

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2022/1450

of 27 June 2022

supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the use of non organic protein feed for the production of organic livestock due to Russia's invasion of Ukraine

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 ⁽¹⁾, and in particular Article 22(1), points (b) and (c) thereof,

Whereas:

- (1) Russia's invasion of Ukraine on 24 February 2022 is having serious consequences on the supply of organic protein feed to several Member States since Ukraine was one of the main suppliers of such feed for organic porcine animals and poultry in those Member States.
- (2) The lack of availability of organic protein feed in those Member States threatens the continuity of the organic production of older organic porcine animals and poultry that are not covered by the derogations provided for in points 1.9.3.1(c) and 1.9.4.2(c) of Part II of Annex II to Regulation (EU) 2018/848 allowing to feed up to 5 % of non-organic protein feed to young animals.
- (3) It is therefore appropriate to allow Member States that have recognised this situation as catastrophic circumstances in accordance with Article 1(1) of Delegated Regulation (EU) 2020/2146 ⁽²⁾ to derogate temporarily from point 1.4.1(b) of Part II of Annex II to Regulation (EU) 2018/848 requiring that organic livestock should be fed with organic or in-conversion feed, by extending the derogations set out in points 1.9.3.1(c) and 1.9.4.2(c) of Part II of Annex II to Regulation (EU) 2018/848 to older categories of porcine animals and poultry.
- (4) For the purpose of transparency and controls, it is necessary that information on the derogations granted is shared in a harmonised way between Member States and the Commission through a computer system.
- (5) It is necessary to ensure that operators to whom such derogations were granted comply with the conditions of those derogations.
- (6) For the purpose of controls, operators should keep documentary evidence proving that they were granted those derogations and that they comply with the conditions related thereto.
- (7) This Regulation should apply retroactively from 24 February 2022, the date of the Russia's military aggression against Ukraine,

⁽¹⁾ OJ L 150, 14.6.2018, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/2146 of 24 September 2020 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards exceptional production rules in organic production (OJ L 428, 18.12.2020, p. 5).

HAS ADOPTED THIS REGULATION:

Article 1

1. In Member States that have recognised the lack of availability of organic protein feed following Russia's invasion of Ukraine on 24 February 2022 as catastrophic circumstances in accordance with Article 1(1) of Delegated Regulation (EU) 2020/2146, the competent authorities may extend the derogations set out under points 1.9.3.1(c) and 1.9.4.2(c) of Part II of Annex II to Regulation (EU) 2018/848 to categories of porcine animals and poultry older than those referred to in those points, provided that those derogations apply:

- (a) for a limited period of time and no longer than necessary, and in no case longer than 12 months;
- (b) to all operators affected that produce organic porcine animals or poultry.

2. The application of the derogations referred to in paragraph 1 shall be without prejudice to the validity of the certificates referred to in Article 35 of Regulation (EU) 2018/848 during the period where the derogations apply, provided that the operators concerned fulfil the conditions under which those derogations were granted.

Article 2

1. Member States shall inform the Commission and the other Member States without delay on the derogations granted by their competent authorities pursuant to Article 1(1) through a computer system made available by the Commission that enables the exchange of electronic documents and information.

2. Any operator to whom the derogations granted apply shall keep documentary evidence of those derogations as well as of the use of those derogations during the period where they apply.

3. The competent authorities, or where appropriate, the control authorities or control bodies of the Member States, shall verify the compliance of the operators with the conditions of the derogations granted.

Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 24 February 2022.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 June 2022.

For the Commission
The President
Ursula VON DER LEYEN
