

The Danish Plante Directorate



Consolidated Text

Order on Organic Agricultural Production

May 2006

Ministry of Food, Agriculture and Fisheries

The text below is a translation of the Danish Order No. 244 of 2 April 2004 on organic agricultural production, etc., as amended by the Danish Order No. 600 of 21 June 2004, No. 517 of June 2005 and Danish Order No. 441 of 18 May 2006 and is intended for information only. It confers no rights and imposes no obligations other than those conferred or imposed by the acts formally adopted and published.

Order No 244 of 2 April 2004

Order on organic agricultural production, etc. ¹⁾

The following is laid down as amended by Order No. 600 of 21 June 2004, Order No. 517 of 21 June 2005 and Order No. 441 of 18 May 2006 in pursuance of Sections 2, 8, 12(2) and (13) of Act No 118 of 3 March 1999, the Organic Act, as amended by Section 2 of Act No 279 of 25 April 2001 amending the Foodstuffs Act etc., and following authorisation:

Part I **Agricultural holdings**

Chapter 1

General and definitions

Section 1. Agricultural products produced in Denmark which are or shall be provided with indications referring to the organic production method, cf. Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs, as amended (the Council Regulation), shall be produced in accordance with the provisions of this Order and the Council Regulation on an agricultural holding authorised by the Plant Directorate.

¹⁾This Order has been notified in draft form in accordance with European Parliament and Council Directive 98/34/EC (the Information Procedure Directive), as amended by Directive 98/48/EC.

The Order contains provisions necessary for application of the following Regulations: Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ 1991 L 198, p 1) (the Organic Regulation), most recently amended by Commission Regulation (EC) No 599/2003 of 1 April 2003 amending Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ 2003 L 85, p. 15).

Commission Regulation (EC) No 1788/2001 of 7 September 2001 laying down detailed rules for implementing the provisions concerning the certificate of inspection for imports from third countries under Article 11 of Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ 2001 L 243, p.3), as amended by Commission Regulation (EC) No 1918/2002 of 25 October 2002 amending Commission Regulation (EC) No 1788/2001 of 7 September 2001 laying down detailed rules for implementing the provisions concerning the certificate of inspection for imports from third countries under Article 11 of Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ 2002 L 289, p. 15).

Commission Regulation (EC) No 223/2003 of 5 February 2003 on labelling requirements related to the organic production method for feed-ingstuffs, compound feedingstuffs and feed materials and amending Council Regulation (EEC) 2092/91 (OJ 2003 L 31, p. 3).

The Order includes certain provisions from the above Regulations. Pursuant to Article 249 of the EC Treaty, a Regulation shall be directly applicable in all Member States. The reproduction of these provisions in the Order is therefore solely justified on practical grounds and does not concern the direct validity in Denmark of the regulation.

However, in accordance with Article 12 of the Organic Regulation, Chapters 4 and 5 as well as Chapters 9 to 13 of the Order lays down more stringent rules for livestock and livestock products compared with the rules of Annex I Part B of the Regulation on livestock production, cf. Council Regulation (EC) No 1804/1999 of 19 July 1999 supplementing Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs to include livestock production (OJ 1999 L 222, p. 1) as amended by Commission Regulation (EC) No 223/2003 of 5 February 2003 on labelling requirements related to the organic production method for feed-ingstuffs, compound feedingstuffs and feed materials and amending Council Regulation (EEC) 2092/91 (OJ 2003 L 31, p. 3). In these cases, the Order replaces the provisions of the Regulation.

Section 2. For the purposes of this Order, an agricultural holding is taken to mean an operational unit used for the purpose of agriculture, forestry, horticulture, fruit growing, plant nurseries and similar agricultural activities.

Subsection 2. Included in an agricultural holding are parcels of land that are owned and also parcels that are leased. However, areas of land that are leased out to others are not regarded as belonging to the holding.

Subsection 3. An agricultural holding may consist of one or more independent production units.

Subsection 4. Processing and packaging premises may constitute part of an authorised agricultural holding, provided only the holding's own agricultural products are processed, packaged and/or marketed there.

Chapter 2

Conversion and reporting

Section 3. An application for authorisation of an agricultural holding shall be sent to the Plant Directorate on a special form, which can be obtained from the Directorate.

Subsection 2. The application shall contain a plan for the conversion of the whole of the agricultural holding's farmland, including leased areas, and of the livestock production. The plan shall indicate when conversion is intended to begin, cf. Section 4 and Section 5. The plan shall be certified by an agricultural advisory expert approved for this purpose by the Special Committee on Ecology. It shall be clear from the plan that the provisions of Sections 4 and 5 are satisfied.

Subsection 3. Conversion of the holding shall begin not later than 6 months after

the application has been received by the Directorate.

Subsection 4. The Plant Directorate shall forward information obtained from the application form to the Directorate for Food, Fisheries and Agri Business.

Subsection 5. Already from the time conversion begins the producer shall organize and implement production in accordance with the provisions of this Order and the Council Regulation.

Subsection 6. The Plant Directorate shall authorise the agricultural holding once the Directorate has ascertained that the holding's production is organized and implemented in accordance with the provisions of this Order and the Council Regulation. The authorised agricultural holding shall be assigned an authorisation number.

Section 4. The conversion date marks the beginning of conversion.

Subsection 2. Conversion of parcels of land may only begin from the first day of the month.

Subsection 3. The date of the beginning conversion and any changes to this date shall be notified in writing to the Plant Directorate before conversion begins. Changes shall also be notified before the date that was originally notified to the Directorate.

Subsection 4. Before conversion of livestock or land can begin, the producer has to have full rights of disposal over these, cf. however Section 6.

Section 5. The entire holding, cf. however subsections 3 and 4, shall have started conversion before the end of the fourth calendar year following start of conversion by the holding, cf. however Section 6.

Subsection 2. Parcels of land or live-

stock that are purchased or leased after the fourth calendar year shall be converted immediately, cf. however Section 6.

Subsection 3. Kitchen gardens shall only be converted if products are sold from these with reference to the organic production method.

Subsection 4. Parcels of land containing forest shall only be converted if products are sold from these parcels with reference to the organic production method or if the land is involved in the production in some other way.

Subsection 5. Non-organic livestock of a species for which conversion has not begun may be purchased for the holding. However, this shall be done before the end of the fourth calendar year, cf. subsection 1.

Subsection 6. When non-organic livestock of a species for which conversion has already begun is purchased, the livestock shall be converted immediately. The purchased livestock shall be clearly identifiable in relation to the other livestock.

Subsection 7. The Plant Directorate may, in exceptional circumstances, grant dispensation from the rules in subsection 5 point 2.

Section 6. By way of derogation from Section 5(1), conversion of livestock may be waived if

- 1) the livestock and animal products are only for own consumption (consumption on the farm)
- 2) there is no non-organic livestock including livestock under conversion, of the same species on the holding, and
- 3) the livestock is reared in a unit, which is clearly separate from the units producing in accordance with the rules laid down in this administrative order

and in the Council Regulation.

Section 7. The producer has to report in accordance with section 8 and 9 which non-organic livestock is reared on the holding, cf. section 6.

Section 8. Not later than 21 April every year, the producer shall report information concerning

- 1) the agricultural holding's plant production during the current growing season, including information relating to parcels of land, combination of crops and conversion date,
- 2) grazing rights, and
- 3) the agricultural holding's livestock production during the current calendar year, including information relating to the size and make-up of the animal stocks and the conversion date.

Subsection 2. If 21 April falls on a Saturday, Sunday, Monday or a public holiday, the information shall be submitted not later than the next working day thereafter (not including Saturday).

Subsection 3. The information referred to in subsection 1 shall be submitted on a special form, which may be obtained from the local agricultural centres or the Directorate for Food, Fisheries and Agri Business. The form shall be submitted to the Directorate for Food, Fisheries and Agri Business, which will forward the said information to the Plant Directorate.

Section 9. Significant changes to the agricultural holding's animal stocks shall be notified immediately in writing to the Plant Directorate.

Section 10. The agricultural holding's stall buildings and premises for the storage of plants, vegetable products, livestock products, raw materials and input may be leased out or let to another pro-

ducer not using a production method in accordance with the rules of the Council Regulation or this Order, provided that, after leasing or letting, there is a clear separation between the two units.

Subsection 2. Such agreements concerning leasing or letting shall be reported immediately in writing to the Plant Directorate.

Section 11. If an organic agricultural holding changes ownership, farm operator or responsible farm manager, or if production and sale of organic products ceases, the Plant Directorate shall be informed of this in writing immediately.

Subsection 2. In case of a change in which the party acquiring the holding wishes to carry on organic agricultural production, "The change of producer notification and -declaration" shall be filled out. The forms "The change of producer notification and -declaration" may be obtained from the Plant Directorate or the Directorate for Food, Fisheries and Agri Business.

Subsection 3. From the date on which the Plant Directorate receives written notification about the closing down, cf. subsection 1, the agricultural products can no longer be sold with reference to the organic production method.

Chapter 3

Documentation

Section 12. When non-organic feedingstuffs or conversion feed is used, a feeding plan shall be drawn up and kept up-to-date, providing an exact specification of the quantity and dry matter content of the feedingstuffs used.

Subsection 2. Information in accordance with subsections 1 and the information required by the Council Regulation shall be present at all times on the agri-

cultural holding and it shall be possible to show it during an inspection visit. The information shall be kept on the holding for at least 5 years. Chapter 4

Simultaneous conversion

Section 13. Simultaneous conversion of livestock and acreage in accordance with the rules in Annex I, Part B point 2.3.1 of the Council Regulation may only be done if it has been applied for together with the application for the authorisation for organic agricultural production.

Chapter 5

Fertilising and grazing

Section 14. The agricultural holding's total nitrogen consumption in livestock manure and other organic manure must not exceed 140 kg total N per hectare of harmony area in a plan period.

Subsection 2. The proportion of non-organic fertiliser must not exceed 70 kg total N per hectare of harmony area in a plan period.

Subsection 3. The production of nitrogen in livestock manure is calculated in accordance with the Act on the agricultural use of fertiliser and plant cover and with the Orders in force.

Section 15. Organic agricultural holdings may establish cooperation with other organic agricultural holdings and enterprises concerning the spreading of surplus manure from the agricultural holding.

Subsection 2. The maximum limit of 140 kg total N per hectare in a plan period, cf. Section 14(1) shall in such cases be observed on each separate agricultural holding involved in such cooperation.

Section 16. The producer shall keep

accounts with regard to the nitrogen in livestock manure and other organic manure received and given away.

Subsection 2. The quantity and nitrogen content of livestock manure and other organic fertiliser cannot be altered after receipt.

Subsection 3. The removal and receipt of nitrogen shall be documented on a special form, which can be obtained from the Plant Directorate.

Subsection 4. The form shall be dated and signed by the recipient and supplier.

Subsection 5. The form shall be present on the holding not later than the date of receipt or removal of nitrogen. The form shall be kept on the holding for at least 5 years.

Section 17. Agricultural holdings with an annual VAT-registered turnover of at least DKK 20 000 shall register their enterprise and submit fertiliser accounts in accordance with the rules in Section 2 and Section 22, respectively, of the Act on agricultural use of fertiliser and plant cover.

Section 18. On organic agricultural holdings, non-organic livestock from another holding may graze on the holding's land for up to 180 days per animal and year.

Subsection 2. Provided that

- 1) the non-organic livestock come from a holding with less than 2 livestock units per hectare,
- 2) the acreage is not used at the same time by organic livestock or livestock undergoing conversion, irrespective of species,
- 3) the holding has no organic livestock or livestock undergoing conversion of the same species as the non-organic livestock, and
- 4) there has been obtained approval

from the Plant Directorate before the commence of the grazing.

Subsection 3. The Plant Directorate may grant dispensation from the rule in subsection 2(1) if the livestock is owned by persons not involved in agriculture or by enterprises not registered in the General Agricultural Register (GLR).

Subsection 4. Manure from the livestock referred to in subsection 1 shall be included in the fertiliser accounts as non-organic manure.

Chapter 6

Manure for greenhouses

Section 19. In greenhouses, manure corresponding to the established nitrogen standard for the crop, cf. the Act on agricultural use of fertiliser and plant cover and the Orders in force pursuant thereto may be used. Of this, a maximum of 25% of the crop's nitrogen standard may be supplied as non-organic manure. The nitrogen content of non-organic manure shall be calculated as total N.

Chapter 7

Simultaneous operation of an organic and a non-organic unit

Section 20. Following approval from the Plant Directorate, the producer may simultaneously run an organic and a non-organic production unit, if the units are clearly separate from each other.

Subsection 2. If the holding is not yet authorised, an application for approval shall be sent at the same time as the application for authorisation.

Subsection 3. Separate and physically distinct inventories, accounts and herd lists shall be kept for each production unit, which shall be kept up-to-date at all times and be present on the holding.

The information shall be kept on the holding for at least 5 years.

Subsection 4. On transfer of manure between an organic production unit and a non-organic production unit belonging to the same producer, Section 16 shall apply accordingly.

Subsection 5. For the organic production unit, a fertiliser record shall be drawn up each year for the concluded plan period. The fertiliser record shall be sent to the Plant Directorate not later than 31 March. The fertiliser record shall be drawn up on a form edited by the Plant Directorate.

Chapter 8

Parallel cultivation

Section 21. A producer must not produce plants of the same variety or of varieties which cannot easily be distinguished from one another on organic and non-organic parcels of land respectively. Parcels undergoing conversion shall be regarded as non-organic parcels.

Chapter 9

Origin of livestock and conversion periods

Section 22. Products from livestock farming may only be marketed as organic if, from the date of the start of conversion, the livestock are reared in accordance with the provisions of this Order and the Council Regulation and in accordance with the special requirements, and at least for the period (conversion period) stated in Sections 23-25.

Section 23. In the case of livestock for the production of meat, excluding poultry, the conversion period is 12 months, cf. however subsection 2.

Subsection 2. Livestock for slaughter,

cf. subsection 1, may only be marketed as organic if the animals were born into a herd that has completed the conversion process or has begun conversion to organic agricultural production, cf. however subsections 3 and 4.

Subsection 3. By way of derogation from subsection 2, livestock for slaughter may be marketed as organic if the animal

- 1) originates from a holding that is authorised or has applied for authorisation for organic agricultural production before 18 April 2004,
- 2) is established on a holding before 18 April 2004, or not later than before the end of the fourth calendar year after the holding has began conversion, and
- 3) has gone through the conversion period, cf. subsection 1.

Subsection 4. In special cases, e.g. where the producer is subject to a compulsory livestock redevelopment e.g. to control of BSE, foot and mouth disease etc., the Plant Directorate may grant an exemption from the requirement in subsection 2 for the new stock.

Section 24. Poultry and eggs from poultry may only be marketed as organic if the birds are introduced into an organic production system before they are three days old.

Subsection 2. In the case of poultry for meat production, the conversion period is ten weeks.

Subsection 3. In the case of poultry for the production of eggs, the conversion period is six weeks.

Subsection 4. The Plant Directorate may, in special cases, grant dispensation from the rules concerning eggs in subsection 1 if the birds are introduced into an organic production system before they are 18 weeks old.

Section 25. In the case of livestock for the production of milk, the conversion period is six months.

Section 26. If organically reared livestock cannot be acquired, non-organic female animals that have not yet reproduced may be introduced, following the approval from the Plant Directorate, to supplement natural growth and to replenish a stock

- 1) subject to a maximum of 10% per year of adult female equine or bovine animals (including of the species bubalus and bison) and
- 2) 20% of the adult female porcine, ovine or caprine animals.

Subsection 2. These percentages may be increased to 40%, following approval from the Directorate, in the following special cases:

- 1) In the event of a significant expansion of the young stock.
- 2) If there is a change of breed.
- 3) If new enterprises are developed.

Section 27. In the event of an order concerning renewed conversion, cf. Section 7(1) of the Organic Act, the new conversion date together with a clear means of identifying the animals shall be entered in the logbook.

Section 28. In the case of re-conversion of livestock as a result of treatment with veterinary medicinal products, cf. Annex I, Part B point 5.8 of the Council Regulation, the new conversion date together with a clear means of identifying the animals shall be entered in the logbook.

Chapter 10

Feed

Section 29. It is permissible to mix in-conversion feedingstuffs in proportions of up to an average of 30% of the feed

rations.

Subsection 2. When in-conversion feedingstuffs come from the holding's own units, this percentage can be increased up to 60%.

Subsection 3. The proportions in subsections 1 and 2 are stated in percent of dry matter content of feedingstuffs of agricultural origin. The dry matter percentage is calculated per animal per day.

Section 30. If the producer cannot obtain feed that is wholly organically produced, the rules laid down in the Council Regulation stating that a certain percentage of non-organic feed is permissible shall apply, cf. however, Section 32 a.

Subsection 2. This percentage shall be calculated per animal per day as a percentage of dry matter contained in feedingstuffs of agricultural origin.

Section 31. Pigs shall have free access to roughage.

Subsection 2. Poultry shall be given roughage during all daily hours in such quantities and distributed in such a way that all animals are ensured access.

Subsection 3. Fresh forage, hay, silage, root crops, leaves and fruit and vegetable remains are classed as roughage in accordance with subsections 1 and 2.

Section 32. The feeding of young mammals shall be based on natural milk, preferably maternal milk.

Subsection 2. Mammals shall be fed on natural milk for the following minimum periods:

- 1) Three months in the case of bovines including bubalus and bison species and equidae.
- 2) 45 days in the case of ovines and caprines.

3) Piglets must not be weaned from the sow before they are 49 days old.

Feed for ruminants

Section 32 a. When ruminants are fed using feed of agricultural origin, this shall be organic. However, the provisions of Section 29 shall apply, *mutatis mutandis*, to feed for ruminants.

Subsection 2. Notwithstanding the provision in subsection 1, the following non-organic feedingstuffs can be used if they cannot be obtained as organic:

- 1) feed materials used as carrier substances in premixtures containing vitamins and micro minerals;
- 2) powders and plants extracts.

Subsection 3. The Plant Directorate can grant dispensation from the provision in subsection 1, if it can be substantiated that

- 1) the necessary feed cannot be obtained as organic; and
- 2) the feed is necessary to satisfy the animals' food requirement at the various physiological stages.

Chapter 11

Welfare, disease prevention and veterinary treatment

Section 33. The animals' living conditions shall be adapted to their salutary, biological and behavioural needs.

Subsection 2. In order to safeguard the welfare of the animals, cf. subsection 1, in accordance with the needs of the various animals, it shall be ensured as a minimum that

- 1) the animals have ready access to feeding places and to fresh drinking water.
- 2) provisions are made for the animals' natural movement and behaviour patterns,
- 3) the animals have the opportunity to

carry out skin, hair, fur and feather care,

4) all animals have unimpeded access to a sufficiently large, draught-free lying area that is provided with plenty of clean and dry litter,

5) the size of the flock must not have a negative influence on the animals' behaviour,

6) the insulation, heating and ventilation of the stall building shall ensure that air circulation, noise level, temperature, relative humidity and gas concentration are kept within such limits that will not be causing any inconvenience for the animals,

7) there is plenty of natural ventilation and natural light in the stall building, and

8) dead animals are removed immediately.

Subsection 3. Open-air areas, chicken runs and chicken yards shall, depending on the climatic conditions and the species and breed concerned, provide adequate protection against rain, wind, sun, extreme temperatures and predators.

Section 34. The producer shall ensure that animals that are outside during the winter or under winter-like conditions and without access to a stall, shall

1) have access to a shelter or a building in which all animals can lie down at the same time in a draught-free, dry lying area covered with plenty of bedding,

2) have developed a strong and tightly packed coat of fur or plumage and are in good condition,

3) are given additional feed to maintain their good condition, and

4) have access to fresh drinking water at all times.

Subsection 2. However, the producer may deviate from the provision in subsection 1 point 1 in the case of horse breeds like Icelandic horses and Shet-

land ponies, cattle breeds like Scottish Highland, Angus, Galloway and Hereford as well as all breeds of sheep, if the animals are kept on large areas

- 1) on which there is a plantation providing a high level of both shelter and protection against precipitation, and
- 2) which has a lying area with a well-drained floor such as for example a thick layer of spruce needles.

Section 35. Irrespective of the size of the holding, it is prohibited to stake or tether livestock either outside or in the stall, cf. however subsections 2 and 3.

Subsection 2. In special cases, the Plant Directorate may grant dispensation from the rule in subsection 1 for a limited period if the producer can show that this is necessary for the animals' safety and welfare.

Subsection 3. Until 31 December 2010, cattle over 6 months old may be tied in buildings (tying stalls), if

- 1) the holding was authorised or had applied for authorisation for organic agricultural production before 24 August 2000,
- 2) the buildings were built before 24 August 2000, and
- 3) the animals have access to daily exercise in a suitable exercise area and rearing takes place in line with animal welfare requirements in buildings with good littering as well as individual management.

Section 36. Cows that are not on pasture, when they are due to calve, shall be stalled loose on a dry and littered lying area, e.g. a calving box.

Subsection 2. If the calving requires help, the cow may be temporarily bound.

Subsection 3. After calving, the cow and

calf shall remain together undisturbed for at least 24 hours.

Section 37. The calf's need for suckling shall be satisfied during the milk feeding period.

Section 38. No training shackles, electric cowslip, electric fence, charged wire etc. may be used in the stall.

Subsection 2. In special cases, the Plant Directorate may grant dispensation from the rule in subsection 1 for a limited period if the producer can show that this is necessary for the animals' welfare.

Section 39. Transportation times between organic holdings for organic livestock must not exceed 8 hours in total, including loading and unloading.

Subsection 2. Animals that are not normally bound must not be bound during transportation.

Subsection 3. Livestock shall be transported in the same groups as they were in before transportation.

Subsection 4. If different groups of livestock are to be transported in the same lorry, the groups shall be kept separate by means of partitioning. This shall also apply in case of individual animals.

Section 40. Operations such as attaching rubber bands to the tails of sheep, tail-docking, cutting of teeth and dehorning may not be carried out systematically in organic animal husbandry.

Subsection 2. The Plant Directorate may, however, permit some of these operations for reasons of safety, e.g. dehorning of young animals, or if they are intended to improve the health, welfare or hygiene of the livestock. Such operations however must be carried out at the most appropriate age by qualified personnel and any suffering of the animals must be reduced as much as possi-

ble.

Subsection 3. Beaks of poultry must not be clipped or smoothened (beak trimmed).

Subsection 4. When poultry is purchased, the invoice or breeder report shall state that the animals have not had their beaks trimmed.

Section 41. Treatment with veterinary drugs must only be carried out after ordination by a veterinary surgeon.

Subsection 2. Follow-up treatment with veterinary drugs shall be given under the responsibility of a veterinary surgeon. The packaging of the medicine shall indicate the period of treatment.

Subsection 3. Treatment and follow-up treatment using antibiotics and medicine containing chemotherapeutics shall be carried out by a veterinary surgeon. However, this shall not apply to follow-up treatment of single animals in the case of calves less than 6 months old and pigs.

Subsection 4. On completion of the treatment, veterinary medicine shall be removed immediately from the agricultural holding.

Section 42. In organic animal husbandry, the following products may be used following diagnosis and with instructions from a veterinary surgeon: paraffin oil, calcium propionate, sodium propionate and copper sulphate.

Chapter 12

Mammals

Section 43. Subject to the provisions in Section 45, all mammals shall have access to pasturage or open-air runs which may be partially covered, and they shall be able to use those areas whenever the physiological condition of the animal,

the weather conditions and the state of the ground permit, unless there are community or other national requirements relating to specific animal health problems that prevent this.

Subsection 2. If the animals are put in a run, this run shall be arranged so that nutrients are not leaching.

Section 44. Herbivores and pigs, with the exception however of pigs that are to be fattened after weaning, shall have access to pasturage whenever weather conditions allow, cf. however Section 45, and for a minimum of 150 days during the summer (15 April to 1 November). For each individual animal, the date from which and to which the animal has had access to pasturage shall be noted in the logbook.

Subsection 2. The animals may, however, be kept in stalls for short periods if the requirement for 150 days is met and if it is recorded in the logbook on an ongoing basis which animals are kept in stalls and the reason for this.

Subsection 3. Young animals may also be stalled indoors during the suckling period.

Subsection 4. Calves less than 6 months old may be kept in stalls after 1 September.

Subsection 5. Where herbivores have access to pasturage during the grazing period (minimum of 150 days during the summer from 15 April to 1 November) and where the winter-housing system provides free movement, the requirement to provide open-air runs during the winter months may be waived.

Subsection 6. Notwithstanding subsection 1, bulls over one year old must have access to pasturage or open-air runs, cf. however, Section 45.

Section 45. Animals which become sick or are injured may be kept in stalls as part of their treatment and shall, where necessary, be isolated in suitable housing.

Subsection 2. The livestock shall be stalled in an area that complies with the minimum requirements pertaining to indoor areas and shall as a minimum be large enough for the animal to lie down outstretched on their side and turn round easily.

Subsection 3. The dates of the start and end of stalling as a result of sickness shall be noted in the logbook on an ongoing basis for the individual animal.

Section 46. Sections 47-49 may, for a transitional period expiring on 31 December 2010, be applied in place of Section 43(1), Section 44(1) and the requirements in Annex VIII point 1 of the Council Regulation concerning the minimum surface areas indoors and outdoors and other characteristics of housing by the following holdings with livestock production:

1) The holding was authorised or had applied for authorisation for organic agricultural production before 24 August 1999, and

a) whose existing buildings and runs were erected before 24 August 1999, and

b) on this date met the requirements concerning organic stock farming contained in Order No 210 of 6 April 1998 on organic agricultural production, as amended.

2) The holding was authorised or had applied for authorisation for organic agricultural production before 24 August 2000, and

a) whose stall buildings and runs were erected after 24 August 1999, provided that the building work was registered

with the municipality before 24 August 1999 and the building was erected before 24 August 2000, and

b) on this date met the requirements concerning organic stock farming contained in Order No 757 of 3 October 1999 on organic agricultural production, as amended.

Subsection 2. Holdings on which alterations, new construction or other major change to existing stalls or runs is going to be carried out, including a change in the production line in the buildings, will no longer be covered by the interim arrangement in subsection 1 with regard to the stalls and/or runs concerned, where the conditions have changed.

Section 47. Holdings covered by the interim arrangement, cf. Section 46, shall, when stalling their mammals, ensure that the animals' biological and behavioural needs are satisfied, including that the animals, in accordance with the needs of the various animal groups, have access to an indoor area and an outdoor run which is sufficiently large for all animals

1) have freedom of movement to stand naturally,

2) can lie down at the same time, turn round, groom themselves, assume all natural postures and make all natural movements.

Subsection 2. Areas and runs shall be sufficiently large as to ensure that the size of the flock does not have a negative influence on well-being.

Section 48. In their production of slaughter pigs, holdings covered by the interim arrangement, cf. Section 46, may, after weaning, use sty systems with associated outdoor runs instead of different outdoor areas.

Subsection 2. The pigs shall have unim-

peded access to the run all year round. The run may be completely covered.

Subsection 3. The run shall be sufficiently large so all animals can stay in it and are able to move naturally.

Subsection 4. Exchange of air and temperature in the run shall correspond to the outdoor climate.

Subsection 5. The pigs shall have the opportunity to lie in a draught-free lying area.

Section 49. On holdings covered by the interim arrangement, cf. Section 46, and where, during the summer period, the production of slaughter pigs, after weaning, is taking place on pasturage, so that the animals have access to pasturage for at least 150 days during the summer period (15 April to 1 November), stalling of slaughter pigs during the six winter months may take place indoors without access to an open-air run.

Chapter 13

Poultry

General and definitions

Section 50. Chickens which are to be used for egg production are named as young poultry up to the 18th week of life.

Subsection 2. In the case of young poultry, the available outdoor area shall be at least 1 m² per animal.

Section 51. Slow-growing slaughter chicken breeds are defined as chickens with an average rate of growth not exceeding 35 g per animal per day. Slow-growing turkey breeds are defined as turkeys with an average rate of growth not exceeding 90 g per animal per day.

Runs and stalls

Section 52. In stall buildings for poultry at least one third of the floor area shall be solid, that is not of slatted or of grid construction, and be covered with sand, soil, turf or similar material so that it can be used as a dust bathing area.

Subsection 2. In poultry houses for laying hens, a sufficiently large part of the area available to the hens shall be designated to the collection of their droppings.

Subsection 3. In stall buildings for young poultry, the stocking density must not exceed 15 animals per m² or 21 kg live weight per m².

Subsection 4. Stall buildings for young poultry, slaughter chickens and laying hens shall be provided with perches for all animals. In the case of laying hens, the perches shall be at least 18 cm per animal. For guinea fowl the perches shall be at least 20 cm per animal.

Subsection 5. In stall buildings for laying hens, the nesting boxes shall be lined with litter, plastic mats or similar material.

Section 53. Stall buildings for poultry shall have entry/exit pop-holes of a size adequate to the birds, and these pop-holes must have a combined length of at least 4 m per 100 m² of the housing area available to the birds at any time.

Subsection 2. The entry/exit pop-holes shall be evenly distributed in relation to the outside area, so that the whole flock can get out unimpeded.

Subsection 3. If the stall is fitted with a solid additional building of fixed construction with a width of at least 1 m, which the birds have unimpeded access to 24 hours a day, the size of the entry/exit pop-holes between the inner stall and the additional building shall be

at least 1.5 m per 100 m² of housing area available to the birds at any time. The additional building has to be able to be shut to the outside area.

Section 54. Each poultry house must not contain more than

- 1) 4 800 slaughter chickens,
- 2) 4 800 young poultry,
- 3) 3 000 laying hens,
- 4) 5 200 guinea fowl,
- 5) 4 000 Muscovy or Peking ducks (female) or 3 200 Muscovy or Peking ducks (male) or other ducks, or
- 6) 2 500 capons, geese or turkeys.

Section 55. The total usable area of poultry houses for meat production on any single production unit must not exceed 1 600 m².

Section 56. Sections 57 and 58 may, for a transitional period expiring on 31 December 2010, be applied instead of Section 53 and Section 54 points 2 and 3, and the requirements in Annex VIII point 2 of the Council Regulation concerning the minimum surface areas indoors and outdoors and other characteristics of housing by the following holdings with livestock production:

- 1) The holding was authorised or had applied for authorisation for organic agricultural production before 24 August 1999, and
 - a) whose existing buildings were erected before 24 August 1999, and
 - b) on this date met the requirements concerning organic stock farming contained in Order No 210 of 6 April 1998 on organic agricultural production, as amended.
- 2) The holding was authorised or had applied for authorisation for organic agricultural production before 24 August 2000, and
 - a) whose stall buildings were erected

after 24 August 1999, provided that the construction was registered with the municipality before 24 August 1999 and the building was erected before 24 August 2000, and

b) on this date met the requirements concerning organic animal husbandry contained in Order No 757 of 3 October 1999 on organic agricultural production, as amended.

Subsection 2. Holdings on which alterations, new construction or other major change to existing stalls is carried out, including a change in the line of production in the buildings, will no longer be covered by the interim arrangement in subsection 1 with regard to the stalls concerned, where the conditions have changed.

Section 57. On holdings covered by the interim arrangement, cf. Section 56, stall buildings for poultry (with the exception of ducks and young poultry) shall have entry/exit pop-holes of a size adequate for the birds, and these pop-holes must have a combined length of at least 4 m per 100 m² area of the housing area available to the birds at any time.

Subsection 2. The entry/exit pop-holes shall be evenly distributed over the entire stall, so that the whole flock can get out unimpeded. If the stocking density in the stall is below the maximum limit, the requirement for entry/exit pop-holes may be reduced proportionally.

Subsection 3. If the stall is fitted with a solid additional building of fixed construction with a width of at least 1 m, which the birds have unimpeded access to 24 hours a day, the size of the entry/exit pop-holes between the inner stall and the structural addition shall be at least 1.5 m per 100 m² of housing area available to the birds at any time.

The additional building has to be able to be shut to the outside area.

Section 58. For holdings with laying hens that are covered by the interim arrangement, cf. Section 56, the flock size must not exceed 4 500 animals per stall or outdoor area.

Section 59. Poultry shall, when fully feathered at around 6-7 weeks old, have access to an attractive outdoor area when the weather conditions permit, and shall, whenever possible, have such access for at least one third of their life.

Subsection 2. Notwithstanding subsection 1, poultry less than 9 weeks old may be kept inside during the period between 1 October and 15 April.

Subsection 3. The outdoor area shall be covered with vegetation, provide adequate shelter and provide the birds with easy access to an adequate number of drinking and feeding troughs.

Subsection 4. The outdoor area shall be arranged so that the distance to the nearest entry pop-hole into the stall never exceeds 150 m.

Subsection 5. The Plant Directorate can grant dispensation from the requirement in subsection 4 so that the distance can be increased to 350 m, on condition that, among other things, drinking water is provided in the outdoor area.

Section 60. For health reasons, buildings must be emptied of livestock between each batch of poultry reared. The buildings and fittings are to be cleaned and disinfected during this time.

Subsection 2. Stalls and pens shall remain empty between batches of poultry for at least 14 days. Where mobile housing without a floor is used and where the housing is moved in connection with a change of stock, the housing shall be

left empty for at least 24 hours.

Subsection 3. The pens shall be changed on outdoor areas for poultry. The outdoor area shall be left free of poultry every other year, cf. however subsection 7, so that the vegetation can re-establish itself and the risk of infection is reduced.

Subsection 4. If a producer has a stock of laying hens for more than 12 months, the pen change may be postponed so that there is a maximum of 15 months between pen changes.

Subsection 5. The requirement for a period when the housing is left empty and for a pen change does not apply in the case of small poultry flocks in commercial animal husbandry which are not kept in pens and which can move freely all day.

Subsection 6. When the pen is changed, the whole of the old pen shall be closed off and the birds shall be shut into a new pen, cf. however subsection 7.

Subsection 7. In the case of poultry, a gradual pen change may take place where the old pen is gradually closed off and, at the same time, the animals are given access to a comparable new pen if

- 1) the total outdoor area used in the pen change is at least twice the minimum outdoor area per bird,
- 2) the birds still have access to the minimum area,
- 3) the outdoor area is covered by forest, plantation or similar vegetation,
- 4) the pen change is arranged so that, within a year, the birds have had access to the total outdoor area,
- 5) adjustment of the pen shall be carried out not later than half way through the production period, and
- 6) the adjustment of the pen is recorded in the logbook.

Welfare

Section 61. In the case of laying hens and young poultry:

- 1) the mortality rate must not exceed 1.2 percent per month,
- 2) no more than 75 percent of the birds must be slightly plucked,
- 3) no more than 5 percent of the birds must be very plucked and
- 4) no more than 0.5 percent of the birds must have bleeding wounds.

Subsection 2. Dead animals shall be removed immediately and the number noted in the logbook, stating the suspected cause of death.

Section 62. In poultry stalls, there shall be sufficient natural light, cf. Section 33(2) point 7, for it to be possible to read a general text in at least half of the stall.

Subsection 2. Daylight in the poultry stall may be supplemented by artificial lighting so that it is light for up to 16 hours a day with a continuous nightly resting period without artificial lighting of at least 8 hours.

Subsection 3. In individual cases, the Plant Directorate may grant dispensation for a limited period from the rule in subsection 1 if the producer notes specific problems with the welfare of the animals in the flock, such as

- 1) the animals laying too early,
- 2) feather pecking, and
- 3) cannibalism.

Subsection 4. The application for dispensation shall include a plan to redress the welfare problems.

Section 63. In poultry stalls, the ammonia concentration, cf. Section 33(2) points 6 and 7, must not exceed 25 ppm.

Part II

Enterprises

Section 64. An undertaking is understood in this order any natural or legal person who produces, prepares, stores or imports from a third country the following products with a view to the subsequent marketing thereof, or who markets such products which bear, or are intended to bear, indications referring to the organic production method:

- 1) unprocessed agricultural crop products; furthermore animals and unprocessed animal products, to the extent that principles of production and special inspection rules for them are introduced in Annexes I and III of the Council Regulation;
- 2) feedingstuffs, compound feedingstuffs and feed materials not covered under point 1, and
- 3) manure and soil improvers, etc.

Subsection 2. Undertakings which produce, prepare, store or import from a third country the following products only with a view to the subsequent marketing thereof, or which market such products which bear, or are intended to bear, indications referring to the organic production method, shall not be subject to subsection 1:

- 1) products intended for consumption, and
- 2) feedingstuffs containing animal products intended for dogs, cats or other pets.”

Section 64 a. Undertakings as referred to in Section 64 shall be authorised by the Danish Plant Directorate.

Subsection. 2. Irrespective of whether an undertaking has some of the aforementioned activities carried out by a third party, the undertaking remains subject to subsection 1, and the

activities of the third party shall be subject to the inspection system referred to in Article 9 of the Council Regulation.

Subsection 3. Subsection 1 shall not apply to undertakings which sell ready-packed and ready-labelled products only direct to the final consumer or user, unless the products are imported from a third country.

Section 65. An application for authorisation of an enterprise shall be submitted on a form provided by the Plant Directorate.

Subsection 2. The Directorate shall authorise an enterprise if, on the basis of the description of the enterprise submitted, the Directorate has established that the production is organised and can be carried out in accordance with the provisions of this Order and the Council Regulation. The authorised enterprise will be assigned an authorisation number.

Subsection 3. If an enterprise consists of several operationally separate units, each unit shall be authorised individually. Operationally separate enterprises with common commercial ownership shall be authorised separately. An enterprise's remote storehouses shall be registered under the enterprise's authorisation number. If the enterprise establishes new remote storehouses, this fact shall be notified immediately to the Directorate in writing.

Section 66. The enterprise shall arrange and carry out production in accordance with the provisions of this Order and the Council Regulation.

Subsection 2. Authorisation shall be granted before the enterprise receives treats or sells agricultural products as organic.

Section 67. An authorised enterprise shall check and keep accounts of the purchase, storage and sale of organic products, stating type and quantity, date of purchase or sale and the name, address and authorisation number of purchasers and sellers of out- and incoming batches, respectively. The accounts shall be kept by the enterprise for at least 5 years.

Subsection 2. An authorised enterprise registered in accordance with the Order on plants shall state in a plant list which plant batches are organic.

Section 68. Each year before 15 February, the enterprise shall report, on a form provided by the Plant Directorate, information on the enterprise's anticipated production etc. during that same calendar year.

Subsection 2. Significant changes, including cessation of organic production or a change to the enterprise's name or registration, shall be reported immediately in writing to the Directorate.

Section 69. Authorised cereal seeds or seed enterprises notifying a batch of organic cereal seeds or seeds of other field crops for field inspection in accordance with the Order on cereal seed or the Order on seeds of other field crops shall state in the notification the name, address and authorisation number of the authorised organic farmers responsible for growing the cereal seed or seed.

Subsection 2. The notification shall be based on a written contract with the grower and shall be sent in due time to the Plant Directorate.

Part III

Common provisions

Chapter 14

Labelling and sale

Section 70. Provisions on sale shall apply accordingly to the offer for sale, including advertising and display on signs, distribution, supply or any other form of transfer to a third party with or without remuneration. The provisions concerning sale shall also apply to possession in order to sale.

Section 71. Products covered by this Order that are packed and labelled as organic shall, when sold by an authorised agricultural holding or enterprise, be marked with the Plant Directorate's organic code number of inspection: "DK-Ø-50". The code number of inspection, the product's organic status and a reference to the organic production method shall be included on the label, invoice and delivery note.

Section 72. An authorised agricultural holding may label unprocessed foodstuffs produced on its own holding in accordance with the provisions of the Order on organic foodstuffs and sell them direct to the final consumer. Reference to the organic production method on the label may be supplemented by the Ø-logo in accordance with the Order on organic foodstuffs.

Section 73. Manure from livestock kept under organic conditions and plant material from organic areas may be labelled and sold as organic.

Subsection 2. Manure and soil improvers etc. referred to in Annex II Part A of the Council Regulation may only be sold with the indication: "Non-organic product which may be used in organic

agricultural production in accordance with the guidelines in Council Regulation (EC) No 2092/91" if a reference to the organic production method is requested.

Subsection 3. Plant protection products etc. listed in Annex II Part B of the Council Regulation which are approved by the Ministry of the Environment and Energy may only be sold with the indication: "Non-organic product which may be used in organic agricultural production in accordance with the guidelines in Council Regulation (EC) No 2092/91" if a reference to the organic production method is requested.

Section 74. If documentation exists verifying the organic status of a batch and if the batch is to be exported out of the country, the Plant Directorate will, on request, provide a declaration stating that the batch is covered by the Directorate's organic inspection.

Chapter 15

Import

Section 75. The import from third countries of organic products described in this Order shall be carried out in accordance with Article 11 of the Council Regulation.

Subsection 2. The importer of organic products from not approved third countries shall, prior to import, have obtained permission from the Plant Directorate for marketing and use in organic agricultural production.

Subsection 3. All imports shall be notified in advance to the Plant Directorate prior to arrival in Denmark. Notification shall be given at least 24 hours and at least one full working day prior to the products being presented for release.

Subsection 4. Import documents shall be

verified by the Plant Directorate before the products are released.

Chapter 16

Inspection and publication

Section 76. The Plant Directorate and The Regional Veterinary and Food Control Authority shall carry out inspections in respect of compliance with the provisions of the Order and with the provisions of the Council Regulation.

Subsection 2. The Plant Directorate may publish results and sanctions on the basis of the inspections. Publication may include names and addresses of enterprises authorised in accordance with Section 65(2), and may happen before the administrative options for appeal have been exhausted, fines have been meted out or a final judgment has been passed. Publication may occur on a continual basis in electronic form.

Chapter 17

Appeal

Section 77. Appeal against decisions taken by the Plant Directorate in accordance with this Order shall be lodged within four weeks of the date of receipt of the decision. The appeal shall be addressed to the Ministry of Food, Agriculture and Fisheries and be sent to the Plant Directorate.

Subsection 2. Irrespective of whether a decision is being appealed against, cf. subsection 1, the Plant Directorate may reopen the case if the Directorate considers there to be a possibility that new information relating to the case may lead to a different decision.

Chapter 18

Penalties

Section 78. Contravention of Section 1,

Section 3(5), Section 4(3) and (4), Section 5(1)-(6), Sections 6-12, Section 14(1) and (2), Section 15(2), Sections 16-17, Section 18(1), (2) and (4), Sections 19-22, Section 23(2) and (3), Section 24(1), Sections 26-43, Section 44(1), (2) and (6), Section 45, Section 47, Section 48(2)-(5), Section 50(2), Sections 52-55, Sections 57-59, Section 60(1)-(3) and (5)-(7), Section 61, Section 62(1)-(3), Section 63, Section 64 a(1), Section 65(3), Sections 66-69, Section 71, Section 73(2) and (3), Section 75, Sections 80-82 and of the provisions in the Council Regulation shall be punished with a fine.

Subsection 2. Criminal liability may be incurred on companies etc. (legal entities) in accordance with Chapter 5 of the Penal Code.

Chapter 19

Entry into force and transitional provisions

Section 79. This Order shall enter into force on 18 April 2004, with the exception of Section 16(3)-(5), Section 17 as well as Section 20(4) and (5), which shall enter into force on 1 August 2004, cf. Sections 80-82.

Subsection 2. Order No 697 of 16 July 2000 on organic agricultural production shall be rescinded.

Section 80. The following shall apply until 1 August 2004: In the case of supply and receipt of nitrogen, cf. Section 16(1) and (2), documentation shall be present in the form of a dated invoice or delivery note, signed by the recipient and the supplier. The documentation shall be present on the holding not later than the date of receipt or supply of nitrogen. The documentation shall be kept on the holding for at least 5 years.

Section 81. The following shall apply until 1 August 2004: Agricultural holdings with an annual VAT-registered turnover of at least DKK 20,000 shall be registered, submit fertiliser accounts and produce a field and manure plan in accordance with the rules in Section 2 and Section 22, respectively, of the Act on agricultural use of fertiliser and plant cover. The field and manure plans shall

be present at all times on the agricultural holding and available for viewing during an inspection visit.

Section 82. The following shall apply until 1 August 2004: The organic unit and the non-organic unit, cf. Section 20(1)-(3) shall each be registered under their own CVR or SE number.

The Plant Directorate, 2 April 2004

OLE P. KRISTENSEN

/ Birthe Schubart