

The Danish Plant Directorate



# Administrative Order on organic farming in Denmark

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Danish Ministry of Food, Agriculture and Fisheries

## **Introduction**

The Danish Administrative Order on Organic Farming contains only the provisions necessary for the administration of the EC Regulation 2091/92 on Organic Farming. However, with the accept of the EU-Commission Denmark by Administrative Order no. 821 of 31 August, 2000 has laid down certain stricter production provisions compared to the EC Regulation.

## Administrative Order on Organic Farming

(Authorization of Farms etc.)

Pursuant to § 2, § 8, and § 12, subs. 2, of act No. 118 of 3rd March, 1999, Act on Ecology, and by order, the following is provided:

### *Authorization and Running of Farms*

**§ 1.** Agricultural products produced in this country which have been or are to be provided with declarations referring to the Organic production method, cf. EEC Council regulation No. 2092/91 on organic production method for agricultural products and on declaration of same on agricultural products and foods with subsequent amendments (the council regulation) shall be produced on a farm authorized by the Danish Plant Directorate.

**§ 2.** An application for authorization shall be in the hands of the Danish Plant Directorate not later than December 31 if the redistribution of areas has commenced after September 1 or is intended to commence not later than the following 31st August, and an application is simultaneously filed for an area grant to order on grants for organic farming.

*Subs. 2.* An application for authorization shall be in the hands of the Directorate not later than March 31 if authorization only is applied for.

*Subs. 3.* Redistribution of areas may only commence from the 1st of the month.

*Subs. 4.* Redistribution of livestock may not commence until after the expiry of the time limit for application at the earliest, cf., however, subs. 5.

*Subs. 5.* If the redistribution of livestock as well as areas is implemented simultaneously to the provisions of the Council regulation, appendix I, part B, item 2.3, the redistribution may commence as from September 1 before the time limit for application.

*Subs. 6.* Regardless of subs. 1 and 2, an application for authorization of production of eggs and poultry and of greenhouse production may be filed throughout the year. Redistribution to this provision may commence at the earliest when the Directorate has received the application.

*Subs. 7.* Application for authorization shall be submitted on a form designed by the Directorate and shall state when the redistribution has commenced, or is intended to commence.

*Subs. 8.* Pursuant to § 4, subs. 3, the Directorate may reject an application for authorization in case of serious or repeated infringement of this order or of the Council regulation.

**§ 3.** There shall be a plan for the redistribution of the entire farm land, including leased areas, and of the livestock production. Such plan shall be certified by a consultant approved for this purpose by the Special Committee for Ecology. It shall appear from such plan that the provisions of subs. 2 and 3 will be met.

*Subs. 4.* The redistribution of the farm shall commence not later than on August 1 after the application has been filed, cf. § 2.

*Subs. 3.* The entire farm shall have been redistributed or have commenced redistribution before the end of the 4th calendar year after the commencement of the redistribution. Areas or livestock added by way of purchase or leasing after the 4th calendar year of the redistribution shall be redistributed immediately.

*Subs. 4.* Processing and packing rooms may form part of an authorized farm if nothing but storage, cleaning or packaging of the farm's own organic agricultural products is undertaken.

**§ 4.** The Danish Plant Directorate shall grant authorization when the Directorate has found that the farm production has been organized and is carried out to the provisions of this order and of the Council regulation, including the production provisions in the appendices to these.

*Subs. 2.* The Directorate may extend or shorten the redistribution periods for areas provided in the Council regulation, allowing for the previous use of the areas.

*Subs. 3.* Shortened redistribution time according to subs. 2, in connection with agreements made with public authorities on preservation of areas, following or redistribution of areas according to the rules on environmentally friendly farming measures entailing that the area has not been sprayed or enriched with anything but livestock manure for at least one year, shall be conditional upon an application for registration of this being in the hands of the Directorate not later than March 31 after the end of the agreement period. If such application is filed after the expiry of the agreement period, soil cultivation, application of fertilizer, and grazing of the areas registered may not take place until at the earliest two months after the application for registration has been received by the Danish Plant Directorate.

**§ 5.** Already from the time of commencing the redistribution, the owner or the user shall organize and run the production to the provisions of this order and of the Council regulation, including the production provisions of the appendices to these.

*Subs. 2.* Until December 31, 2003, The Danish Plant Directorate may permit the use of non-organic seeds, seed corn, and asexual reproduction material to the provisions of the Council regulation, article 6, subs. 3, item a.

*Subs. 3.* Regardless of the size of the registered area of the farm, field and fertilizing plans shall be prepared, as well as fertilizing accounts for all the areas of the farm to the provisions of order on the use by the farm of fertilizer and of plant cover. Such plans shall be available at the farm at all times. Fertilizing plans and fertilizing accounts shall be kept at the farm for at least five years.

**§ 6.** The owner or the user may only sell the farm products with reference to the organic production method if these have been made to the provisions of this order and of the Council regulation, including the production provisions in the appendices to these, and the redistribution of the particular production has been completed.

**§ 7** The owner or the user shall keep accounts of the origin, nature, and volume of raw materials and auxiliary constituents and the use of same as well as of the nature, volume, and receivers of all outgoing organic products. Information about receiver shall, however, not be registered when selling to the end buyer.

*Subs. 2.* When using non-organic feedstuffs or redistribution feed, a feed plan shall be prepared and updated, showing the exact statement of volume and solids content of the feedstuffs used.

*Subs. 3.* The owner or the user shall be in a position to produce a statement from seller to the effect that non-organic raw materials and auxiliary constituents do not contain genetically modified material. The Danish Plant Directorate may accept other documentation.

*Subs. 4.* The owner or the user shall be in a position to produce an updated list of the farm stock, including inflow and outflow of animals.

*Subs. 5.* If the owner or the user has delivered a consignment of organic farm products for processing or storage in an enterprise not authorized to § 11, and has had the consignment returned after processing, the owner or the user shall be able to produce a statement from the enterprise to the effect that such consignment has been processed and stored separately from similar consignments of non-organic products.

*Subs. 36.* Information to subs. 1-5 shall be available at all times at the farm and shall be produceable at control visits.

**§ 8.** Each year before March 31, the owner or the user shall in a form designed by the Danish Plant Directorate report information to the Directorate about

- 1) the farm plant production in the current growth season, including on areas, crop composition, and redistribution time,
- 2) the farm livestock production in the current calendar year, including on the size, composition, and redistribution time of the animal husbandry, and
- 3) areas new in relation to the redistribution plan or to the report to item 1 if the areas are planned to be redistributed in the period up to the 31st August in the same calendar year.

*Subs. 2.* Regardless of subs. 1, material changes in relation to the redistribution plan or to information reported, cf. subs. 1, shall be reported immediately in writing to the Directorate. Any change of the time for commenced redistribution of areas and livestock shall be reported in writing before commencing redistribution, and before the date stated in the redistribution plan or the report.

*Subs. 3.* If a farm changes owners, users, or responsible production managers, or if it ceases to run production and sales of organic products, the Directorate shall be notified of this immediately in writing.

**§ 9.** Irrespective of § 3, part of a farm may be authorized if it constitutes an operational unit with land, production and storage places, as well as accounts clearly separated from other units under the farm not to be authorized, and is VAT registered under its own CVR or SE number. The provisions of §§ 1 - 8 and §§ 17 - 27 shall apply similarly.

**§ 10.** Honey given declarations referring to the organic production method, cf. the Council regulation, shall be produced in a bee garden meeting the requirements of the Council regulation appendix I, part C, item 4, on placing of bee gardens, and authorized by the Danish Plant Directorate.

*Subs. 2.* The provisions of § 2, subs. 1, 2, and 6, § 4, subs. 1, and §§ 5 -8 shall apply similarly for organic bee-keeping.

#### *Authorization and Operation of Enterprises*

**§ 11.** The following enterprises shall be authorized by the Danish Plant Directorate to this order before they may process, store or sell said products as organic with a view to use for organic farming

- 1) Enterprises registered to the orders on seed corn, field seeds, vegetable seeds, plants or feedstuffs, respectively,
- 2) enterprises authorized to order on potatoes,
- 3) enterprises selling fertilizer and soil amelioration agents etc. for authorized farms, and
- 4) enterprises selling feed grain and other whole seed in bulk to authorized farms or other enterprises.

*Subs. 2.* Subs. 1 shall not apply to enterprises solely buying and selling ready-packaged and ready-marked products.

*Subs. 3.* Subs. 1 shall not apply to enterprises solely receiving consignments of organic products for drying, cleaning and similar and storage for other parties provided the consignment is processed and stored separately from other similar consignments and is returned to the party who has delivered it for processing or for storing, cf. § 7, subs. 5.

**§ 12.** Application for authorization of an enterprise shall be submitted in a form designed by the Danish Plant Directorate.

*Subs. 2.* The Directorate shall authorize an enterprise when based on a description of the enterprise submitted the Directorate has found that the production has been organized and may be run to the provisions of this order and of the Council regulation, under production conditions and to procedures ensuring that organic products may be processed and stored separately from non-organic products.

*Subs. 3.* If an enterprise consists of several operationally separated units, each unit shall be authorized separately. Operationally separated enterprises with a business joint ownership shall be authorized separately. The remote stores of an enterprise shall be registered under the authorization number of the enterprise. If the enterprise establishes new remote stores, this shall be reported immediately in writing to the Directorate.

*Subs. 4.* Pursuant to § 4, subs. 3, of the act, the Directorate may reject an application for authorization in case of serious or repeated infringement of this order or of the Council regulation.

**§ 13.** The enterprise shall organize and run the production to the provisions of this order and of the Council regulation.

*Subs. 2.* Authorization shall have been granted before the enterprise receives, processes or sells farm products as organic.

**§ 14.** An authorized enterprise shall keep control and accounts of purchases, stocks, and sales of organic products, stating the nature and volume, date of purchase and sale, as well as the name and address and authorization number of buyer and seller of incoming and outgoing consignments, respectively. Such accounts shall be kept at the enterprise for at least five years.

*Subs. 2.* An authorized enterprise shall be in a position to produce a statement from seller to the effect that non-organic raw materials and auxiliary constituents used in the production of organic products marked by the enterprise with reference to the organic production method do not contain genetically modified material. The Danish Plant Directorate may approve other documentation.

*Subs. 3.* An authorized enterprise registered to the order on plants shall, in a list of plans, state which plant consignments are organic.

**§ 15.** Each year before February 15, the enterprise shall report, in a form designed by the Danish Plant Directorate, information on the expected production etc. of the enterprise in the same calendar year.

*Subs. 2.* If an authorized company changes CVR or SE numbers, or if it ceases to run production and sales of organic products, this shall be reported immediately in writing to the Directorate.

**§ 16.** An authorized seed corn or seed enterprise registering a consignment of organic seed corn or field seeds for field control to the order on seed corn or field seeds, respectively, shall in the registration state the name, address, and authorization number of the authorized organic farmers handling the growing.

### *Marking and Sales*

§ 17. The provisions of this order on sales shall also apply to supply for sales as well as distribution, delivery or other form of assignment.

§ 18. Products covered by this order that are packed and marked as organic shall, when sold from an authorized farm or enterprise, be marked with the Danish Plant Directorate ecology control code: “DK-Ø-50”, cf. order on organic foods. The control code and a reference to the organic production method shall be stated in the invoice, delivery note and, for packed products, on the packaging.

§ 19. An authorized farm may mark unprocessed foods produced at own farm to the provisions of order on organic foods and sell these direct to the final user.

§ 20. If documentation is available for the organic status of a consignment, the Danish Plant Directorate shall, if the consignment is to be exported, upon request issue a statement to the effect that the consignment is covered by the ecology control of the Directorate.

§ 21. Pursuant to § 3, subs. 2, of the act, the Danish Plant Directorate may prohibit the selling of a product with reference to it having been produced to the organic production method if the product does not meet the directions of this order or of the Council order.

*Subs. 2.* Pursuant to § 3, subs. 3, of the act, the Danish Plant Directorate may forbid a person or an enterprise to sell, in a period which may not exceed five years, or otherwise negotiate products under reference to their having been produced to the organic production method if the person or the enterprise has committed a serious or frequently repeated infringement of provisions of the Council regulation or of this order.

### *Import*

§ 22. Import of products covered by this order from a state not included in the EEC list of states having production provisions approved as equalled with the production provisions of the Council regulation, and whose control scheme has been approved as equalled with the EEC control schemes, shall be conducted to article 11 of the Council regulation.

### *Complaint*

§ 23. Any complaint about the decisions made by the Danish Plant Directorate shall be filed within four weeks from the date of receiving the decision. Such complaint shall be addressed to the Ministry of Food, Agriculture and Fisheries, and shall be filed with the Danish Plant Directorate.

### *Control and Punishment*

§ 24. The Danish Plant Directorate shall run control that the provisions of the order and the provisions of the Council regulation covered by the order, including the provisions in the appendices to these, be kept. The control results of the Directorate shall be published.

**§ 25.** Pursuant to § 10 of the act, the Danish Plant Directorate shall, against due identification and without any court order, have access to farms and enterprises covered by this order, and to their accounts, ledgers etc. with a view to controlling that the provisions of this order and of the Council regulation have been met.

*Subs. 2.* Pursuant to § 11 of the act, he who runs a farm or other enterprise covered by this order shall offer the Directorate the required guidance and help for the running of the control and shall upon request issue the material mentioned in subs. 1 to the Directorate.

**§ 26.** Infringement of § 1, § 3, subs. 3, § 5, subs. 1 and 3, §§ 6 - 8, §§ 10 - 19, § 21 and § 25, subs. 2, and of the provisions of the Council regulation, shall be punishable by a fine.

*Subs. 2* Criminal liability may be imposed on companies etc. (legal entities) to chapter 5 of the Penal Code.

*Subs. 3.* Pursuant to § 7 of the act, the Danish Plant Directorate may order renewed redistribution of areas and livestock and may issue orders on arrangement and operation if it finds any infringements of the production provisions of this order or of the Council regulation. In connection with orders, the Directorate may request preparation of an action plan documenting how the order is expected to be fulfilled.

*Subs. 4.* Pursuant to § 4, subs. 1, 2, and 4, the Directorate may withdraw an authorization granted to § 4 or § 12 of this order if the terms for the authorization have not been met, and may establish terms for recovery of the authorization.

#### *Commencement and Transitional Provisions*

**§ 27.** The order shall come into effect on August 24, 2000.

*Subs. 2.* Order No. 757 of 3rd October, 1999, on organic farm production, though not § 13, § 15, § 16, subs. 2, and § 25, is repealed.

*Subs. 3.* Farms with animal production whose existing buildings were erected prior to August 24, 1999, and on said date met the requirements of order No. 757 of 3rd October, 1999, appendix 3, on animal husbandry, shall first meet the requirements of the Council regulation, appendix I, part B, item 8.3.1, item 8.4.3. on arrangement of runs and stables, and in appendix VIII, item 1 and item 2, on use intensities from January 1, 2011.

*Subs. 4.* Subs. 3 shall apply similarly for livestock buildings erected after August 24, 1999, if the building work has been registered with the local council prior to August 24, 1999, and the buildings have been erected prior to August 24, 2000.

*Subs. 5.* Enterprises authorized after August 24, 2000, to § 9 of the order mentioned in subs. 2, and being covered by the provision of § 12.,subs. 3, shall apply for authorization to this provision before December 1, 2000. Other authorizations granted prior to August 24, 2000, shall be maintained without renewed application.

*Danish Plant Directorate, the 16th July, 2000*

Mogens Nagel Larsen

/Henrik Wanscher

## **Administrative Order on Amendment of Order on Organic Farming<sup>1)</sup>**

### **§ 1**

In order No. 697 of 16th July, 2000, on organic farming, the following amendments are made:

**1.** After § 19 insert as new §§ 19 A, 19 B, 19 C, and 19 D:

**“§ 19 A.** Manure from livestock under organic production conditions and vegetable material from organic areas may be marked and sold as organic.

*Subs. 2.* Fertilizers and correctives etc. mentioned in the Council regulation, appendix II, part A, may be sold with the declaration: “Non-organic product which may be used for organic farming to the guidelines of Council regulation No. 2092/91”.

*Subs. 3.* Pesticides etc. mentioned in the Council regulation, appendix II, part B, approved by the Ministry of the Environment and Energy may be sold with the declaration: “Non-organic product which may be used in organic farming to the guidelines of Council regulation No. 2092/91”.

**§ 19 B.** Feedstuffs treated with ionizing radiation may not be used.

**§ 19 C.** Animal feedstuffs produced on an organic area may be marked and sold as organic feed.

*Subs.2.* Feedstuffs from areas in which the production provisions of the Council regulation, appendix I, have been met for at least 12 months before harvesting may be sold as “Redistribution Feed”. For one-year crops, the redistribution of the area shall have commenced before the establishment of the crop and at least 12 months before harvesting.

**§ 19 D.** Feed mixes may be marked and sold as organic provided

- a) at least 95% of the feed mix ingredients of farming origin derives from either organically produced vegetable feedstuffs or organically produced animal feedstuffs mentioned in Council regulation appendix II, part C, item 2.1, and
- b) the non-organic part of the ingredients of farming origin consists only of feedstuffs mentioned in Council regulation appendix II, part C item 1 and 2.1, and
- c) in addition to this products and additives have been added to the feed mix only as mentioned in the Council regulation appendix II, part C, item 2.2. or part D.

*Subs. 2.* Feed mixes may be marked and sold with one or both of the following declarations:

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1) The order has been notified to the provisions of the European Parliament and Council Directive No. 98/34/EC, (EFT 1998, L 204, p. 37), on an information procedure with regard to technical standards and specifications.

- 1) “x per cent organic”, “x” indicating the percentage of the organic content made up in solids, provided the conditions of subs. 1 have been met except for the percentage requirement of 95 per cent,  
and
- 2) “x per cent redistribution feed”, “x” indicating the percentage of the redistribution feed content made up in solids, provided the conditions of subs. 1 have been met except for the percentage requirement of 95 per cent and the requirement that the organic products have been produced on fully redistributed areas.

*Subs. 3.* The organic origin of feedstuffs in feed mixes shall be stated for each particular feedstuff and shall with the declaration of the total share of the organic feedstuffs be declared clearly separated from the marking prescribed in order on feedstuffs. The percentage of organic feed and redistribution feed , respectively, shall be stated in the invoice and the marking label.”

2. After § 24 insert as new § 24 A:

“§ 24 A. The provisions of appendix 2 supplement or substitute the provisions of the Council regulation, appendix I, part B, cf. the Council regulation, article 12, second part.

*Subs. 2.* The Danish Plant Directorate may in special cases and under special conditions exempt from the provisions of appendix 2.”

§ 3. § 26, *subs. 1*, to be phrased as under:

“*Subs.1.* Infringement of § 1, § 3, *subs. 3*, § 5, *subs. 1 and 3*, §§ 6 - 8, §§ 10 - 19 D, § 21, § 25, *subs. 2*, and appendix 1 and the provisions of the Council regulation shall be punishable by a fine”.

§ 4. The enclosed appendix s to be inserted as *appendix 1*.

## § 2

This order shall come into effect on August 24, 2000.

*Subs. 2.* Order No. 757 of 3rd October, 1999, is repealed.

**Supplementary Provisions**

(To § 4, subs. 2, § 5, subs. 1, and § 6)

**Stricter Requirements, cf. the Council regulation, article 12, part 2**

The provisions below supplement or substitute the provisions of the Council regulation, appendix I, part B:

- 1) The text of item 2.2.1, part 1 and 2, to be replaced by the following text:  
“- For animals for meat production, however, not poultry purchased under 3 days old, the redistribution time shall be 12 months.”
- 2) The text of item 2.2.1, part 5, to be replaced by the following text:  
“-60 days for poultry for production of eggs.”
- 3) Item 2.2.2 shall not apply.
- 4) The text of item 3.8. to be replaced by the following text:  
“Within a maximum per year of 10 per cent of the grown cattle and 20 per cent of the grown pigs, sheep or goats, to supplement the natural growth and for renewal of the livestock, female animals deriving from non-organic fattening may be inserted. The animals purchased shall for cattle be less than one year old, for sheep and goats less than six months, for pigs be less than 25 kg. Horses purchased may not yet have foaled.”
- 5) In item 4.4 , the following text to be inserted after the last clause:  
“The solids percentage to be calculated per animal per day. Farms that have redistributed in the period of September 1, 1997, to April 1, 2000, may calculate the solids percentage of the feed part as the average of the period of August 24, 2000, to August 24, 2001”.
- 6) The text of item 4.8., clause 3, to be replaced by the following text:  
“The solids percentage to be calculated per animal per day. Farms that have redistributed in the period of September 1, 1997, to April 1, 2000, may calculate the solids percentage of the feed part as the average of the period of August 24, 2000, to August 24, 2001”.
- 7) The text of item 4.11 to be replaced by the following text:  
“4.11 pigs shall have free access to coarse fodder. Poultry shall have daily access to coarse fodder in a volume and distribution so as to ensure access for all animals. Coarse fodder shall be understood to be fresh greens, hay, silage, root crops, beet pellets, leafage, as well as fruit and vegetable scraps.”
- 8) In item 5.4, insert as new items d and e:  
“d. After treatment with chemotherapeutics- & antibiotics-containing drugs may only be conducted by a veterinary. This does, however, not apply to single animal treatment of calves aged less than two months and pigs if specific dates of use have been stated on the packaging.  
e. Medicine that may not be used to item c may not be available on the farm.”
- 9) The text of item 5.6. to be replaced by the following text:  
“On the property, current registration shall be made in a log book of all use of veterinary medicine, and of any other use of pest control agents. The log book shall contain information on which animals (including the number of animals) have been treated, the dates of the beginning and close of treatment (including retention time), which drugs have been used, the reason for the treatment, dosing, mode of treatment, and who has performed the treatment, as well as the name and address of the supplier if the preparations used are over-the-counter drugs.

- 10) In subparagraph 6.1.8 the following text is added after the last clause:  
"Dressage hoops and electric fences may not be used in barns. The sucking need of calves shall be covered when the calves are less than eight weeks old".
- 11) In subparagraph 6.1.9 the following text is added after the last clause:  
"Broilers shall always be of a slow-growing race.  
A slow-growing race is defined here as chickens with a growth rate which may not exceed 30 g per day."
- 12) In subparagraph 6.2.1 the following text is added after the last clause:  
"The transport time for ecological animals between ecological farms may not exceed a total of eight hours."
- 13) The text of subparagraph 7.1 is replaced by the following text:  
"7.1. Applying from the plan period of 2001/2002, the total fertilizer volume may not exceed 140 kg N per ha. per plan period, cf. order on the use of fertilizer by farms. The share of non-ecological fertilizer may amount to max. 70 kg N per ha."
- 14) The text of subparagraph 7.4 is replaced by the following text:  
"7.4 Ecological farms may establish a cooperation with other ecological farms and businesses with a view to the application of surplus fertilizer from the farm.  
The max. limit of 140 kg N per ha. per plan period shall in such cases be observed at each particular farm covered by such cooperation."
- 15) In subparagraph 8.1.1. the following text is added after the last clause:  
"In poultry buildings the ammonia concentration may not exceed 25 ppm."
- 16) In subparagraph 8.1.2 the following text is added after the last clause:  
"Animals staying out in the winter half-year shall have access to shelter, allocating supplementary feed, the lair shall be dry and bedded, and throughout the year there shall be access to fresh drinking water."
- 17) In subparagraph 8.3.1 the last sentence shall be replaced by the following text:  
"8.3.1. If the animals are in a run, the latter shall be arranged so that nutrients will not be washed down. Herbivores and pigs, though not porkers which have been weaned, shall, weather permitting, have access to grass areas, and for minimum 150 days in the summer period (15th April to 1st November). The animals may, however, be kept in stalled for brief periods if the requirement for 150 days is met, and if it is currently recorded in the log book which animals are stalled, and the reason why they are stalled."
- 18) The text of 8.3.4 shall not apply.
- 19) In subparagraph 8.3.6. the following shall be inserted after the last clause: "Cattle in stanchion barns shall have access to daily exercise."
- 20) In subparagraph 8.3.7. the following text is added after the last clause:  
"The cows shall if they are not turned to grass at the calving stage be stalled untethered on a dry and bedded bed (for instance a calving box). If the calving needs help, the cow may be tied temporarily. After the calving the cow and the calf shall be together through at least 24 hours. The sucking need of the calf shall be covered. Wherever possible, the calf shall be moved to a joint box four weeks after its birth, and not later than eight weeks after its birth."
- 21) In subparagraph 8.3.8. the following text is added after the last clause:  
"Piglets may not be weaned from the sow until they are seven weeks old."
- 22) In subparagraph 8.4.6 the following text is added after the last clause:  
"The idling period between two poultry flocks shall be at least two weeks. The outside area shall be free of poultry for one year between each poultry flock. For production of slaughtering poultry a change of pen may alternatively be established on the area every two years."