

COMMISSION REGULATION (EC) No 1488/97

of 29 July 1997

amending Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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⁽¹⁾, as last amended by Commission Regulation (EC) No 418/96⁽²⁾, and in particular Article 13 thereof,

Whereas, in accordance with Article 7 (1a) of Regulation (EEC) No 2092/91, the conditions provided for in Article 7 (1) of that Regulation do not apply to products which were in common use before the adoption of that Regulation according to the codes of practice on organic farming followed in the Community;

Whereas several Member States have communicated the relevant information to the Commission with regard to the products which were in common use in organic farming on their territory before 24 June 1991 and are not included in Annex II to Regulation (EEC) No 2092/91; whereas they have also indicated that those products are still authorized in the Member State concerned in agriculture in general; whereas after examination of the requests of the Member States, it has appeared appropriate to include at this stage the product 'clays' as additional soil conditioner and the following products as plant protection products: azadirachtin, beeswax, certain copper compounds, ethylene, gelatine, potassium alum, lime sulphur, lecithin, extract from *Nicotiana tabacum*, microorganism preparations, mineral oils, potassium permanganate and quartz sand;

Whereas in this context certain products (compost household waste, industrial lime from sugar refinery) in traditional use in new Member States (Austria, Finland, Sweden) should also be included;

Whereas, moreover, some Member States have requested that certain other fertilizers, plant protection products and other products used in agriculture be included in Annex II to Regulation (EEC) No 2092/91 in order to permit the use of these products in organic farming; whereas, after examination of those requests, it has been found that the

requirements of Article 7 (1) of that Regulation are satisfied for diammonium phosphate, and for certain pyrethroids as these products are only accepted when used in traps and for hydrolysed proteins when they are used in traps or in authorized applications in combination with other plant protection products in Section B of Annex II to Regulation (EEC) No 2092/91;

Whereas the inclusion of household compost waste, industrial lime from sugar refinery, extract from *Nicotiana tabacum*, copper compounds, mineral oils, methaldehyde traps and pyrethroid traps should be limited to a period of five years, pending the results of another examination with a view to further refining the requirements or the possible replacement of those products by other solutions; whereas that reexamination should be started as soon as possible on the basis of further information to be submitted by the Member States interested in maintaining these products;

Whereas for certain fertilizers and for all plant protection products, restrictive use conditions and/or compositional requirements need to be established; whereas in particular for copper compounds and for the *Nicotiana tabacum* extract, it is appropriate that the further restriction of the use conditions to certain crops and for pests be explored as soon as possible and by not later than 30 June 1999;

Whereas it has appeared that certain plant protection products in Section B of Annex II to Regulation (EEC) No 2092/91 are not used and therefore could be deleted from that Annex;

Whereas certain Member States have requested the addition of certain products in Annex VI to Regulation (EEC) No 2092/91 and the inclusion of more restrictive conditions of use for certain products of non-agricultural origin already included in that Annex; whereas, after examination, it has been found that those requests satisfy the requirements laid down in Article 5 (4) of Regulation (EEC) No 2092/91 and of Article 2 of Commission Regulation (EEC) No 207/93⁽³⁾, as amended by Regulation (EC) No 345/97⁽⁴⁾;

Whereas a period of grace should be allowed for the disposal of stocks of products which are deleted or authorized only under restrictive conditions;

⁽¹⁾ OJ No L 198, 22. 7. 1991, p. 1.

⁽²⁾ OJ No L 59, 8. 3. 1996, p. 10.

⁽³⁾ OJ No L 25, 2. 2. 1993, p. 5.

⁽⁴⁾ OJ No L 58, 27. 2. 1997, p. 38.

Whereas Regulation (EEC) No 2092/91 should be amended accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and VI to Regulation (EEC) No 2092/91 shall be amended in accordance with the Annex to this Regulation.

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

Done at Brussels, 29 July 1997.

Article 2

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

The products listed in Section B of Annex II and Sections B and C of Annex VI to Regulation (EEC) No 2092/91 before the date of entry into force of this Regulation may continue to be used under the previously applicable conditions until existing stocks are exhausted but not later than 31 March 1998.

Products set out in Annexes II and VI to Regulation (EEC) No 2092/91 under more restrictive conditions than those before the date of entry into force of this Regulation, may continue to be used under the previously applicable conditions until existing stocks are exhausted but not later than 31 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

1. Section A of Annex II to Regulation (EEC) No 2092/91 is amended as follows:

(a) The title is replaced by the following:

'Fertilizers and soil conditioners'.

(b) The following is included in the heading of the Annex under the title:

'General conditions for all the products:

— use in accordance with provisions of Annex I,

— use only in accordance with the provisions of fertilizer legislation applicable within each Member State.'

(c) The following product is inserted after 'Liquid animal excrements':

Name	Description; compositional requirements; conditions for use
'— Composted household waste.	Compost of source separated household waste; only vegetable and animal waste; produced in a closed and monitored collection system, accepted by the Member State; maximum concentrations in mg/kg of dry matter: Cadmium: 0,7; Copper: 70; Nickel: 25; Lead: 45; Zinc: 200; Mercury: 0,4; Chromium (total): 70; Chromium (VI): 0 (*); only during a period expiring on 31 March 2002; need recognized by the inspection body or inspection authority.

(* Limit of determination'

(d) The following product is inserted after 'peat':

Name	Description; compositional requirements; conditions for use
'Clays (e.g. perlite, vermiculite, etc.)'	

(e) The following is added in the column 'description; compositional requirements; conditions for use' with regard to the products mentioned hereunder:

Name	Description; compositional requirements; conditions for use
'Fur	maximum concentration in mg/kg of dry matter of Chromium (VI): 0 (*)

(* Limit of determination.'

(f) The product 'Seaweeds and seaweed products' and its 'Description, compositional requirements, and conditions for use' is replaced by the following:

Name	Description; compositional requirements; conditions for use
'Seaweeds and seaweeds products	As far as directly obtained by: (i) physical processes including dehydration, freezing and grinding; (ii) extraction with water or aqueous acid and/or alkaline solution; (iii) fermentation; need recognized by the inspection body or inspection authority'

(g) The following products are added after 'Calcium sulphate (gypsum)':

Name	Description; compositional requirements; conditions for use
'Industrial lime from sugar production	Need recognized by the inspection authority or inspection body; only during a period expiring on 31 March 2002.'

2. Section B of Annex II to Regulation (EEC) No 2092/91 is replaced by the following:

'B. PRODUCTS FOR PLANT PROTECTION

General conditions applicable for all the products composed or containing the following active substances:

- use in accordance with provisions of Annex I,
- only in accordance with the specific provisions of the plant protection product legislation applicable within the Member State where the product is used (where relevant (*)).

I. Substances of crop or animal origin

Name	Description; compositional requirements; conditions for use
Azadirachtin extracted from <i>Azadirachta indica</i> . (Neem tree)	Insecticide; only to be used on mother plants for the production of seeds and on parent plants for the production of other vegetative reproductive material, and on ornamental crops.
(*) Beeswax	Pruning agent
Gelatine	Insecticide
(*) Hydrolysed proteins	Attractant; only in authorized applications in combination with other appropriate products of this Annex II, part B.
Lecithin	Fungicide
Extract (aqueous solution) from <i>Nicotiana tabacum</i>	Insecticide; only against aphids in subtropical fruit trees (e.g. oranges, lemons) and tropical crops (e.g. bananas); use only at the start of the vegetation period; need recognized by the inspection body or inspection authority; only during a period expiring 31 March 2002.
Plant oils (e.g. mint oil, pine oil, caraway oil).	Insecticide, acaricide, fungicide and sprout inhibitor.
Pyrethrins extracted from <i>Chrysanthemum cinerariaefolium</i> .	Insecticide
Quassia extracted from <i>Quassia amara</i> .	Insecticide, repellent
Rotenone extracted from <i>Derris spp.</i> and <i>Lonchocarpus spp.</i> and <i>Terphrosia spp.</i>	Insecticide; need recognized by the inspection body or inspection authority.

(*) In certain Member States the products market with (*) are not considered as plant protection products and are not subject to the provisions of the plant protection products legislation.

II. Microorganisms used for biological pest control

Name	Description; compositional requirements; conditions for use
Microorganisms (bacteria, viruses and fungi) e.g. <i>Bacillus thuringensis</i> , <i>Granulosis virus</i> , etc.	Only products not genetically modified in the meaning of Directive 90/220/EEC ⁽¹⁾ .

(¹) OJ No L 117, 8. 5. 1990, p. 15.

III. Substances to be used in traps and/or dispensers

General conditions:

- the traps and/or dispensers must prevent the penetration of the substances in the environment and prevent contact of the substances with the crops under cultivation.
- the traps must be collected after use and disposed of safely

Name	Description; composition requirements; conditions for use
(¹) Diammonium phosphate	Attractant; only in traps
Metaldehyde	Molluscicide; only in traps containing a repellent to higher animal species; only during a period expiring 31 March 2002.
Pheromones	Insecticide, attractant; in traps and dispensers.
Pyrethroids (only deltamethrin or lambda-cyhalothrin)	Insecticide; only in traps with specific attractants; only against <i>Batrocera oleae</i> and <i>Ceratitis capitata wied</i> ; need recognized by the inspection body or inspection authority. only during a period expiring on 31 March 2002;

(¹) In certain Member States the products marked with (*) are not considered as plant protection products and are not subject to the provisions of the plant protection products legislation.

IV. Other substances from traditional use in organic farming

Name	Description; compositional requirements; conditions for use
Copper in the form of copper hydroxide, copper oxychloride, (tribasic) copper sulphate, cuprous oxide	Fungicide; only during a period expiring on 31 March 2002; need recognized by the inspection body or inspection authority

Name	Description; compositional requirements; conditions for use
(*) Ethylene	Degreening bananas
Fatty acid potassium salt (soft soap)	Insecticide
(*) Potassium alum (Kalinite)	Prevention of ripening of bananas
Lime sulphur (Calcium polysulphide)	Fungicide, insecticide, acaricide; only for winter treatments in fruit trees, olive trees and vines.
Paraffin oil	Insecticide, acaricide
Mineral oils	Insecticide, fungicide; only in fruit trees, vines, olive trees and tropical crops (e.g. bananas); only during a period expiring on 31 March 2002; need recognized by the inspection body or inspection authority.
Potassium permanganate	Fungicide, bactericide; only in fruit trees, olive trees and vines.
(*) Quartz sand	Repellent
Sulphur	Fungicide, acaricide, repellent

(*) In certain Member States the products marked with (*) are not considered as plant protection products and are not subject to the provisions of the plant protection products legislation.

3. Annex VI to Regulation (EEC) No 2092/91 is amended as follows:

(a) Subsection A.5 (Minerals — including trace elements — and vitamins) is replaced by the following:

'A.5 Minerals (trace elements included), vitamins, aminoacids and other nitrogen compounds

Minerals (trace elements included), vitamins, aminoacids and other nitrogen compounds, only authorized as far their use is legally required in the foodstuffs in which they are incorporated.'

(b) Section B is amended as follows:

(i) The specific condition with regard to Sodium hydroxide is replaced by the following:

— Sugar production

— oil production from rape seed (*Brassica spp*) only during a period expiring on 31 March 2002'.

(ii) The following product is inserted after 'Sodium carbonate':

Name	Specific conditions
'Citric acid	oil production and hydrolysis of starch'

(c) In Section C, the following product is deleted from subsection C.2.3:

'Lemon juice'.