
STATUTORY INSTRUMENTS

2009 No. 842

The Organic Products Regulations 2009

PART 2

Designations and exemptions

Designation of competent authority etc.

3.—(1) The Secretary of State is the competent authority for the purposes of the Council Regulation, Commission Regulation 889/2008 and Commission Regulation 1235/2008.

(2) Each control body is an authority responsible for the purposes of Article 28(3) of the Council Regulation for the receipt of notification of the information specified in Article 63(3) of Commission Regulation 889/2008 made by an operator under Article 28(1)(a) of the Council Regulation.

(3) The Soil Association is the manager of the database for the purposes of Article 48(2) of Commission Regulation 889/2008.

Exemption from requirement to adhere to control system

4. Article 28 of the Council Regulation (requirements to notify activities and submit undertakings to the control system) does not apply to an operator who sells an organic product directly to the final consumer or user, provided that the operator does not produce, prepare, store other than in connection with the point of sale, or import such a product from a third country, or has not contracted out such activities to a third party.

Permitted exceptions to the organic production rules

5.—(1) References in paragraph (2) to a numbered Article or Annex are references to that Article of, or Annex to, Commission Regulation 889/2008.

(2) A control body may—

- (a) permit an increase in the percentages referred to in Article 9(3) (which restricts the number of non-organic female mammals for the renewal of a herd or flock) up to 40%, in accordance with Article 9(4);
- (b) permit operations to be carried out for reasons of safety or to improve health, welfare or hygiene, in accordance with Article 18(1) (management of animals);
- (c) permit cattle in small holdings to be tethered, in accordance with Article 39;
- (d) authorise the bringing-in of non-organically reared poultry or non-organically reared pullets for egg production, in accordance with Article 42;
- (e) permit the use of non-organic seed or vegetative propagating material for the purposes of Article 45(1)(a) and in accordance with Article 45;
- (f) authorise the renewal or reconstitution of a herd or flock with non-organic animals or the reconstitution of an apiary with non-organic bees following high mortality caused by health or catastrophic circumstances, in accordance with Article 47(a) or (b);

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Changes to legislation: There are currently no known outstanding effects for the
The Organic Products Regulations 2009, PART 2. (See end of Document for details)

- (g) authorise the use of synthetic vitamins A, D or E as feed additives, in accordance with the third indent of point 1.1(a) of Annex VI; and
- (h) permit the use of sodium nitrite or potassium nitrite as a food additive for meat products if there is no technological alternative, for the purposes of Article 27(1)(a) and the table in section A of Annex VIII, as read with footnote (1) to that table.

Status:

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Changes to legislation:

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