

Requirements for Organic Production

Regulation No. 25 of the Minister of Agriculture of 20 February 2009

The Regulation is established on the basis of § 12 of the Organic Farming Act.

Chapter 1

General Provisions

§ 1. Scope of application

This Regulation establishes the requirements for organic farming, including the requirements for the information to be submitted in order to continue organic farming activities and the due date for submission of such information.

§ 2. Keeping of records

- (1) A person engaged in organic production (hereinafter “person”) shall keep the records prescribed by the Regulation on paper or by electronic means. In the latter case, it shall be possible to make printouts of the kept records.
- (2) A person shall make an entry concerning data within three days after the date of performance of an act.
- (3) A person shall store the data and documents necessary for keeping records at least for a period of three years after the date of collection thereof.

Chapter 2

Requirements for Organic Plant Production

§ 3. Keeping of records upon engagement in organic plant production

- (1) In addition to the field record specified in the Regulation No. 36 of the Minister of Agriculture of 9 April 2003 "Format of Field Record and Procedure for Keeping Field Records", a person engaged in organic plant production shall keep separate records concerning organic plant production and non-organic plant production
- (2) In order to keep the records specified in subsection (1), a person engaged in organic plant production shall collect and store, as a minimum, the data and documents specified in Articles 66

and 72 of Commission Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control.

- (3) A person engaged in organic plant production shall prepare and store a crop rotation plan.
- (4) The crop rotation plan specified in subsection (3) need not be prepared concerning:
 - 1) grasslands of at least five years or intended for at least five years;
 - 2) natural grasslands;
 - 3) land used for the production of fruit and berry species, and medicinal plants and herbs;
 - 4) land used for the production of hayseed;
 - 5) fields with an area below 0.30 hectares.

§ 4. Information to be submitted for continuation of organic plant production

- (1) A person continuing its activities in organic plant production shall submit the following data and documents to the Plant Production Inspectorate by 21 May of the year of continuing the activities:
 - 1) a map of the enterprise's agricultural parcels which sets out all the agricultural parcels and semi-natural areas, including the agricultural parcels used for non-organic agriculture and the agricultural parcels in which organic plant production is planned to be started, the areas of fields with the accuracy of at least 0.1 hectares, the numbers of agricultural parcels and semi-natural areas and each field or part of a field together with its number;
 - 2) a plant production plan which contains, as a minimum, data concerning the agricultural parcels, fields (number, area), grown plants and their precultures, and the areas under pasturing;
 - 3) data concerning the yield of the precultures grown on the land which underwent the conversion period during the preceding year;
 - 4) data on other changes planned in the enterprise.
- (2) The data and documents specified in clause (1) 1) need not be submitted if the person provides written confirmation that no changes have been made as compared to the preceding year.
- (3) A person engaged only in organic production of mushrooms or greenhouse cultures need not submit the data and documents specified in clause (1) 1).

(4) A person who continues gathering plants or mushrooms from an area not used for agricultural purposes related to organic plant production shall submit the Plant Production Inspectorate the following data and documents by 21 May of the year of continuing the activities:

- 1) a land use map which can be a map of agricultural parcels, an orthophoto printout or another map on a scale of at least 1:10 000 which sets out the boundaries and area of the territory used for gathering plants and mushrooms as well as the area and boundaries of the territory on which the gathering of plants or mushrooms is planned;
 - 2) a list of species of plants and mushrooms gathered;
 - 3) data on the quantities gathered during the preceding year, and the time of gathering;
 - 4) the name of the protected area used for gathering plants or mushrooms;
 - 5) data on other changes planned in the enterprise.
- (5) The data and documents specified in clauses (4) 1) and 4) need not be submitted if the person provides written confirmation that no changes have been made as compared to the preceding year.

§ 5. Beginning of period of conversion to organic plant production

(1) The conversion period for land taken into use for organic plant production by an enterprise before 21 May begins on the date of submission of the documents of the year of submission of the documents. The conversion period for land taken into use for organic plant production by an enterprise after 21 May begins one year after the date of submission of the documents specified in subsection 4 (1).

(2) Where a substance not specified in Annex I or II to Commission Regulation (EC) No 889/2008 is used, the Plant Production Inspectorate may require the commencement of a new conversion period beginning from the date specified in subsection (1) on a field where such substance was used.

(3) A person engaged in organic plant production may submit an application to the Plant Production Inspectorate throughout the year for taking the period preceding the application into account as being part of the conversion period for land specified in Article 36.2 of Commission Regulation (EC) No 889/2008. It is prohibited to cultivate lands with respect to which the applicant wishes earlier periods to be taken into account as a part of the conversion period until

an on-site inspection is carried out or a decision is made on the basis of the satisfactory proof specified in Article 36.2 of Commission Regulation (EC) No 889/2008.

Chapter 3

Requirements for Preparation and Placing on Market of Organic Seed and Propagating Material

§ 6. Keeping of records upon preparation and placing on market of organic seed and propagating material

(1) A person engaged in the preparation and placing on the market of organic seed and propagating material shall maintain separate records concerning the preparation and placing on the market of organic seed and propagating material and non-organic seed and propagating material.

(2) In order to keep the records specified in subsection (1), a person engaged in the preparation and placing on the market of organic seed and propagating material shall collect and store the data and documents specified in Article 66 of Commission Regulation (EC) No 889/2008.

§ 7. Information to be submitted for continuation of preparation and placing on market of organic seed and propagating material

(1) A person continuing the preparation and placing on the market of organic seed and propagating material shall submit the following data and documents to the Plant Production Inspectorate by 21 May of the year of continuing the activities:

- 1) a technological layout of the production process;
- 2) a description of the measures to be taken to ensure that organic and non-organic seed and propagating material are distinguishable from one another.

(2) The data and documents specified in clause (1) 1) need not be submitted if the person provides written confirmation that no changes have been made as compared to the preceding year.

Chapter 4

Requirements for Organic Livestock Production

§ 8. Organic livestock production

(1) A person engaged in the organic production of the animals specified in Article 7 of Commission Regulation (EC) No 889/2008, rabbits, nutrias or quails (hereinafter organic livestock production) shall comply, in addition to the requirements of organic livestock production, also with the requirements of organic plant production.

(2) Animals belonging to an enterprise engaged in organic livestock production may be pastured in semi-natural areas within the meaning of the Nature Conservation Act, islets, small islands and other such areas where, during the past three years, substances not specified in Annex I or II to Commission Regulation (EC) No 889/2008 have not been used and the feedingstuffs used there during pasturing are deemed to be organic feedingstuffs.

(3) A small holding specified in Article 39 of Commission Regulation 889/2008 means an enterprise where tethered animals in numbers corresponding to 10 livestock units are kept. Livestock units shall be calculated on the basis of the rates set out in Annex V to Commission Regulation (EC) No 1974/2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 368, 23.12.2006, pp 15–73).

§ 9. Keeping of records upon engagement in organic livestock production

(1) A person engaged in organic livestock production shall maintain separate records concerning organic livestock production and non-organic livestock production.

(2) In order to keep the records specified in subsection (1), a person engaged in organic livestock production shall collect and store, as a minimum, the data and documents specified in Articles 66 and 76 of Commission Regulation (EC) No 889/2008.

§ 10. Information to be submitted for continuation of organic livestock production

(1) A person continuing its activities in organic livestock production shall submit the following data and documents to the Plant Production Inspectorate by 21 May of the year of continuing the activities:

1) a description of the livestock building or construction works, including a description of the exercise area and the manner of keeping the animals;

- 2) the number and area of semi-natural areas, the agricultural parcels or part thereof used for pasturing, also making reference to such data in the plant production plan of the enterprise;
 - 3) in the case of migratory herding, an orthophoto printout on a scale of at least 1:10 000 or other maps which set out the boundaries and area of the territory used for migratory herding of animals;
 - 4) the number of the animals kept in the enterprise by species and age group;
 - 5) information on the quantity of livestock products derived from the animals who underwent the conversion period during the preceding year.
- (2) The data and documents specified in clause (1) 1) need not be submitted if the person provides written confirmation that no changes have been made as compared to the preceding year.

§ 11. Changing of period of conversion to organic livestock production

In the event of the involuntary use of a substance, organism or product prohibited for use in feedingstuffs specified in Article 9 and Article 14.1.d of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.07.2007, pp 1–23), the Plant Production Inspectorate may require the commencement of a new conversion period for the animal species or group in whose feed such substance, organism or product was used.

§ 12. Requirements for areas enclosed for keeping of animals

Exercise areas and pastures must be fenced or delimited in a manner which prevents the animals from entering non-organic land.

§ 13. Requirements for keeping rabbits and nutrias

- (1) The duration of the period of conversion to organic rabbit or nutria production in an approved enterprise is one month after the date of commencement of keeping of the animals in conformity to the requirements.
- (2) The requirements for feeding herbivores provided in Council Regulation (EC) No 834/2007 and Commission Regulation (EC) No 889/2008 apply to the feeding of rabbits and nutrias.

§ 14. Requirements for keeping quails

- (1) Up to 6800 quails may be kept in one herd in a livestock building whereas the area for rearing such number of birds must be at least 400 m²
- (2) Quails kept in accordance to organic rearing methods may be slaughtered only after the birds have reached 35 days of age.

Chapter 5

Requirements for Organic Beekeeping

§ 15. Keeping of records upon engagement in organic beekeeping

- (1) A person engaged in organic beekeeping shall maintain separate records concerning organic beekeeping and non-organic beekeeping.
- (2) In order to keep the records specified in subsection (1), a person engaged in organic beekeeping shall collect and store the data and documents specified in Articles 66 and 78 of Commission Regulation (EC) No 889/2008.

§ 16. Information to be submitted for continuation of organic beekeeping

- (1) A person continuing its activities in organic beekeeping shall submit the following data and documents to the Plant Production Inspectorate by 21 May of the year of continuing the activities:
 - 1) a map of agricultural parcels or another map on a scale of at least 1:10 000 which sets out the location of bee groups and gathering areas;
 - 2) a description of the buildings and construction works required for keeping the bee colonies;
 - 3) information on the number of bee colonies kept in the enterprise;
 - 4) information on the quantity of beekeeping products produced during the previous year.
- (2) The data and documents specified in clauses (1) 1) and 2) need not be submitted if the person provides written confirmation that no changes have been made as compared to the preceding year.

Chapter 6

Requirements for Preparation of Organic Products

§ 17. Keeping records in enterprise engaged in preparation of organic products

- (1) A person engaged in the preparation of an organic product shall maintain separate records concerning the preparation of an organic product and a non-organic product.
- (2) In order to keep the records specified in subsection (1), a person engaged in the preparation of an organic product shall collect and store the data and documents specified in Article 66 of Commission Regulation (EC) No 889/2008.

§ 18. Information to be submitted for continuation of preparation of organic products

A person continuing its activities in the preparation of an organic product shall submit the Veterinary and Food Board confirmation concerning the continuation of the activities and information concerning the product groups and the volume of the production prepared in the enterprise during the previous year by 1 February of the year of continuation of activities.

§ 19. Requirements for preparation and labelling of organic products in mass catering operations

- (1) A “mass catering operation” means an enterprise specified in Article 2.aa of Council Regulation (EC) No 834/2007.
- (2) A mass catering operation of a health care, educational or social welfare institution where organic ingredients are used for the preparation of a product intended for use as food or where organic products are offered only to the consumers of the institution need not be approved.
- (3) A mass catering operation where consumers are offered organic products coming from another enterprise in an unaltered state need not be approved. Records shall be kept on organic products and the traceability of the products shall be ensured.
- (4) The requirements provided for in Articles 6, 9, 10 and 24 of Council Regulation (EC) No 834/2007 and in Chapters 3 and 4 of Commission Regulation (EC) No 889/2008 shall be complied with upon the preparation and labelling of organic products in mass catering operations.
- (5) Organic production methods may be referred to in a sales description in a menu where the product complies with the requirements of Article 23.4.a of Council Regulation (EC) No

834/2007. Where all the products in the menu comply with the abovementioned requirements, reference to organic production methods may be used in the whole menu.

(6) Organic production methods may be referred to in the list of ingredients of a product in a menu where the ingredient complies with the requirements of Article 23.4.b of Council Regulation (EC) No 834/2007. Where certain ingredients of all the products on the menu are organic, reference to organic production methods may be used in the whole menu.

(7) Organic production methods may be referred to in the list of ingredients and in the menu in the same visual field as the sales description where the product complies with the requirements of Article 23.4.c of Council Regulation (EC) No 834/2007.

(8) A menu shall be updated upon making changes in a product labelled with a reference to organic production or in the use of an ingredient. An updated menu shall be preserved for one year as of the commencement of the use thereof.

(9) A control system in compliance with Article 28 of Council Regulation (EC) No 834/2007 and the requirements provided for in Chapters 1 and 4 of Title IV of Commission Regulation (EC) No 889/2008 shall be applied to the production of processed organic products in mass catering operations.

§ 20. Keeping of records upon engagement in production of processed organic feedingstuffs

(1) A person engaged in production of processed organic feedingstuffs (hereinafter “ organic feedingstuffs”) shall maintain separate records concerning the production of organic feedingstuffs and non-organic feedingstuffs.

(2) In order to keep the records specified in subsection (1), a person engaged in the production of organic feedingstuffs shall collect and store the data and documents specified in Articles 66 and 89 of Commission Regulation (EC) No 889/2008.

§ 21. Information to be submitted for continuation of production of processed organic feedingstuffs

A person continuing its activities in the production of organic feedingstuffs shall submit the Veterinary and Food Board information concerning the processed organic products produced in the enterprise during the previous year by 1 February of the year of continuation of activities.

Chapter 7

Requirements for Placing Organic Products on Market

§ 22. Keeping of records upon placing on market, including importing, of organic products and marketing of non-prepacked foods to final consumer

A person engaged in the placing on the market, including importing, of organic products and marketing of non-prepacked foods to final consumer shall collect and store the data and documents specified in Article 66 and in case of importing additionally the data and documents specified in Article 83 of Commission Regulation (EC) No 889/2008.

§ 23. Information to be submitted for continuation of placing on market, including importing, of organic products and marketing of non-prepacked foods to final consumer

A person continuing only placing on the market or importing of organic products shall submit the Veterinary and Food Board information concerning the product groups placed on the market or imported during the previous year by 1 February of the year of continuation of activities.

Chapter 8

Implementing Provisions

§ 24. Implementation of Regulation

(1) In order to continue its activities in 2009, a person engaged in the preparation, only in placing on the market or import of organic products shall submit the data required in the Regulation by 10 April.

(2) In order to continue its activities in 2009, a person engaged in the production of organic feedingstuffs shall submit the data required by the Regulation by 27 May.

§ 25. Repeal of Regulation

Regulation No. 108 of the Minister of Agriculture of 8 December 2006 “Requirements for production and manufacture of agricultural produce and products labelled or intended to be labelled with reference to organic production methods” (RTL¹ 2006, 88, 1624, 2007, 41, 702) is repealed.

§ 26. Entry into force of Regulation

This Regulation enters into force on 1 March 2009.

¹ RTL = *Riigi Teataja Lisa* = *Appendix to the State Gazette*