in processing food

Only non-organic agricultural ingredients listed in Annex X to this Regulation can be used in the processing of organic food.

Any other non organic ingredient of agricultural origin cannot be used.

6.3 Rules for the production of processed feed

6.3.1 General rules on the production of processed feed

1. Production of processed organic feed shall be kept separate in time or space from production of processed non organic feed.
2. Organic feed materials, or feed materials from production in conversion, shall not enter simultaneously with the same feed materials produced by non organic means into the composition of the organic feed product.
3. Any feed materials used or processed in organic production shall not have been processed with the aid of chemically synthesised solvents.

4. Substances and techniques that reconstitute properties that are lost in the processing and storage of organic feed, that correct the results of negligence in the processing or that otherwise may be misleading as to the true nature of these products shall not be used.
5. The measures and conditions necessary for the implementation of the production rules contained in this Article shall be adopted in accordance with the procedure referred to in Article 37(2).

6.3.2 Specific principles applicable to processing of organic feed

In addition to the overall principles set out in chapter 1.5, the production of processed organic feed shall be based on the following specific principles:

- (a) the production of organic feed from organic feed materials, except where a feed material is not available on the market in organic form;
- (b) the restriction of the use of feed additives and processing aids to a minimum extent and only in case of essential technological or zootechnical needs or for particular nutritional purposes;
- (c) the exclusion of substances and processing methods that might be misleading as to the true nature of the product;
- (d) the processing of feed with care, preferably with the use of biological, mechanical and physical methods.

6.4 General rules on the production of organic yeast

1. For the production of organic yeast only organically produced substrates shall be used. Other products and substances may only be used in so far as they have been authorized for use in organic production according to chapter 18.
2. Organic yeast shall not be present in organic food or feed together with non-organic yeast.

7. LABELLING

7.1 Use of terms referring to organic production

- 1) For the purposes of this Regulation a product shall be regarded as bearing terms referring to the organic production method where, in the labelling, advertising material or commercial documents, such a product, its ingredients or feed materials are described in terms suggesting to the purchaser that the product, its ingredients or feed materials have been obtained in accordance with the rules laid down in this Regulation. In particular, the terms listed in the Annex, their derivatives or diminutives, such as 'bio' and 'eco', alone or combined, may be used throughout the Community and in any Community language for the labelling and advertising of products which satisfy the requirements set out under or pursuant to this Regulation. In the labelling and advertising of live or unprocessed agricultural products terms referring to the organic production method may be used only where, in addition, all the ingredients of that product have also been produced in accordance with the requirements laid down in this Regulation.
- 2) The terms referred to in paragraph 1 shall not be used anywhere in the Community and in any Community language for the labelling, advertising and commercial documents of a product which does not satisfy the requirements set out under this Regulation, unless they are not applied to agricultural products in food or feed or clearly have no connection with organic production. Furthermore, any terms, including terms used in trademarks, or practices used in labelling or advertising liable to mislead the consumer or user by suggesting that a product or its ingredients satisfy the requirements set out under this Regulation shall not be used.
- 3) The terms referred to in paragraph 1 shall not be used for a product for which it has to be indicated in the labelling or advertising that it contains GMOs, consists of GMOs or is produced from GMOs according to Community provisions.

- 4) As regards processed food, the terms referred to in paragraph 1 may be used:
- a) in the sales description, provided that:
 - (i) the processed food complies with chapter 6;
 - (ii) at least 95% by weight, of its ingredients of agricultural origin are organic;
 - b) only in the list of ingredients, provided that the food complies with Chapter 6.2 (1)+(2)(a)+(2)(b) and (2)(d);
 - c) in the list of ingredients and in the same visual field as the sales description, provided that:
 - (i) the main ingredient is a product of hunting or fishing;
 - (ii) it contains other ingredients of agricultural origin that are all organic;
 - (iii) the food complies with Chapter 9.2 (1)+(2)(a)+(2)(b) and (2)(d);

The list of ingredients shall indicate which ingredients are organic.

In the case where points (b) and (c) of this paragraph apply, the references to the organic production method may only appear in relation to the organic ingredients and the list of ingredients shall include an indication of the total percentage of organic ingredients in proportion to the total quantity of ingredients of agricultural origin.

The terms and the indication of percentage referred to in the previous subparagraph shall appear in the same colour, identical size and style of lettering as the other indications in the list of ingredients.

7.2 Compulsory indications

- 2) Where terms as referred to in chapter 7.1 are used:
- a) the code number of the control authority or control body, as defined by (EC) 1235/2008, to which the operator who has carried out the most recent production or preparation operation is subject, shall also appear in the labeling;
 - b) the Community logo referred to in chapter 7.1 (1) as regards pre-packaged food shall also appear on the packaging;
 - c) where the Community logo is used, an indication of the place where the agricultural raw materials of which the product is composed have been farmed, shall also appear in the same visual field as the logo and shall take one of the following forms, as appropriate:
 - 'EU Agriculture', where the agricultural raw material has been farmed in the EU,
 - 'non-EU Agriculture', where the agricultural raw material has been farmed in third countries,
 - 'EU/non-EU Agriculture', where part of the agricultural raw materials has been farmed in the Community and a part of it has been farmed in a third country.

The abovementioned indication 'EU' or 'non-EU' maybe replaced or supplemented by a country in the case where all agricultural raw materials of which the product is composed have been farmed in that country.

For the abovementioned 'EU' or 'non-EU' indication, small quantities by weight of ingredients maybe disregarded provided that the total quantity of the disregarded ingredients does not exceed 2 % of the total quantity by weight of raw materials of agricultural origin.

The abovementioned 'EU' or 'non-EU' indication shall not appear in a color, size and style of lettering more prominent than the sales description of the product.

The use of the Community logo (EU organic leaf) and the indication referred to in the first subparagraph shall be optional for products imported from third countries. However, where

the Community logo appears in the labelling, the indication referred to in the first subparagraph shall also appear in the labelling.

- 3) The indications referred to in paragraph 1 shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible.

Specific criteria as regards the presentation, composition and size of the indications referred to in paragraph 1(a) and (b) are defined by Part A of Annex XI of regulation EC 889/2008 and must be followed.

7.3 Organic logo of the EU

The organic production logo of the European Union (hereinafter ‘Organic logo of the EU’) shall follow the model set out in Part A of Annex XI to Regulation EC 889/2008 in its most recent version.

For the purpose of labelling, the organic logo of the EU shall only be used if the product concerned is produced in accordance with the requirements of this regulation, by operators who comply with the requirements of the control system referred to in chapter 10.

7.4 Conditions for the use of the code number and place of origin

1. The indication of the code number of Kiwa BCS Öko-Garantie GmbH shall,

- (a) start with the acronym identifying the third country, as referred to in the international standard for the two letter country codes under ISO 3166 (Codes for the representation of names of countries and their subdivisions);

- (b) include a term which establishes a link with the organic production method;

- (c) include a reference number as defined for Kiwa BCS in regulation EC 1235/2008, annex IV “LIST OF CONTROL BODIES AND CONTROL AUTHORITIES FOR THE PURPOSE OF EQUIVALENCE”; and

- (d) be placed in the same visual field as the Organic logo of the EU, where the Organic logo of the EU is used in the labelling.

2. The indication of the place where the agricultural raw materials of which the products is composed have been farmed, as referred to in chapter 7.2, shall be placed immediately below the code number referred to in paragraph 1.

7.5 Organic production logos

The Community organic production logo may be used in the labelling, presentation and advertising of products which satisfy the requirements set out under this Regulation. The Community logo shall not be used in the case of in-conversion products and food as referred to in chapter 7.1 (4)(b) and (c). National and private logos may be used in the labelling, presentation and advertising of products which satisfy the requirements set out under this Regulation.

7.6 Specific labelling requirements for feed

This Chapter shall not apply to pet food and feed for fur animals.

The trade marks and sales descriptions bearing an indication referred to in this chapter may be used only if all ingredients of plant or animal origin are from the organic production method and at least 95 % of the product’s dry matter is comprised of such ingredients.

7.6.1 Indications on processed feed

1. The terms referred to in in this chapter and the Organic logo of the EU may be used on processed feed provided that all the following requirements are complied with:

(a) the processed feed complies with the provisions of this regulation and in particular with chapter 5.3 (1)(d)(iv) and (v) for livestock or with chapter 4.8.2 (1)(d) for aquaculture animals and chapter 6.3;

(b) the processed feed complies with the provisions of this Regulation and in particular with chapter 5.13 and 6.1 thereof;

(c) all ingredients of plant or animal origin contained in the processed feed are from the organic production method;

(d) at least 95 % of the product's dry matter is comprised of organic agricultural products.

2. Subject to the requirements laid down in points (a) and (b) of paragraph 1, the following statement is permitted in the case of products comprising variable quantities of feed materials from the organic production method and/or feed materials from products in conversion to organic farming and/or products as referred to in chapter 5.13 of this Regulation:

'may be used in organic production in accordance with Regulations (EC) No 834/2007 and (EC) No 889/2008'.

7.6.2 Conditions for the use of indications on processed feed

1. The indication provided for in chapter 7.6.1 shall be:

(a) separate from the wording referred to in Article 5 of Council Directive 79/373/EEC (29) or in Article 5(1) of Council Directive 96/25/EC (30);

(b) presented in a colour, format or character font that does not draw more attention to it than to the description or name of the animal feedingstuff referred to in Article 5(1)(a) of Directive 79/373/EEC or in Article 5(1)(b) of Directive 96/25/EC respectively;

(c) accompanied, in the same field of vision, by an indication by weight of dry matter referring:

(i) to the percentage of feed material(s) from the organic production method;

(ii) to the percentage of feed material(s) from products in conversion to organic farming;

(iii) to the percentage of feed material(s) not covered by points (i) and (ii);

(iv) to the total percentage of animal feed of agricultural origin;

(d) accompanied by a list of names of feed materials from the organic production method;

(e) accompanied by a list of names of feed materials from products in conversion to organic production.

2. The indication provided for in chapter 7.6.1 may be also accompanied by a reference to the requirement to use the feedingstuffs in accordance with chapter 5.12 and 5.13.

8. WINE__Specific production rules

This Chapter lays down specific rules for the organic production of the products of the wine sector.

8.1 Use of certain products and substances

Products of the wine sector shall be produced from organic raw material.

Additives, processing aids, flavourings, water, salt, preparations of micro-organisms and enzymes, minerals, trace elements, vitamins, as well as amino acids and other micronutrients only products and substances listed in Annex VIIIa to this Regulation can be used for the making of products of the wine sector, including during the processes and oenological practices, subject to the conditions and restrictions laid down in Regulation (EC) No 1234/2007 and Regulation (EC) No 606/2009 and in particular in Annex I A to that Regulation.

Products and substances listed in Annex VIIIa to this Regulation and marked with an asterisk, derived from organic raw material, shall be used if available.

8.2 Oenological practices and restrictions

1. Without prejudice to chapter 11.1 and to specific prohibitions and restrictions provided for in this chapter, only oenological practices, processes and treatments, including the restrictions provided for in Article 120c and 120d of Regulation (EC) No 1234/2007 and in Articles 3, 5 to 9 and 11 to 14 of Regulation (EC) No 606/2009 and in their Annexes, used before 1 August 2010 are permitted.
2. The use of the following oenological practices, processes and treatments is prohibited:
 - a) partial concentration through cooling to increase the natural alcoholic strength;
 - b) elimination of sulphur dioxide by physical processes for fresh grapes, grape must, partially fermented grape must, partially fermented grape must obtained from raisined grapes, concentrated grape must, rectified concentrated grape must and new wine still in fermentation
 - c) electro dialysis treatment to ensure the tartaric stabilisation of the wine;
 - d) partial dealcoholisation of wine;
 - e) treatment with cation exchangers to ensure the tartaric stabilisation of the wine
3. The use of the following oenological practices, processes and treatments is permitted under the following conditions:
 - a) for heat treatments, the temperature shall not exceed 70 °C;
 - b) for centrifuging and filtration with or without an inert filtering agent, the size of the pores shall be not smaller than 0,2 micrometer and use of an agent must not leave undesirable residues in the treated product
4. The use of the following oenological practices, processes and treatments are permitted by Kiwa BCS until 1 August 2015 with a view to phase out or to further restrict those practices according to law making process for organic wine by the EU Commission:
heat treatments;
 - a) use of ion exchange resins (only allowed to be used with grape must intended for the manufacture of rectified concentrated grape must
 - b) reverse osmosis as partial concentration process to increase the natural alcoholic strength by volume in respect of grape must

8.3 Exceptional provisions

The use of sulphur dioxide up above the limits fixed in Annex VIIIa and up to the maximum content of:

- a) 150 milligrams per litre for red wines;
- b) 200 milligrams per litre for white and rosé wines.

Is permitted if the exceptional climatic conditions of a given harvest year deteriorate the sanitary status of organic grapes in a specific geographical area because of severe bacterial attacks or fungal attacks, which oblige the winemaker to use more sulphur dioxide than in previous years to obtain a comparable final product.

Upon approval by Kiwa BCS the individual operators shall keep documentary evidence of the use of the above exceptions.

Within one month from their approval, the exceptions as above mentioned granted by Kiwa BCS will be informed to the EU commission and to responsible import authorities of the country of destination.

8.4 Transitional measures

Stocks of wines produced until 31 July 2012 in accordance with either Regulation (EEC) No 2092/91 or Regulation (EC) No 834/2007 may continue to be brought on the market until stocks are exhausted, and subject to the following labeling requirements:

- a) the EU Community organic production logo as referred to in Article 25(1) of Regulation (EC) No 834/2007, called from 1 July 2010 the “Organic logo of the EU” may be used provided that the wine-making process complies with Chapter 9 of this Regulation;
- b) operators using “Organic logo of the EU” shall keep recorded evidence, for a period of at least five years after they placed on the market that wine obtained from organic grapes, including of the corresponding quantities of wine in litres, per wine category and per year;
- c) where the evidence referred to in point (b) of this paragraph is not available, such wine may be labelled as “wine made from organic grapes”, provided that it complies with the requirements of the before mentioned Regulations;
- d) wine labelled as “wine made from organic grapes” cannot bear the “Organic logo of the EU

9. COLLECTION, PACKAGING, TRANSPORT AND STORAGE OF PRODUCTS

9.1 Collection of products and transport to preparation units

Operators may carry out simultaneous collection of organic and non-organic products, only where appropriate measures are taken to prevent any possible mixture or exchange with non-organic products and to ensure the identification of the organic products. The operator shall keep the information relating to collection days, hours, circuit and date and time of reception of the products available to the control body or control authority.

9.2 Packaging and transport of products to other operators or units

1. Operators shall ensure that organic products are transported to other units, including wholesalers and retailers, only in appropriate packaging, containers or vehicles closed in such a manner that substitution of the content cannot be achieved without manipulation or damage of the seal and provided with a label stating, without prejudice to any other indications required by law:
 - (a) the name and address of the operator and, where different, of the owner or seller of the product;
 - (b) the name of the product or a description of the compound feedingstuff accompanied by a reference to the organic production method;
 - (c) the name and/or the code number of the control body or authority to which the operator is subject; and
 - (d) where relevant, the lot identification mark according to a marking system either approved at national level or agreed with the control body or authority and which permits to link the lot with the accounts referred to in chapter 10.5.

The information referred to in points (a) to (d) of the first subparagraph may also be presented on an accompanying document, if such a document can be undeniably linked with the packaging, container or vehicular transport of the product. This accompanying document shall include information on the supplier and/or the transporter.

2. The closing of packaging, containers or vehicles shall not be required where:

- (a) transportation is direct between an operator and another operator who are both subject to the organic control system, and
- (b) the products are accompanied by a document giving the information required under paragraph 1, and
- (c) both the expediting and the receiving operators shall keep documentary records of such transport operations available for the control body or control authority of such transport operations.

9.3 Special rules for transporting feed to other production/preparation units or storage premises

In addition to the provisions of chapter 9.1, when transporting feed to other production or preparation units or storage premises, operators shall ensure that the following conditions are met:

- (a) during transport, organically-produced feed, in-conversion feed, and non-organic feed shall be effectively physically separated;
- (b) the vehicles and/or containers which have transported non-organic products are used to transport organic products provided that:
 - (i) suitable cleaning measures, the effectiveness of which has been checked, have been carried out before commencing the transport of organic products; operators shall record these operations,
 - (ii) all appropriate measures are implemented, depending on the risks evaluated in accordance with chapter 10.10.1 (3) and, where necessary, operators shall guarantee that non-organic products cannot be placed on the market with an indication referring to organic production,
 - (iii) the operator shall keep documentary records of such transport operations available for the control body or control authority;
- (c) the transport of finished organic feed shall be separated physically or in time from the transport of other finished products;
- (d) during transport, the quantity of products at the start and each individual quantity delivered in the course of a delivery round shall be recorded.

9.4 Transport of live fish

1. Live fish shall be transported in suitable tanks with clean water which meets their physiological needs in terms of temperature and dissolved oxygen.
2. Before transport of organic fish and fish products, tanks shall be thoroughly cleaned, disinfected and rinsed.
3. Precautions shall be taken to reduce stress. During transport, the density shall not reach a level which is detrimental to the species.
4. Documentary evidence shall be maintained for paragraphs 1 to 3.

9.5 Reception of products from other units and other operators

On receipt of an organic product, the operator shall check the closing of the packaging or container where it is required and the presence of the indications provided to in chapter 9.2.

The operator shall crosscheck the information on the label referred to in chapter 9.2 with the information on the accompanying documents. The result of these verifications shall be explicitly mentioned in the documentary accounts referred to in chapter 10.5.

9.6 Storage of products

1. For the storage of products, areas shall be managed in such a way as to ensure identification of lots and to avoid any mixing with or contamination by products and/or substances not in compliance with the organic production rules. Organic products shall be clearly identifiable at all times.
2. In case of organic plant, seaweed, livestock and aquaculture animal production units, storage of input products other than those authorised under this Regulation is prohibited in the production unit.
3. The storage of allopathic veterinary medicinal products and antibiotics is permitted on holdings provided that they have been prescribed by a veterinarian in connection with treatment as referred to in chapter 5.3 (1)(e)(ii) or chapter 4.6 of this regulation, that they are stored in a supervised location and that they are entered in the livestock record, or as appropriate, in the aquaculture production records.
4. In case where operators handle both non-organic products and organic products and the latter are stored in storage facilities in which also other agricultural products or foodstuffs are stored:
 - (a) the organic products shall be kept separate from the other agricultural products and/or foodstuffs;
 - (b) every measure shall be taken to ensure identification of consignments and to avoid mixtures or exchanges with non-organic products;
 - (c) suitable cleaning measures, the effectiveness of which has been checked, have been carried out before the storage of organic products; operators shall record these operations.

10. MINIMUM CONTROL REQUIREMENTS

10.1 Adherence to the control system

1. Any operator who produces, prepares, stores, or imports from a third country products in the meaning of Article 1(2) or who places such products on the market shall, prior to placing on the market of any products as organic or in conversion to organic:
 - (a) notify his activity to the competent certification body authorized to work in the country of origin as equivalent certification body. authorities;
 - (b) submit his undertaking to the control system referred to in this regulation and as applicable for the type of production or handling the operator is carrying out.

The first subparagraph shall apply also to exporters who export products produced in compliance with the production rules laid down in this Regulation. Where an operator contracts out any of the activities to a third party, that operator shall nonetheless be subject to the requirements referred to in points (a) and (b), and the subcontracted activities shall be subject to the control system.

2. Kiwa BCS keeps an updated list containing the names and addresses of operators under their control. This list shall be made available to the interested parties.

10.2 Control arrangements and undertaking by the operator

In the context of this Regulation the nature and frequency of the controls shall be determined on the basis of an assessment of the risk of occurrence of irregularities and infringements as regards compliance with the requirements laid down in this Regulation. In any case, all operators with the

exception of whole salers dealing only with pre-packaged products and operators selling to the final consumer or user as described, shall be subject to a verification of compliance at least once a year.

1. When the control arrangements are first implemented, the operator shall draw up and subsequently maintain:
 - (a) a full description of the unit and/or premises and/or activity;
 - (b) all the practical measures to be taken at the level of the unit and/or premises and/or activity to ensure compliance with the organic production rules;
 - (c) the precautionary measures to be taken in order to reduce the risk of contamination by unauthorised products or substances and the cleaning measures to be taken in storage places and throughout the operator's production chain;
 - (d) the specific characteristics of the production method used, where the operator intends to request documentary evidence in accordance with chapter 10.7 (2).

Where appropriate, the description and measures provided for in the first subparagraph may be part of a quality system as set up by the operator.

2. The description and the measures referred to in paragraph 1 shall be contained in a declaration, signed by the responsible operator. In addition, this declaration shall include an undertaking by the operator:
 - (a) to perform the operations in accordance with the organic production rules;
 - (b) to accept, in the event of infringement or irregularities, the enforcement of the measures of the organic production rules;
 - (c) to undertake to inform in writing the buyers of the product in order to ensure that the indications referring to the organic production method are removed from this production;
 - (d) to accept, in cases where the operator and/or the subcontractors of that operator are checked by different control authorities or control bodies in accordance with the control system set up by Member State concerned, the exchange of information between those authorities or bodies;
 - (e) to accept, in cases where the operator and/or the subcontractors of that operator change their control authority or control body, the transmission of their control files to the subsequent control authority or control body;
 - (f) to accept, in cases where the operator withdraws from the control system, to inform without delay the relevant competent authority and control authority or control body;
 - (g) to accept, in cases where the operator withdraws from the control system, that the control file is kept for a period of at least five years;
 - (h) to accept to inform the relevant control authority or authorities or control body or bodies without delay of any irregularity or infringement affecting the organic status of their product or organic products received from other operators or subcontractors.

The declaration provided for in the first subparagraph shall be verified by the control body or control authority that issues a report identifying the possible deficiencies and non-compliances with the organic production rules. The operator shall countersign this report and take the necessary corrective measures.

3. For the application of chapter 10.1 (1) of this Regulation (the operator shall notify the following information to the competent authority:
 - (a) Name and address of operator;
 - (b) Location of premises and, where appropriate, parcels (land register data) where operations are carried out;

- (c) Nature of operations and products;
- (d) Undertaking by the operator to carry out the operation in accordance with the provision laid down in this Regulation;
- (e) In the case of an agricultural holding, the date on which the producer ceased to apply products not authorised for organic production on the parcels concerned;
- (f) The name of the approved body to which the operator entrusted control of his undertaking, where the Member State has implemented the control system by approving such bodies.

10.3 Modification of control arrangements

The operator responsible shall notify any change in the description or of the measures referred to previously and in the initial control arrangements set out in in this chapter to the control authority or control body in due time.

10.4 Control visits

1. The control authority or control body shall carry out at least once a year a physical inspection of all operators.
2. The control authority or control body shall take and analyse samples for detecting of products not authorised for organic production, for checking production techniques not in conformity with the organic production rules or for detecting possible contamination by products not authorised for organic production. The number of samples to be taken and analysed by the control authority or control body every year shall correspond to at least 5 % of the number of operators under its control. The selection of the operators where samples have to be taken shall be based on the general evaluation of the risk of non-compliance with the organic production rules. This general evaluation shall take into account all stages of production, preparation and distribution.
The control authority or control body shall take and analyse samples in each case where the use of products or techniques not authorised for organic production is suspected. In such cases no minimum number of samples to be taken and analysed shall apply.
Samples may also be taken and analysed by the control authority or control body in any other case for detecting of products not authorised for organic production, for checking production techniques not in conformity with the organic production rules or for detecting possible contamination by products not authorised for organic production.
3. A control report shall be drawn up after each visit, countersigned by the operator of the unit or his representative.
4. Moreover, the control authority or control body shall carry out random control visits, primarily unannounced, based on the general evaluation of the risk of non-compliance with the organic production rules, taking into account at least the results of previous controls, the quantity of products concerned and the risk for exchange of products.

10.5 Documentary accounts

1. Stock and financial records shall be kept in the unit or premises and shall enable the operator to identify and the control authority or control body to verify:
 - (a) the supplier and, where different, the seller, or the exporter of the products;
 - (b) the nature and the quantities of organic products delivered to the unit and, where relevant, of all materials bought and the use of such materials, and, where relevant, the composition of the compound feedingstuffs;
 - (c) the nature and the quantities of organic products held in storage at the premises;
 - (d) the nature, the quantities and the consignees and, where different, the buyers, other than the final consumers, of any products which have left the unit or the first consignee's premises or storage facilities;

(e) in case of operators who do not store or physically handle such organic products, the nature and the quantities of organic products bought and sold, and the suppliers, and where different, the sellers or the exporters and the buyers, and where different, the consignees.

2. The documentary accounts shall also comprise the results of the verification at reception of organic products and any other information required by the control authority or control body for the purpose of proper control. The data in the accounts shall be documented with appropriate justification documents. The accounts shall demonstrate the balance between the input and the output.

3. Where an operator runs several production units in the same area, the units for non organic products, together with storage premises for input products must also be subject to the minimum control requirements.

10.6 Access to facilities

1. The operator shall:

(a) give the control authority or control body, for control purposes, access to all parts of the unit and all premises, as well as to the accounts and relevant supporting documents;

(b) provide the control authority or control body with any information reasonably necessary for the purposes of the control;

(c) submit, when requested by the control authority or control body, the results of its own quality assurance programs.

10.7 Documentary evidence

1. For the purpose of the application of this regulation Kiwa BCS shall use the model of the documentary evidence as approved by the competent accreditation body always in its most recent version. The content of the documentary evidence issued by Kiwa BCS is harmonized with the content of the documentary evidence model given in Annex XII to regulation EC 889/2008.

In case of electronic certification, the signature in box 8 of the documentary evidence provided in Annex XII to regulation EC 889/2008 shall not be required if the authenticity of the documentary evidence is otherwise shown by a tamper-proof electronic method.

2. If an operator subject to the controls of Kiwa BCS as referred to in paragraph 1 so requests within a time period to be indicated by Kiwa BCS, Kiwa BCS shall provide complementary documentary evidence confirming the specific characteristics of the production method used by means of the model set out in Annex XIIIa.

Applications for complementary documentary evidence shall contain in box 2 of the model set out in Annex XIIIa the relevant entry listed in Annex XIIIb.

10.8 Vendor declaration

For the purpose of the application of chapter 1.6 of this regulation the vendor declaration that products supplied have not been produced from or by GMOs may follow the model set out in Annex XIII to regulation EC 889/2008.

10.9 Specific control requirements for plants and plant products from farm production or collection

10.9.1 Control arrangements

1. The full description of the unit referred to in chapter 10.1 (1)(a) shall:

(a) be drawn up even where the operator limits his activity to the collection of wild plants;
(b) indicate the storage and production premises and land parcels and/or collection areas and, where applicable, premises where certain processing and/or packaging operations take place; and
(c) specify the date of the last application on the parcels and/or collection areas concerned of products, the use of which is not compatible with the organic production rules.

2. In case of collection of wild plants, the practical measures referred to in chapter 10.1 (1)(b) shall include any guarantees given by third parties which the operator can provide to ensure that the provisions of chapter 2.4 (2) of this regulation.

10.9.2 Communications

Each year, before the date indicated by the control authority or control body, the operator shall notify the control authority or control body of its schedule of production of crop products, giving a breakdown by parcel.

10.9.3 Plant production records

Plant production records shall be compiled in the form of a register and kept available to the control authorities or bodies at all times at the premises of the holding. In addition to chapter 10.9.2 such records shall provide at least the following information:

(a) as regards the use of fertilizer: date of application, type and amount of fertilizer, parcels concerned;

(b) as regards the use of plant protection products: reason and date of treatment, type of product, method of treatment;

(c) as regards purchase of farm inputs: date, type and amount of purchased product;

(d) as regards harvest: date, type and amount of organic or in conversion crop production.

10.9.4 Several production units run by the same operator

Where an operator runs several production units in the same area, the units producing non-organic crops, together with storage premises for farm input products shall also be subject to the general and the specific control requirements laid down in Chapter 1 and this Chapter of this Title.

10.10 Specific control requirements for units preparing feed

This Chapter applies to any unit involved in the preparation of products referred to in Article 1(2)(c) of Regulation (EC) No 834/2007 on its own account or on behalf of a third party.

10.10.1 Control arrangements

1. The full description of the unit referred to in chapter 10.1(1)(a) shall indicate:

(a) the facilities used for the reception, preparation and storage of the products intended for animal feed before and after the operations concerning them;

(b) the facilities used for the storage of other products used to prepare feedingstuffs;

(c) the facilities used to store products for cleaning and disinfection;

(d) where necessary, the description of the compound feedingstuff that the operator intends to produce, in accordance with Article 5(1)(a) of Directive 79/373/EEC, and the livestock species or class for which the compound feedingstuff is intended;

(e) where necessary, the name of the feed materials that the operator intends to prepare.

2. The measures to be taken by operators, as referred to in Article 63(1)(b), to guarantee compliance with the organic production rules shall include the indications of measures referred to in Article 26.

3. The control authority or control body shall use these measures to carry out a general evaluation of the risks attendant on each preparation unit and to draw up a control plan. This control plan shall provide for a minimum number of random samples depending on the potential risks.

10.10.2 Documentary accounts

For the purposes of proper control of the operations, the documentary accounts referred to in Article 66 shall include information on the origin, nature and quantities of feed materials, additives, sales and finished products.

10.10.3 Control visits

The control visit referred to in Article 65 shall comprise a full physical inspection of all premises. Moreover, the control authority or control body shall make targeted visits based on a general evaluation of the potential risks of non-compliance with the organic production rules.

The control body or authority shall pay particular attention to the critical control points pointed out for the operator, with a view to establishing whether the surveillance and checking operations are carried out correctly.

All the premises used by the operator for the conduct of his activities may be checked as frequently as the attendant risks warrant.

10.11 Specific control measures on beekeeping

1. A map on an appropriate scale listing the location of hives shall be provided to the control authority or control body by the beekeeper. Where no areas are identified, the beekeeper shall provide the control authority or control body with appropriate documentation and evidence, including suitable analyses if necessary, that the areas accessible to his colonies meet the conditions required in this Regulation.

2. The following information shall be entered in the register of the apiary with regard to the use of feeding: type of product, dates, quantities and hives where it is used.

3. Whenever veterinary medicinal products are to be used, the type of product, including the indication of the active pharmacological substance, together with details of the diagnosis, the posology, the method of administration, the duration of the treatment and the legal withdrawal period shall be recorded clearly and declared to the control body or authority before the products are marketed as organically produced.

4. The zone where the apiary is situated shall be registered together with the identification of the hives. The control body or authority shall be informed of the moving of apiaries by a deadline agreed on with the control authority or body.

5. Particular care shall be taken to ensure adequate extraction, processing and storage of beekeeping products. All the measures to comply with this requirement shall be recorded.

6. The removals of the supers and the honey extraction operations shall be entered in the register of the apiary.

10.12 Control requirements for units for preparation of plant, seaweed, livestock and aquaculture animal products and foodstuffs composed thereof

10.12.1 Control arrangements

In the case of a unit involved in the preparation for its own account or for account of a third party, and including in particular units involved in packaging and/or re-packaging of such products or units

involved in labelling and/or re-labelling of such products, the full description of the unit referred to in this chapter shall show the facilities used for the reception, the processing, packaging, labelling and storage of agricultural products before and after the operations concerning them, as well as the procedures for the transport of the products.

10.13 Control requirements for units preparing feed or feedingstuffs

This Chapter applies to any unit involved in the preparation of processing organic feed on its own account or on behalf of a third party

10.13.1 Control arrangements

1. The full description of the unit referred to in chapter 10.1(1)(a) shall indicate:
 - (a) the facilities used for the reception, preparation and storage of the products intended for animal feed before and after the operations concerning them;
 - (b) the facilities used for the storage of other products used to prepare feedingstuffs;
 - (c) the facilities used to store products for cleaning and disinfection;
 - (d) where necessary, the description of the compound feedingstuff that the operator intends to produce, and the livestock species or class for which the compound feedingstuff is intended;
 - (e) where necessary, the name of the feed materials that the operator intends to prepare.
2. The measures to be taken by operators, as referred to in chapter 10.1 (1)(b), to guarantee compliance with the organic production rules shall include the indications of measures referred to in chapter 6.1.
3. The control authority or control body shall use these measures to carry out a general evaluation of the risks attendant on each preparation unit and to draw up a control plan. This control plan shall provide for a minimum number of random samples depending on the potential risks.

10.13.2 Documentary accounts

For the purposes of proper control of the operations, the documentary accounts referred to in chapter 10.5 shall include information on the origin, nature and quantities of feed materials, additives, sales and finished products.

10.13.3 Control visits

The control visit referred to in chapter 10.4 shall comprise a full physical inspection of all premises. Moreover, the control authority or control body shall make targeted visits based on a general evaluation of the potential risks of non-compliance with the organic production rules.

The control body or authority shall pay particular attention to the critical control points pointed out for the operator, with a view to establishing whether the surveillance and checking operations are carried out correctly.

All the premises used by the operator for the conduct of his activities may be checked as frequently as the attendant risks warrant.

10.14 Infringements and exchange of information

10.14.1 Measures in case of suspicion of infringements and irregularities

1. Where an operator considers or suspects that a product which he has produced, prepared, imported or that he has received from another operator, is not in compliance with organic production

rules, he shall initiate procedures either to withdraw from this product any reference to the organic production method or to separate and identify the product. He may only put it into processing or packaging or on the market after elimination of that doubt, unless it is placed on the market without indication referring to the organic production method. In case of such doubt, the operator shall immediately inform the control body or authority. The control authority or control body may require that the product cannot be placed on the market with indications referring to the organic production method until it is satisfied, by the information received from the operator or from other sources, that the doubt has been eliminated.

2. Where a control authority or control body has a substantiated suspicion that an operator intends to place on the market a product not in compliance with the organic production rules but bearing a reference to the organic production method, this control authority or control body can require that the operator may provisionally not market the product with this reference for a time period to be set by that control authority or control body. Before taking such a decision, the control authority or control body shall allow the operator to comment. This decision shall be supplemented by the obligation to withdraw from this product any reference to the organic production method if the control authority or control body is sure that the product does not fulfil the requirements of organic production.

However, if the suspicion is not confirmed within the said time period, the decision referred to in the first subparagraph shall be cancelled not later than the expiry of that time period. The operator shall cooperate fully with the control body or authority in resolving the suspicion.

10.14.2 Exchange of information between control authorities, control bodies and competent authorities

1. Where the operator and/or the subcontractors of that operator are checked by different control authorities or control bodies, the control authorities or control bodies shall exchange the relevant information on the operations under their control.

2. Where operators and/or their subcontractors change their control authority or control body, the change shall be notified without delay to the competent authority by the control authorities or control bodies concerned.

The previous control authority or control body shall hand over the relevant elements of the control file of the operator concerned and the reports referred to in the second subparagraph of chapter 10.1 (2) to the subsequent control authority or control body.

The new control authority or control body shall ensure that non-conformities noted in the report of the previous control authority or control body have been or are being addressed by the operator.

3. Where the operator withdraws from the control system, Kiwa BCS will inform the concerned operators and control bodies and as applicable the competent authority.

4. Where Kiwa BCS finds irregularities or infringements affecting the organic status of products, it shall without delay inform the competent authority.

That competent authority may require, on its own initiative, also any other information on irregularities or infringements.

In case of irregularities or infringements found with regard to products under the control of other control authorities or control bodies, it shall also inform those authorities or bodies without delay.

11. ANNEX I - FERTILIZERS, SOIL CONDITIONERS AND NUTRIENTS

The annex I of EU regulation EC 889/2008 applies always in its most recent version.

12. ANNEX II - Pesticides/plant protection products referred to in Article 4.3

The annex II of EU regulation EC 889/2008 applies always in its most recent version.

13. ANNEX III - Minimum surface areas for livestock

The annex III of EU regulation EC 889/2008 applies always in its most recent version.

14. ANNEX IV - Maximum number of animals per hectare

Minimum surface areas indoors and outdoors and other characteristics of housing in the different species and types of production.

The annex IV of EU regulation EC 889/2008 applies always in its most recent version.

15. ANNEX V - FEED MATERIALS

The annex V of EU regulation EC 889/2008 applies always in its most recent version.

16. ANNEX VI - FEED ADDITIVES

The annex VI of EU regulation EC 889/2008 applies always in its most recent version.

17. ANNEX VII - Products for cleaning and disinfection

The annex VII of EU regulation EC 889/2008 applies always in its most recent version.

18. ANNEX VIII - Products/substances allowed for processed food and yeast/yeast products

The annex VIII of EU regulation EC 889/2008 applies always in its most recent version.

19. ANNEX VIIIa - Products/substances allowed for organic wine

Products and substances authorized for use or addition in organic products of the organic wine sector referred to in Chapter 8.

The annex VIIIa of EU regulation EC 889/2008 applies always in its most recent version.

20. ANNEX IX - Non-organic ingredients of agricultural origin

Ingredients of agricultural origin which have not been produced organically.

The annex IX of EU regulation EC 889/2008 applies always in its most recent version.

21. ANNEX XIIIa - Specific requirements for aquaculture

The annex XIIIa of EU regulation EC 889/2008 applies always in its most recent version.

22. ANNEX XI A: ORGANIC LOGO OF THE EU

The annex XI A of EU regulation EC 889/2008 applies always in its most recent version.

23. ANNEX XI B: CODE NUMBERS REFERRED TO IN CHAPTER 7.4

The annex XI B of EU regulation EC 889/2008 applies always in its most recent version.

24. ANNEX XIII: MODEL OF A VENDOR DECLARATION REFERRED TO IN CHAPTER 1.6