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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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas:

- (1) Regulation (EEC) No 2092/91 ⁽⁴⁾ provide that the Commission is to put forward proposals before 30 June 1995 concerning the principles for, and specific inspection measures covering, organic production of livestock, unprocessed livestock products and products intended for human consumption containing ingredients of animal origin;
- (2) Demand for organically produced agricultural products is rising and consumers are increasingly attracted by such products;
- (3) Livestock production allows that range of products to be extended and permits the development on agricultural holdings practising organic farming of complementary activities accounting for a major share of income;
- (4) This Regulation harmonises rules of production, labelling and inspection for the most relevant livestock species; for species, other than aquatic species, for

which no rules of production are developed in this Regulation, it is appropriate for consumer protection to harmonise at least the labelling requirements and the inspection system; for agriculture products such rules should be developed as soon as possible;

- (5) Moreover, livestock production is fundamental to the organisation of agricultural production on organic-production holdings in so far as it provides the necessary organic matter and nutrients for cultivated land and accordingly contributes towards soil improvement and the development of sustainable agriculture;
- (6) In order to avoid environmental pollution, in particular of natural resources such as the soil and water, organic production of livestock must in principle provide for a close relationship between such production and the land, suitable multiannual rotation systems and the feeding of livestock with organic-farming crop products produced on the holding itself;
- (7) In order to prevent pollution of water by nitrogenous compounds, organic-production livestock holdings should have appropriate storage capacity and plans for the spreading of solid and liquid livestock effluents;
- (8) Pastoral stockfarming carried out in accordance with the rules of organic farming is an activity particularly suited to the maintenance and exploitation of the potential of abandoned areas;
- (9) A wide biological diversity should be encouraged and the choice of breeds should take account of their capacity to adapt to local conditions;
- (10) Genetically modified organisms (GMOs) and products derived therefrom are not compatible with the organic production method; in order to maintain consumer confidence in organic production, genetically modified organisms, parts thereof and products derived therefrom should not be used in products labelled as from organic production;

⁽¹⁾ OJ C 293, 5.10.1996, p. 23.

⁽²⁾ OJ C 133, 28.4.1997, p. 29.

⁽³⁾ OJ C 167, 2.6.1997, p. 55.

⁽⁴⁾ OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 330/1999 (OJ L 40, 13.2.1999, p. 23).

- (11) Consumers should be given guarantees that the products have been produced in accordance with this Regulation; as far as technically possible, this should be based on the traceability of livestock products;
- (12) Livestock must be fed on grass, fodder and feedingstuffs produced in accordance with the rules of organic farming;
- (13) Under the present circumstances, stockfarmers may experience difficulty in securing supplies of feedingstuffs for organically reared livestock and therefore authorisation should provisionally be granted for a limited number of non-organically produced feedingstuffs to be used in restricted quantities;
- (14) In addition, in order to provide for the basic nutritional requirements of livestock, certain minerals, trace elements and vitamins may need to be used under well defined conditions;
- (15) Animal-health management should mainly be based on prevention, by measures such as appropriate selection of breeds and strains, a balanced high-quality diet and a favourable environment, in particular as regards rearing density, livestock housing and husbandry practices;
- (16) The preventive use of chemically-synthesised allopathic medicinal products is not permitted in organic farming;
- (17) However, when animals become sick or injured, they should be treated immediately by giving preference to phytotherapeutic or homeopathic medicinal products and by limiting to a strict minimum the use of chemically-synthesised allopathic medicinal products in order to guarantee the integrity of organic production for consumers it should be possible to take restrictive measures such as doubling the withdrawal period after use of chemically synthesised allopathic medicinal products;
- (18) In most cases livestock should have access to free-range exercise areas or grazing, weather conditions permitting, and such free-range areas should in principle be organised under an appropriate system of rotation;
- (19) Housing for all species of livestock should satisfy the needs of the animals concerned as regards ventilation, light, space and comfort and sufficient area should accordingly be provided to permit ample freedom of movement for each animal and to develop the animal's natural social behaviour;
- (20) Systematic operations which lead to stress, harm, disease or the suffering of animals during the production, handling, transport or slaughtering stages should be reduced to the minimum; however, specific interventions essential to certain types of production may be permitted; the use of certain substances to stimulate growth or modify breeding cycles is not compatible with the principles of organic farming;
- (21) The special features of beekeeping call for specific provisions, in particular to ensure that sources of pollen and nectar of adequate quality are available in sufficient quantities;
- (22) All operators marketing products of organically reared livestock should be subject to regular and uniform inspections; a register should be kept accessible at the holding and updated with details of livestock arriving at and leaving the holding and any treatment administered;
- (23) Regional differences in agricultural and climatological conditions call for certain transitional periods for certain practices, and regarding the characteristics of livestock buildings and installations;
- (24) The current diversity of established practices for organic production of livestock between the Member States requires that it should be possible for Member States to apply more restrictive rules for the livestock and livestock products produced in their territory;
- (25) The indications in the labelling, advertising material or commercial documents which are considered by the consumer as a reference to the organic production method are reserved by Regulation (EEC) No 2092/91 for products produced in accordance with that regulation;
- (26) Certain indications are generally considered by the consumer as a reference to the organic production method;
- (27) However, it is necessary to provide a transitional period in order to permit trade-mark holders to adapt their production to the requirements of organic farming, provided that such a transitional period is available only to trade marks bearing the aforementioned indications where application for registration was made before the publication of Regulation (EEC) No 2092/91 and that the consumer is informed appropriately of the fact that the products are not produced according to the organic production method,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2092/91 is hereby amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

1. This Regulation shall apply to the following products, where such products bear, or are intended to bear, indications referring to the organic production method:

- (a) unprocessed agricultural crop products; also livestock and unprocessed livestock products, to the extent that principles of production and specific inspection rules for them are introduced in Annexes I and III;
- (b) processed agricultural crop and livestock products intended for human consumption prepared essentially from one or more ingredients of plant and/or animal origin;
- (c) feedingstuffs, compound feedingstuffs and feed materials not covered under subparagraph (a) as from the entry into force of this Regulation referred to in paragraph 3.

2. By way of derogation from paragraph 1, where the detailed production rules are not laid down in Annex I for certain animal species, the rules provided for labelling in Article 5 and for the inspections in Articles 8 and 9 shall apply for these species and the products therefrom, with the exception of aquaculture and aquaculture products. Pending the inclusion of detailed production rules, national rules or in the absence thereof private standards accepted or recognised by the Member States shall apply.

3. The Commission shall, not later than 24 August 2001, propose a regulation in accordance with the procedure in Article 14 providing for labelling requirements as well as inspection requirements and precautionary measures for products mentioned in paragraph (1)(c), as far as these requirements are related to the organic production method.

Pending the adoption of the Regulation referred to in the first subparagraph for the products mentioned in paragraph (1)(c), national rules in conformity with Community law or, in the absence thereof, private standards accepted or recognised by the Member States shall apply.;

2. Article 2 shall be replaced by the following:

'Article 2

For the purpose of this Regulation, a product shall be regarded as bearing indications referring to the organic

production method, where, in the labelling, advertising material or commercial documents, such a product, its ingredients or feed materials are described by the indication in use in each Member State, suggesting to the purchaser that the product, its ingredients or feed materials have been obtained in accordance with the rules of production laid down in Article 6 and in particular the following terms or their usual derivatives (such as bio, eco etc.) or diminutives, alone or combined, unless such terms are not applied to agricultural products in foodstuffs or feedingstuffs or clearly have no connection with the method of production:

- in Spanish: ecológico,
- in Danish: økologisk,
- in German: ökologisch, biologisch,
- in Greek: βιολογικό,
- in English: organic,
- in French: biologique,
- in Italian: biologico,
- in Dutch: biologisch,
- in Portuguese: biológico,
- in Finnish: luonnonmukainen,
- in Swedish: ekologisk.;

3. Article 3 shall be replaced by the following:

'Article 3

This Regulation shall apply without prejudice to other Community provisions or national provisions, in conformity with Community law, concerning products specified in Article 1, such as provisions governing the production, preparation, marketing, labelling and inspection, including legislation in foodstuffs and animal nutrition.;

4. The definition 'preparation' in Article 4(3) shall be replaced by the following:

'3) "preparation" shall mean the operations of preserving and/or processing of agricultural products (including slaughter and cutting for livestock products), and also packaging and/or alterations made to the labelling concerning the presentation of the organic production method of the fresh, preserved and/or processed products.;

5. The following definitions shall be added to Article 4:

'11. "livestock production" shall mean the production of domestic or domesticated terrestrial animals (including insects) and aquatic species farmed in

- fresh, salt or brackish water. The products of hunting and fishing of wild animals shall not be considered as organic production;
12. "genetically modified organism (GMO)" shall mean any organism as defined in Article 2 of Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms (*);
 13. "GMO derivative" shall mean any substance which is either produced from or produced by GMOs, but does not contain them;
 14. "use of GMOs and GMO derivatives" shall mean use thereof as foodstuffs, food ingredients (including additives and flavourings), processing aids (including extraction solvents), feedingstuffs, compound feedingstuffs, feed materials, feed additives, processing aids for feedingstuffs, certain products used in animal nutrition (under Directive 82/471/EEC (**), plant protection products, veterinary medicinal products, fertilisers, soil conditioners, seeds, vegetative reproductive material and livestock;
 15. "veterinary medicinal products" shall mean products as defined in Article 1(2) of Council Directive 65/65/EEC of 26 January 1965 on the approximation of provisions laid down by law, regulation or administrative action relating to medicinal products (***);
 16. "homeopathic veterinary medicinal products" shall mean products as defined in Article 1(1) of Council Directive 92/74/EEC of 22 September 1992, widening the scope of Directive 81/851/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to veterinary medicinal products and laying down additional provisions on homeopathic veterinary medicinal products (****);
 17. "feedingstuffs" shall mean products as defined in Article 2(a) of Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs (*****);
 18. "feed materials" shall mean products as defined in Article 2(a) of Council Directive 96/25/EC of 29 April 1996 on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC (*****);
 19. "compound feedingstuffs" shall mean products as defined in Article 2(b) of Directive 79/373/EEC;
 20. "feed additives" shall mean products as defined in Article 2(a) of Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs (*****);
 21. "certain products used in animal nutrition" shall mean nutritional products within the scope of Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition;
 22. "organic-production unit/holding/stockfarm" shall mean a unit, holding or stockfarm complying with the rules of this Regulation;
 23. "organically-produced feedingstuffs/feed materials" shall mean feedingstuffs/feed materials produced in accordance with the rules of production laid down in Article 6;
 24. "in-conversion feedingstuffs/feed materials" shall mean feedingstuffs/feed materials complying with the rules of production laid down in Article 6, except for the conversion period where those rules apply for at least one year before the harvest;
 25. "conventional feedingstuffs/feed materials" shall mean feedingstuffs/feed materials not covered by the categories mentioned in paragraphs 23 and 24.
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- (*) OJ L 117, 8.5.1990, p. 15. Directive as last amended by Directive 97/35/EC (OJ L 169, 27.6.1997, p. 72).
- (**) OJ L 213, 21.7.1982, p. 8. Directive as last amended by Directive 1999/20/EC (OJ L 80, 25.3.1999, p. 20).
- (***) OJ 22, 9.2.1965, p. 369. Directive as last amended by Directive 93/39/EEC (OJ L 214, 24.8.1993, p. 22).
- (****) OJ L 297, 13.10.1992, p. 12.
- (***** OJ L 86, 6.4.1979, p. 30. Directive as last amended by Directive 98/87/EC (OJ L 318, 27.11.1998, p. 43).
- (***** OJ L 125, 23.5.1996, p. 35. Directive as amended by Directive 98/67/EC (OJ L 261, 24.9.1998, p. 10).
- (***** OJ L 270, 14.12.1970, p. 1. Directive as last amended by Commission Regulation (EC) No 45/1999 (OJ L 6, 21.1.1999, p. 3).;
6. the following subparagraph shall be added to Article 5(3):
 - (h) the product has been produced without the use of genetically modified organisms and/or any products derived from such organisms.;
 7. the following paragraph shall be inserted in Article 5:
 - 3a. By way of derogation from paragraphs 1 to 3, trade marks which bear an indication referred to in Article 2, may continue to be used until 1 July 2006 in the labelling

and advertising of products which do not comply with this Regulation provided that:

- registration of the trade mark was applied for before 22 July 1991 — and in Finland, Austria, and Sweden before 1 January 1995 — and is in conformity with the First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (*), and
- the trade mark is already reproduced with a clear, prominent, and easily readable indication that the products are not produced according to the organic production method as prescribed in this Regulation.

(*) OJ L 40, 11.2.1989, p. 1. Directive as amended by Decision 92/10/EEC (OJ L 6, 11.1.1992, p. 35).;

8. the beginning of Article 5(5) shall read as follows:

‘5. Crop products labelled or advertised in accordance with paragraphs 1 or 3 may bear indications referring to conversion to the organic production method, provided that:’;

9. Article 5(5)(d) shall be replaced by the following:

‘(d) the product contains only one crop ingredient of agricultural origin.’;

10. The following subparagraph shall be added to Article 5(5):

‘(f) the product has been produced without the use of genetically modified organisms and/or any products derived from such organisms.’;

11. The following subparagraph shall be added to Article 5(5a):

‘(i) the product has been produced without the use of genetically modified organisms and/or any products derived from such organisms.’;

12. Article 5(10) shall be replaced by the following:

‘10. In a product as referred to in Article 1(1), paragraphs (a) and (b), an ingredient obtained according to the rules laid down in Article 6 shall not be present together with the same ingredient not obtained according to those rules.’;

13. Article 6(1) shall be replaced by the following:

‘1. The organic production method implies that for the production of products referred to in Article 1(1)(a) other than seeds and vegetative propagating material:

(a) at least the requirements of Annex I and, where appropriate, the detailed rules relating thereto, must be satisfied;

(b) only products composed of substances mentioned in Annex I or listed in Annex II may be used as plant protection products, fertilisers, soil conditioners, feedingstuffs, feed materials, compound feedingstuffs, feed additives, substances used in animal nutrition under Directive 82/471/EEC, cleaning and disinfecting products for livestock buildings and installations, products for pest and disease control of livestock buildings and installations or for another purpose where such purpose is specified in Annex II in regard to certain products. They may be used only under the specific conditions laid down in Annexes I and II in so far as the corresponding use is authorised in general agriculture in the Member States concerned in accordance with the relevant Community provisions or national provisions in conformity with Community law;

(c) only seed or vegetative propagating material produced by the organic production method referred to in paragraph 2 is used;

(d) genetically modified organisms and/or any product derived from such organisms must not be used, with the exception of veterinary medicinal products.’;

14. Article 6(2) shall be replaced by the following:

‘2. The organic production method implies that for seeds and vegetative reproductive material, the mother plant in the case of seeds and the parent plant(s) in the case of vegetative propagating material have been produced:

(a) without the use of genetically modified organisms and/or any products derived from such organisms, and

(b) in accordance with subparagraphs (a) and (b) of paragraph 1 for at least one generation or, in the case of perennial crops, two growing seasons.’;

15. in Article 6(3)(a) and (b) the date ‘31 December 2000’ shall be replaced by ‘31 December 2003’;

16. in Article 6(4) the date 31 December 1999 shall be replaced by 31 December 2002;

17. the introductory sentence of Article 7(1) and subparagraph (a) shall be replaced by the following:

‘1. Products not authorised at the date of adoption of this Regulation for a purpose indicated in Article 6(1)(b) may

be included in Annex II, provided that the following conditions are satisfied:

(a) if they are used for the purpose of plant pest or disease control or for cleaning and disinfecting livestock buildings and installations:

— they are essential for the control of a harmful organism or a particular disease for which other biological, cultural, physical or breeding alternatives are not available, and

— the conditions for their use preclude any direct contact with the seed, the crop, crop products or livestock and livestock products; however, in the case of perennial crops, direct contact may take place, but only outside the growing season of the edible parts (fruits) provided that such application does not indirectly result in the presence of residues of the product in the edible parts, and

— their use does not result in, or contribute to, unacceptable effects on, or contamination of, the environment;

18. in Article 7, the following paragraph shall be inserted:

'1b. With regard to minerals and trace elements used in animal nutrition, additional sources for these products may be included in Annex II provided that they are of natural origin or failing that, synthetic in the same form as natural products.'

19. in Article 9(11) the words 'of 26 June 1989' shall be deleted.

20. the following paragraph shall be added to Article 9:

'12. (a) For livestock meat production Member States shall ensure, without prejudice to the provisions of Annex III, that the inspections relate to all stages of production, slaughter, cutting and any other preparation up to the sale to the consumer to ensure as far as technically possible the traceability of livestock products through the production, processing and any other preparation chain from the unit of production of the livestock until the unit of final packaging and/or labelling. They shall inform the Commission together with the report on supervision referred to in Article 15, on the measures taken and their follow-up.

(b) For other livestock products different from meat, further provisions to ensure, as far as technically possible, traceability will be set out in Annex III.

(c) In any event the measures taken under Article 9 shall ensure that consumers are given guarantees that the products have been produced in accordance with this Regulation.'

21. in Article 11(6)(a) the date '31 December 2002' shall be replaced by '31 December 2005'.

22. the following subparagraph shall be added to Article 12:

'However, with regard to the rules referred to in Annex I, part B, concerning livestock production, Member States may apply more stringent rules to livestock and livestock products produced within their territory, provided that these rules are in compliance with Community law and do not prohibit or restrict the marketing of other livestock and livestock products that meet the requirements of this Regulation.'

23. Article 13 shall be replaced by the following:

'Article 13

The following may be adopted in accordance with the procedure laid down in Article 14:

— detailed rules for applying this Regulation;

— amendments to Annexes I to IV, VI, VII and VIII;

— amendments to Annex V in order to define a Community logo to accompany or replace the indication that products are covered by the inspection scheme;

— restrictions and implementation measures for applying the derogation as referred to in Article 6, (1) (d) for veterinary medicinal products;

— implementation measures according to scientific evidence or technical progress to apply the prohibition on the use of GMOs and GMOs derivatives with regard, in particular, to a *de minimis* threshold for unavoidable contamination which shall not be exceeded.'

24. the following Article shall be added after Article 15:

'Article 15a

In respect of the measures set out in this Regulation, particularly those to be implemented by the Commission,

with a view to meeting the objectives laid down in Articles 9 and 11 and the technical annexes, the necessary appropriations shall be set aside each year during the budgetary procedure.';

25. Annexes I, II, III and VI shall be amended, and Annexes VII and VIII added, in accordance with the Annex hereto.

Article 2

For the purposes of complying with the conversion periods referred to in Annex I, Sections B and C the period which has elapsed before 24 August 2000 shall be taken into account where the operator can demonstrate to the satisfaction of the

inspection authority or body that during that period he was producing in accordance with the national rules in force, or failing that, with private standards accepted or recognised by the Member States.

Article 3

This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Communities*.

It shall apply from 24 August 2000. However, the prohibitions on the use of genetically modified organisms and their derivatives set out in this Regulation, and in particular the provisions of Article 5(3)(h), (5)(f) and (5a)(i) and Article 6(1)(d) and (2)(a) and Annex I, Section B, paragraph 4.18 of Regulation (EEC) No 2092/91, shall apply forthwith.

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

Done at Brussels, 19 July 1999.

For the Council

The President

K. HEMILÄ

ANNEX

I. Annex I is amended as follows:

1. in the section headed 'Plants and plant products', the subparagraph on animals and animal products is deleted;
2. the heading 'Plants and plant products' is replaced by 'A. Plant and plant products';
3. the following heading and sections are added:

B. LIVESTOCK AND LIVESTOCK PRODUCTS FROM THE FOLLOWING SPECIES: BOVINE (INCLUDING BUBALUS AND BISON SPECIES), PORCINE, OVINE, CAPRINE, EQUIDAE , POULTRY.

1. General principles

- 1.1. Livestock production forms an integral part of many agricultural holdings practising organic farming.
- 1.2. Livestock production must contribute to the equilibrium of agricultural production systems by providing for the nutrient requirements of crops and by improving the soil's organic matter. It can thus help establish and maintain soil-plant, plant-animal and animal-soil interdependence. As part of this concept, landless production ("production hors sol") is not in conformity with the rules of this Regulation.
- 1.3. By utilising renewable natural resources (livestock manure, legumes and fodder crops), the cropping/stockfarming system and the pasturage systems allow soil fertility to be maintained and improved in the long term and contributes to the development of sustainable agriculture.
- 1.4. Organic stockfarming is a land-related activity. Except where authorised by way of exception in this Annex, livestock must have access to a free-range area and the number of animals per unit of area must be limited to ensure integrated management of livestock and crop production on the production unit, so minimising any form of pollution, in particular of the soil and of surface and ground water. The number of livestock must be closely related to the area available in order to avoid problems of over-grazing and erosion and to allow for the preading of livestock manure so that any adverse effect on the environment can be avoided. Detailed rules on the use of livestock manure are set out in Section 7.
- 1.5. In organic stockfarming, all livestock on one and the same production unit must be reared in accordance with the rules laid down in this Regulation.
- 1.6. However, livestock not reared in accordance with the provisions of this Regulation may be present on the holding provided they are reared on units where the buildings and parcels are separated clearly from the units producing in accordance with the rules of this Regulation, and a different species is involved.
- 1.7. By derogation from this principle, livestock not reared in accordance with the provisions of this Regulation can use, for a limited period of time each year, the pasturage of units complying with this Regulation, provided that such animals come from extensive husbandry (as defined in Article 6(5) of Regulation (EC) No 950/97 (*) or, for other species not mentioned in that Regulation, the number of animals per ha corresponding to 170 kg of Nitrogen per year/hectare as defined in Annex VII of this Regulation) and provided that other animals which are subject to the requirements of this Regulation are not present on this pasturage at the same time. This derogation must be authorised beforehand by the inspection authority or body.
- 1.8. By way of a second derogation from this principle, animals reared in accordance with the provisions of this Regulation may be grazed on common land, providing that:
 - (a) the land has not been treated with products other than those allowed for in Annex II of this Regulation, for at least three years;
 - (b) any animals which use the land concerned, which are not subject to the requirements of this Regulation, are derived from extensive production, as defined in Article 6(5) of Regulation (EC) No 950/97; or, for other species not mentioned in that Regulation, the number of animals per ha corresponding to 170 kg of Nitrogen per year/hectare as defined in Annex VII of this Regulation;

- (c) any livestock products produced by animals reared in accordance with the provisions of this Regulation, whilst using this land, shall not be regarded as being from organic-production, unless adequate segregation from other animals not complying with the requirements of this Regulation, can be proved to the satisfaction of the inspection authority or body.

2. Conversion

2.1. *Conversion of land associated with organic livestock production*

2.1.1. Where a production unit is converted, the whole area of the unit used for animal feed must comply with the rules on organic farming, using the conversion periods established in part A of this Annex relating to plants and plant products.

2.1.2. By derogation from this principle, the conversion period may be reduced to one year for pasturages, open air runs and exercise areas used by non-herbivore species. This period may be reduced to six months where the land concerned has not, in the recent past, received treatments with products other than those referred to in Annex II of this Regulation. This derogation must be authorised by the inspection authority or body.

2.2. *Conversion of livestock and livestock products*

2.2.1. If livestock products are to be sold as organic products, the livestock must be reared according to the rules laid down in this Regulation for at least:

- 12 months in the case of equidae and bovines (including *bubalus* and bison species) for meat production, and in any case at least three quarters of their lifetime,
- six months in the case of small ruminant and pigs; however, during a transitional period of three years expiring on 24 August 2003, the period for pigs shall be four months,
- six months in the case of animals for milk production; however, during a transitional period of three years expiring on 24 August 2003, the period shall be three months,
- 10 weeks for poultry for meat production, brought in before they are three days old,
- six weeks in the case of poultry for egg production.

2.2.2. By derogation from paragraph 2.2.1 and for the constitution of a herd or flock, calves and small ruminants for meat production can be sold as organically reared during a transitional period expiring 31 December 2003, provided that:

- they come from extensive husbandry,
- they are reared in the organic-production unit until the time of sale or slaughter, for a minimum period of six months for calves and two months for small ruminants,
- the origin of the animals complies with the conditions expressed in the fourth and fifth indents of paragraph 3.4.

2.3. *Simultaneous conversion*

2.3.1. By derogation from paragraphs 2.2.1, 4.2 and 4.4 if there is simultaneous conversion of the complete production unit, including livestock, pasturage and/or any land used for animal feed, the total combined conversion period for both livestock, pasturage and/or any land used for animal feed, shall be reduced to 24 months subject to the following conditions:

- (a) the derogation applies only to the existing animals and their offspring and at the same time also to the land used for animal feed/pasturage before starting the conversion;
- (b) the animals are mainly fed with products from the production unit.

3. Origin of the animals

3.1. In the choice of breeds or strains, account must be taken of the capacity of animals to adapt to local conditions; their vitality, and their resistance to disease. In addition, breeds or strains of animals shall be selected to avoid specific diseases or health problems associated with some breeds or strains used in intensive production (e.g. porcine stress syndrome, PSE Syndrome, sudden death, spontaneous abortion, difficult births requiring caesarean operations, etc.). Preference is to be given to indigenous breeds and strains.

- 3.2. Livestock must come from production units which comply with the rules on the various types of livestock production laid down in Article 6 and in this Annex. Throughout their life, this system of production must be applied.
- 3.3. By way of a first derogation, subject to the prior approval by the inspection authority or body, livestock existing on the livestock production unit, not complying with the rules of this Regulation can be converted.
- 3.4. By way of a second derogation, when a herd or flock is constituted for the first time and organically reared animals are not available in sufficient numbers, non-organically reared livestock may be brought into an organic livestock production unit, subject to the following conditions:
- pullets for the production of eggs must not be more than 18 weeks old,
 - chicks for broiler production must be less than three days old at the time when they leave the production unit where they were produced,
 - buffalo must be less than six months old,
 - calves and horses must be reared according to the rules of this regulation as soon as they are weaned and in any case they must be less than six months old,
 - ewes and goats must be reared according to the rules of this regulation as soon as they are weaned and in any case they must be less than 45 days old,
 - piglets must be reared according to the rules of this regulation as soon as they are weaned and they must weigh less than 25 kg.
- 3.5. This derogation, which must be authorised beforehand by the inspection authority or body, applies for a transitional period expiring on 31 December 2003.
- 3.6. By way of a third derogation, the renewal or reconstitution of the herd or flock shall be authorised by the control authority or body when organically reared animals are not available, and in the following cases:
- (a) high mortality of animals caused by health or catastrophic circumstances;
 - (b) pullets for egg production no more than 18 weeks old;
 - (c) poultry for meat production less than three days old, and pigs as soon as they are weaned and they must weigh less than 25 kg.
- Cases (b) and (c) are authorised for a transitional period expiring on 31 December 2003.
- 3.7. In the case of pigs, pullets and poultry for meat production, this transitional derogation will be re-examined before the date of expiry to see if there are grounds for an extension to this deadline.
- 3.8. By way of a fourth derogation, subject to a maximum of 10% of adult equine or bovine (including *bubalus* and bison species) livestock and 20% of the adult porcine, ovine and caprine livestock, livestock may be brought in, as female (nulliparous) animals, from non organic-production stockfarms per year, for supplementing natural growth and for the renewal of the herd or flock, when organically reared animals are not available, and only when authorised by the control authority or body.
- 3.9. The percentages laid down in the above derogation shall not apply to production units with less than 10 equine or bovine animals, or with less than five porcine, ovine or caprine animals. For these units, any renewal as mentioned above shall be limited to a maximum of one animal per year.
- 3.10. These percentages may be increased, up to 40% following the opinion and agreement of the inspection authority or body, in the following special cases:
- when a major extension to the stockfarm is undertaken;
 - when a breed is changed;
 - when a new livestock specialisation is developed.
- 3.11. By way of a fifth derogation, males for breeding may be brought in from non organic-production stockfarms provided that the animals are subsequently reared and always fed in accordance with the rules laid down in this Regulation.

- 3.12. Where livestock comes from units not complying with the present Regulation, in accordance with the conditions and restrictions set out in paragraphs 3.3 to 3.11 above, the periods laid down in paragraph 2.2.1 must be observed if the products are to be sold as being from organic production and during these periods all the rules set out in this Regulation must be complied with.
- 3.13. Where livestock is obtained from units not complying with this Regulation, special attention must be paid to animal health measures. The inspection authority or body may apply, depending on local circumstances, special measures, such as screening tests, and quarantine periods.
- 3.14. The Commission will present a report by 31 December 2003 concerning the availability of originally reared livestock with a view to presenting a proposal, if appropriate, to the Standing Committee aimed at ensuring that all organic meat production should come from animals that were born and raised on organic-production holdings.

4. Feed

- 4.1. Feed is intended to ensure quality production rather than maximising production, while meeting the nutritional requirements of the livestock at various stages of their development. Fattening practices are authorised in so far as they are reversible at any stage of the rearing process. Force-feeding is forbidden.
- 4.2. Livestock must be fed on organically produced feedingstuffs.
- 4.3. Furthermore, livestock must be reared in accordance with the rules set out in this Annex, preferably using feed from the unit or, when this is not possible, using feed from other units or enterprises subject to the provisions of this Regulation.
- 4.4. Up to 30% of the feed formula of rations on average may comprise in-conversion feedingstuffs. When the in-conversion feedingstuffs come from a unit of the own holding, this percentage can be increased to 60%.
- 4.5. The feeding of young mammals must be based on natural milk, preferably maternal milk. All mammals must be fed on natural milk for a minimum period, depending on the species concerned, which shall be three months for bovines (including *bubalus* and bison species) and equidae, 45 days for sheep and goats and 40 days for pigs.
- 4.6. Where relevant, Member States shall designate areas or regions where transhumance (including movements of animals to grazing areas in mountains) is practicable, without prejudice to the provisions on the feeding of livestock laid down in this Annex.
- 4.7. Rearing systems for herbivores are to be based on maximum use of pasturage according to the availability of pastures in the different periods of the year. At least 60% of the dry matter in daily rations is to consist of roughage, fresh or dried fodder, or silage. Nevertheless, the inspection authority or body can permit a reduction to 50% for animals in dairy production for a maximum period of three months in early lactation.
- 4.8. By way of a derogation from paragraph 4.2, for a transitional period expiring on 24 August 2005, the use of a limited proportion of conventional feedingstuffs is authorised where the farmer is unable to obtain feed exclusively from organic production. The maximum percentage of conventional feedingstuffs authorised per year is 10% in the case of herbivores and 20% for other species. These figures shall be calculated annually as a percentage of the dry matter of feedingstuffs from agricultural origin. The maximum percentage authorised of conventional feedingstuffs in the daily ration, except during the transhumance period, must be 25%, calculated as a percentage of the dry matter.
- 4.9. By derogation from paragraph 4.8, when forage production is lost, in particular as a result of exceptional weather conditions, the competent authorities of the Member States can authorise for a limited period and in relation to a specific area, a higher percentage of conventional feedingstuffs where such a derogation is warranted. Upon approval by the competent authority, the inspection authority or body shall apply this derogation to individual operators.
- 4.10. For poultry, the feed formula used in the fattening stage must contain at least 65% cereals.
- 4.11. Roughage, fresh or dried fodder, or silage must be added to the daily ration for pigs and poultry.
- 4.12. Only products listed in Annex II, Part D, sections 1.5 and 3.1 can be used as additives and processing aids, respectively, in silage.

- 4.13. Conventional feed materials of agricultural origin can be used for animal feeding only if listed in Annex II, Part C, section 1 (feed materials from plant origin), subject to the quantitative restrictions imposed in this Annex, and only if they are produced or prepared without the use of chemical solvents.
- 4.14. Feed materials from animal origin (whether conventional or organically produced) can only be used if listed in Annex II, Part C, section 2, and subject to the quantitative restrictions imposed in this Annex.
- 4.15. No later than 24 August 2003, Part C, sections 1, 2, 3 and Part D of Annex II will be reviewed with the aim of removing, in particular, conventional feed materials of agricultural origin produced organically in sufficient quantity in the Community.
- 4.16. In order to satisfy nutritional requirements of livestock, only products listed in Annex II, Part C, section 3 (feed materials from mineral origin), and part D, sections 1.1 (trace elements) and 1.2 (vitamins, pro-vitamins and chemically well-defined substances having a similar effect), can be used for animal feeding.
- 4.17. Only products listed in Annex II, Part D, sections 1.3 (enzymes), 1.4 (microorganisms), 1.6 (binders, anti-caking agents and coagulants), 2 (certain products used in animal nutrition) and 3 (processing aids in feedingstuffs) can be used in animal feeding for the purposes indicated in respect to the above mentioned categories. Antibiotics, coccidiostats, medicinal substances, growth promoters or any other substance intended to stimulate growth or production shall not be used in animal feeding.
- 4.18. Feedingstuffs, feed materials, compound feedingstuffs feed additives, processing aids for feedingstuffs and certain products used in animal nutrition must not have been produced with the use of genetically modified organisms or products derived therefrom.

5. Disease prevention and veterinary treatment

- 5.1. Disease prevention in organic livestock production shall be based on the following principles:
 - (a) the selection of appropriate breeds or strains of animals as detailed in Section 3;
 - (b) the application of animal husbandry practices appropriate to the requirements of each species, encouraging strong resistance to disease and the prevention of infections;
 - (c) the use of high quality feed, together, with regular exercise and access to pasturage, having the effect of encouraging the natural immunological defence of the animal;
 - (d) ensuring an appropriate density of livestock, thus avoiding overstocking and any resulting animal health problems.
- 5.2. The principles set out above, should limit animal-health problems so that they can be controlled mainly by prevention.
- 5.3. If, despite all of the above preventive measures, an animal becomes sick or injured, it must be treated immediately, if necessary in isolation, and in suitable housing.
- 5.4. The use of veterinary medicinal products in organic farming shall comply with the following principles:
 - (a) Phytotherapeutic (e.g. plant extracts (excluding antibiotics), essences, etc.), homeopathic products (e.g. plant, animal or mineral substances) and trace elements and products listed in Part C, section 3 of Annex II, shall be used in preference to chemically-synthesised allopathic veterinary medicinal products or antibiotics, provided that their therapeutic effect is effective for the species of animal, and the condition for which the treatment is intended;
 - (b) If the use of the above products should not prove, or is unlikely to be, effective in combating illness or injury, and treatment is essential to avoid suffering or distress to the animal, chemically-synthesised allopathic veterinary medicinal products or antibiotics may be used under the responsibility of a veterinarian;
 - (c) The use of chemically synthesised allopathic veterinary medicinal products or antibiotics for preventive treatments is prohibited;

- 5.5. In addition to the above principles, the following rules shall apply:
- (a) the use of substances to promote growth or production, (including antibiotics, coccidiostats and other artificial aids for growth promotion purposes) and the use of hormones or similar substances to control reproduction (e.g. induction or synchronisation of oestrus), or for other purposes, is prohibited. Nevertheless, hormones may be administered to an individual animal, as a form of therapeutic veterinary treatment;
 - (b) veterinary treatments to animals, or treatments to buildings, equipment and facilities, which are compulsory under national or Community legislation shall be authorised, including the use of immunological veterinary medicinal products when a disease has been recognised as present in a specific area in which the production unit is located.
- 5.6. Whenever veterinary medicinal products are to be used the type of product must be recorded clearly, (including an indication of the active pharmacological substances involved) together with details of the diagnosis; the posology; the method of administration; the duration of the treatment, and the legal withdrawal period. This information is to be declared to the inspection authority or body before the livestock or livestock products are marketed as organically produced. Livestock treated must be clearly identified, individually in the case of large animals; individually or by batch, in the case of poultry and small animals.
- 5.7. The withdrawal period between the last administration of an allopathic veterinary medicinal product to an animal under normal conditions of use, and the production of organically produced foodstuffs from such animals, is to be twice the legal withdrawal period or, in a case in which this period is not specified, 48 hours.
- 5.8. With the exception of vaccinations, treatments for parasites and any compulsory eradication schemes established by Member States, where an animal or group of animals receive more than two or a maximum of three courses of treatments with chemically-synthesised allopathic veterinary medicinal products or antibiotics within one year (or more than one course of treatment if their productive lifecycle is less than one year) the livestock concerned, or produce derived from them, may not be sold as being products produced in accordance with this Regulation, and the livestock must undergo the conversion periods laid down in Section 2 of this Annex, subject to the agreement of the inspection authority or body.

6. Husbandry management practices, transport and identification of livestock products

6.1. Husbandry practices

- 6.1.1. In principle, the reproduction of organically reared livestock should be based on natural methods. Nevertheless artificial insemination is permitted. Other forms of artificial or assisted reproduction (for example embryo transfers) are prohibited.
- 6.1.2. Operations such as attaching elastic bands to the tails of sheep, tail-docking, cutting of teeth, trimming of beaks and dehorning must not be carried out systematically in organic farming. Some of these operations may, however, be authorised by the inspection authority or body, for reasons of safety (for example dehorning in young animals) or if they are intended to improve the health, welfare or hygiene of the livestock. Such operations must be carried out at the most appropriate age by qualified personnel and any suffering to the animals must be reduced to a minimum.
- 6.1.3. Physical castration is allowed in order to maintain the quality of products and traditional production practices (meat-type pigs, bullocks, capons, etc.) but only under the conditions set out in the last sentence of the paragraph 6.1.2.
- 6.1.4. Keeping livestock tethered is forbidden. Nevertheless, by derogation from this principle, the inspection authority or body, can authorise this practice for individual animals upon justification by the operator, that this is necessary for safety or welfare reasons, and that such tethering is only for a limited period of time.
- 6.1.5. By derogation from the provisions laid down in paragraph 6.1.4, cattle can be tethered in buildings already existing before 24 August 2000, provided that regular exercise is provided and rearing takes place in line with animal welfare requirements with comfortably littered areas as well as individual management. This derogation which must be authorised by the inspection authority or body shall apply for a transitional period expiring on 31 December 2010.
- 6.1.6. By a further derogation, cattle in small holdings can be tethered if it is not possible to keep the cattle in groups appropriate to their behaviour requirements, provided they have at least twice a

week access to pastures, open air runs or exercise areas. This derogation, which must be authorised by the inspection authority or body, shall apply to holdings which meet the requirements of natural rules concerning organic production of livestock effective until 24 August 2000, or in the absence thereof of private standards accepted or recognised by the Member States.

- 6.1.7. Before 31 December 2006, the Commission will present a report on the implementation of the provisions of paragraph 6.1.5.
- 6.1.8. Where livestock are reared in groups, the size of the group must depend upon their stage of development and the behavioural needs of the species concerned. The keeping of livestock in conditions, or on a diet, which may encourage anaemia, is prohibited.
- 6.1.9. For poultry, the minimum age at slaughter shall be:
- 81 days for chickens,
 - 150 days for capons,
 - 49 days for Peking ducks,
 - 70 days for female Muscovy ducks,
 - 84 days for male Muscovy ducks,
 - 92 days for Mallard ducks,
 - 94 days for guineafowl,
 - 140 days for turkeys and roasting geese.

Where producers do not apply these minimum slaughter ages, they must use slow-growing strains.

6.2. *Transport*

- 6.2.1. Transport of livestock must be carried out so as to limit the stress suffered by the animals in accordance with the relevant national or Community legislation in force. Loading and unloading must be carried out with caution and without the use of any type of electrical stimulation to coerce the animals. The use of any allopathic tranquilliser, prior to and during transport, is prohibited.
- 6.2.2. During the period leading up to and at the time of slaughter, livestock must be handled in such a way that stress to the animals is reduced to a minimum.

6.3. *Identification of livestock products*

- 6.3.1. Livestock and livestock products are to be identified at all stages of their production, preparation, transport and marketing.

7. **Livestock manure**

- 7.1. The total amount of manure, as defined in Directive 91/676/EEC(**), applied on the holding may not exceed 170 kg of Nitrogen per year/hectare of agricultural area used, the amount specified in Annex III of the abovementioned Directive. Where necessary, the total stocking density shall be reduced to avoid exceeding the limit expressed above.
- 7.2. To determine the appropriate density of livestock referred to above, the livestock units equivalent to 170 kg of Nitrogen per year/hectare of agricultural area used for the various categories of animals shall be set out by the competent authorities of the Member States, taking, as a guideline, the figures laid down in Annex VII.
- 7.3. Member States shall communicate to the Commission and to the other Member States, any deviation from these figures and provide the reasons justifying such changes. This requirement relates only to the calculation of the maximum number of livestock for the purposes of ensuring that the limit of 170 kg of Nitrogen from manure per year/hectare is not exceeded. It is without prejudice to the stocking densities for animal health and welfare purposes laid down in Section 8 and in Annex VIII.

- 7.4. Organic-production holdings may establish cooperation with other holdings and enterprises, which comply with the provisions of this Regulation, with the intention of spreading surplus manure from organic production. The maximum limit of 170 kg of Nitrogen from manure per year/hectare of agricultural area used, will be calculated on the basis of all of the organic-production units involved in such a cooperation.
- 7.5. Member States may establish lower limits than those specified in paragraphs 7.1 to 7.4, taking into account the characteristics of the area concerned, the application of other nitrogen fertilisers to the land and the nitrogen supply to the crops from the soil.
- 7.6. Storage facilities for livestock manure must be of a capacity to preclude the pollution of water by direct discharge, or by run-off and infiltration of the soil.
- 7.7. To ensure sound fertiliser management, the capacity of such storage facilities for livestock manure must exceed the storage capacity required for the longest period of the year in which any application of fertiliser to the land is either inappropriate (in accordance with the codes of good agricultural practice established by Member States) or when such application is prohibited, in cases where the production unit is located within a designated nitrate vulnerable zone.

8. Free range areas and livestock housing

8.1. General principles

- 8.1.1. Housing conditions for livestock must meet the livestock's biological and ethological needs (e.g. behavioural needs as regards appropriate freedom of movement and comfort). The livestock must have easy access to feeding and watering. Insulation, heating and ventilation of the building must ensure that air circulation, dust level, temperature, relative air humidity and gas concentration, are kept within limits which are not harmful to the animals. The building must permit plentiful natural ventilation and light to enter.
- 8.1.2. Free-range, open-air exercise areas, or open-air runs must, if necessary, provide sufficient protection against rain, wind, sun and extreme temperatures, depending on the local weather conditions and the breed concerned.

8.2. Stocking densities and the avoidance of over grazing

- 8.2.1. Housing for livestock will not be mandatory in areas with appropriate climatic conditions to enable animals to live outdoors.
- 8.2.2. The stocking density in buildings shall provide for the comfort and well being of the animals which, in particular, shall depend on the species, the breed and the age of the animals. It shall also take account of the behavioural needs of the animals, which depend in particular on the size of the group and the animals' sex. The optimum density will seek to ensure the animals' welfare by providing them with sufficient space to stand naturally, lie down easily, turn round, groom themselves, assume all natural postures and make all natural movements such as stretching and wing flapping.
- 8.2.3. The minimum surface areas for indoor housing and outdoor exercise areas, and other characteristics of housing for different species and categories of animals, are laid down in Annex VIII.
- 8.2.4. The outdoor stocking density of livestock kept on pasturage, other grassland, heathland, wetland, heather, and other natural or semi-natural habitats, must be low enough to prevent poaching of the soil and over grazing of vegetation.
- 8.2.5. Housing, pens, equipment and utensils must be properly cleaned and disinfected to prevent cross-infection and the build-up of disease carrying organisms. Only the products listed in Part E of Annex II can be used for such cleaning and disinfection of livestock buildings and installations. Faeces, urine and uneaten or spilt food must be removed as often as necessary to minimise smell and to avoid attracting insects or rodents. Only the products listed in part B, section 2, of Annex II can be used for the elimination of insects and other pests in buildings and other installations where livestock is kept.

8.3. *Mammals*

- 8.3.1. Subject to the provisions in paragraph 5.3, all mammals must have access to pasturage or an open-air exercise area or an open-air run which may be partially covered, and they must 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 national requirements relating to specific animal health problems that prevent this. Herbivores, must have access to pasturage whenever conditions allow.
- 8.3.2. In cases where herbivores have access to pasturage during the grazing period and where the winter-housing system gives freedom of movement to the animals, the obligation to provide open-air exercise areas or open-air runs during the winter months may be waived.
- 8.3.3. Notwithstanding the last sentence of paragraph 8.3.1, bulls over one year old must have access to pasturage or an open-air exercise area or an open-air run.
- 8.3.4. By way of derogation from paragraph 8.3.1, the final fattening phase of cattle pigs and sheep for meat production may take place indoors, provided that this indoors period does not exceed one fifth of their lifetime and in any case for a maximum period of three months.
- 8.3.5. Livestock housing must have smooth, but not slippery floors. At least half of the total floor area must be solid, that is, not of slatted or of grid construction.
- 8.3.6. The housing must be provided with a comfortable, clean and dry laying/rest area of sufficient size, consisting of a solid construction which is not slatted. Ample dry bedding strewn with litter material must be provided in the rest area. The litter must comprise straw or other suitable natural material. The litter may be improved and enriched with any mineral product authorised for use as a fertiliser in organic farming in accordance with Part A of Annex II.
- 8.3.7. As regards the rearing of calves, from 24 August 2000, all holdings, without derogation, must comply with Directive 91/629/EEC (***) laying down minimum standards for the protection of calves. The housing of calves in individual boxes is forbidden after the age of one week.
- 8.3.8. As regards the rearing of pigs, from 24 August 2000, all holdings must comply with Council Directive 91/630/EEC (****) laying down minimum standards for the protection of pigs. However, sows must be kept in groups, except in the last stages of pregnancy and during the suckling period. Piglets may not be kept on flat decks or in piglet cages. Exercise areas must permit dunging and rooting by the animals. For the purposes of rooting different substrates can be used.

8.4. *Poultry*

- 8.4.1. Poultry must be reared in open-range conditions and cannot be kept in cages.
- 8.4.2. Water fowl must have access to a stream, pond or lake whenever the weather conditions permit in order to respect animal welfare requirements or hygienic conditions.
- 8.4.3. Buildings for all poultry must meet the following minimum conditions:
- at least one third shall be solid, that is, not of slatted or of grid construction, and covered with a litter material such as straw, wood shavings, sand or turf;
 - in poultry houses for laying hens, a sufficiently large part of the floor area available to the hens must be available for the collection of bird droppings;
 - they must have perches of a size and number commensurate with the size of the group and of the birds as laid down in Annex VIII;
 - they must have exit/entry 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 house available to the birds;

- each poultry house must not contain more than:
 - 4 800 chickens,
 - 3 000 laying hens,
 - 5 200 guinea fowl,
 - 4 000 female Muscovy or Peking ducks or 3 200 male Muscovy or Peking ducks or other ducks,
 - 2 500 capons, geese or turkeys;
- the total usable area of poultry houses for meat production on any single production unit, must not exceed 1 600 m².

8.4.4. In the case of laying hens natural light may be supplemented by artificial means to provide a maximum of 16 hours light per day with a continuous nocturnal rest period without artificial light of at least eight hours.

8.4.5. Poultry, must have access to an open-air run whenever the weather conditions permit and, whenever possible, must have such access for at least one third of their life. These open-air runs must be mainly covered with vegetation be provided with protective facilities, and permit animals to have easy access to adequate numbers of drinking and feeding troughs.

8.4.6. 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. In addition, when the rearing of each batch of poultry has been completed, runs must be left empty to allow vegetation to grow back, and for health reasons. Member States will establish the period in which runs must be empty and they will communicate their decision to the Commission and the other Member States. These requirements shall not apply to small numbers of poultry which are not kept in runs and which are free to roam, throughout the day.

8.5. *General derogation on the housing of livestock*

8.5.1. By way of derogation from the requirements set out in paragraphs 8.3.1, 8.4.2, 8.4.3 and 8.4.5 and the stocking densities laid down in Annex VIII, the competent authorities of the Member States may authorise derogations from the requirements of these paragraphs and of Annex VIII for a transitional period expiring on 31 December 2010. This derogation can only be applied to livestock producing holdings with existing buildings, constructed before 24 August 1999 and in so far as these livestock buildings comply with national rules concerning organic livestock production, in force prior to that date, or in the absence thereof with private standards accepted or recognised by the Member States.

8.5.2. The operators benefiting from this derogation shall present a plan to the inspection authority or body, containing the arrangements which ensure, at the end of the derogation, compliance with the provisions of this Regulation.

8.5.3. Before 31 December 2006, the Commission shall present a report on the implementation of the provision of paragraph 8.5.1.

C. BEEKEEPING AND BEEKEEPING PRODUCTS

1. **General principles**

1.1. Beekeeping is an important activity that contributes to the protection of the environment and agricultural and forestry production through the pollination action of bees.

1.2. The qualification of beekeeping products as being from organic production is closely bound up both with the characteristic of the hives' treatments and the quality of the environment. This qualification also depends on the conditions for extraction, processing and storage of beekeeping products.

1.3. When an operator runs several beekeeping units in the same area all the units must comply with the requirements of this Regulation. By derogation from this principle, an operator can run units not complying with this Regulation provided that all the requirements of this Regulation are fulfilled with the exception of the provisions laid down in paragraph 4.2 for the siting of the apiaries. In that case, the product cannot be sold with references to organic production methods.

2. Conversion period

- 2.1. Beekeeping products can be sold with references to the organic production method only when the provisions laid down in this Regulation have been complied with for at least one year. During the conversion period the wax has to be replaced according to the requirements laid down in paragraph 8.3.

3. Origin of the bees

- 3.1. In the choice of breeds, account must be taken of the capacity of animals to adapt to local conditions, their vitality and their resistance to disease. Preference shall be given to the use of European breeds of *Apis mellifera* and their local ecotypes.
- 3.2. Apiaries must be constituted by means of the division of colonies or the acquisition of swarms or hives from units complying with the provisions laid down in this Regulation.
- 3.3. By way of a first derogation, subject to the prior approval by the inspection authority or body, apiaries existing in the production unit not complying with the rules of this Regulation can be converted.
- 3.4. By way of a second derogation, swarms on their own may be acquired from beekeepers not producing in accordance with this Regulation during a transitional period expiring on 24 August 2002 subject to the conversion period.
- 3.5. By way of a third derogation, the reconstitution of the apiaries shall be authorised by the control authority or body, when apiaries complying with this Regulation are not available, in case of high mortality of animals caused by health or catastrophic circumstances, subject to the conversion period.
- 3.6. By way of a fourth derogation, for the renovation of the apiaries 10% per year of the queen bees and swarms not complying with this Regulation can be incorporated into the organic-production unit provided that the queen bees and swarms are placed in hives with combs or comb foundations coming from organic-production units. In the case, the conversion period does not apply.

4. Siting of the apiaries

- 4.1. The Member States may designate regions or areas where beekeeping complying with this Regulation is not practicable. A map on an appropriate scale listing the location of hives as provided for in Annex III, Part A1, section 2, first indent shall be provided to the inspection authority or body by the beekeeper. Where no such areas are identified, the beekeeper must provide the inspection authority or body with appropriate documentation and evidence, including suitable analyses if necessary, that the areas accessible to his colonies meet the conditions required in this Regulation.
- 4.2. The siting of the apiaries must:
- (a) ensure enough natural nectar, honeydew and pollen sources for bees and access to water;
 - (b) be such that, within a radius of 3 km from the apiary site, nectar and pollen sources consist essentially of organically produced crops and/or spontaneous vegetation, according to the requirements of Article 6 and Annex I of this Regulation, and crops not subject to the provisions of this Regulation but treated with low environmental impact methods such as, for example, those described in programs developed under Regulation (EEC) No 2078/92 (****) which cannot significantly affect the qualification of beekeeping production as being organic;
 - (c) maintain enough distance from any non-agricultural production sources possibly leading to contamination, for example: urban centres, motorways, industrial areas, waste dumps, waste incinerators, etc. The inspection authorities or bodies shall establish measures to ensure this requirement.

The above requirements do not apply to areas where flowering is not taking place, or when the hives are dormant.

5. Feed

- 5.1. At the end of the production season hives must be left with reserves of honey and pollen sufficiently abundant to survive the winter.

- 5.2. The artificial feeding of colonies is authorised where the survival of the hives is endangered due to extreme climatic conditions. Artificial feeding shall be made with organically produced honey, preferably from the same organic-production unit.
- 5.3. By way of a first derogation from paragraph 5.2, the competent authorities of the Member States can authorise the use of organically-produced sugar syrup, or organic sugar molasses instead of organically-produced honey in artificial feeding, in particular, when it is required by climatic conditions that provoke crystallisation of honey.
- 5.4. By way of a second derogation, sugar syrup, sugar molasses and honey not covered by this Regulation may be authorised by the inspection authority or body for artificial feeding during a transitional period expiring on 24 August 2002.
- 5.5. The following information shall be entered in the register of the apiaries with regard to the use of artificial feeding: type of product, dates, quantities and hives where it is used.
- 5.6. Other products different from those indicated in paragraphs 5.1 to 5.4 cannot be used in beekeeping which complies with this Regulation.
- 5.7. Artificial feeding may be carried out only between the last honey harvest and 15 days before the start of the next nectar or honeydew flow period.

6. Disease prevention and veterinary treatments

- 6.1. Disease prevention in beekeeping shall be based on the following principles:
 - (a) the selection of appropriate hardy breeds;
 - (b) the application of certain practices encouraging strong resistance to disease and the prevention of infections, such as: regular renewal of queen bees, systematic inspection of hives to detect any health anomalies, control of male broods in the hives, disinfecting of materials and equipment at regular intervals, destruction of contaminated material or sources, regular renewal of beeswax and sufficient reserves of pollen and honey in hives.
- 6.2. If despite all the above preventive measures, the colonies become sick or infested, they must be treated immediately and, if necessary, the colonies can be placed in isolation apiaries.
- 6.3. The use of veterinary medicinal products in beekeeping which complies with this Regulation shall respect the following principles:
 - (a) they can be used in so far as the corresponding use is authorised in the Member State in accordance with the relevant Community provisions or national provisions in conformity with Community law;
 - (b) phytotherapeutic and homeopathic products shall be used in preference to allopathic products chemically synthesised, provided that their therapeutic effect is effective for the condition for which the treatment is intended;
 - (c) if the use of the abovementioned products should prove or is unlikely to be effective to eradicate a disease or infestation which risks destroying colonies, allopathic chemically synthesised medicinal products may be used under the responsibility of a veterinarian, or other persons authorised by the Member State, without prejudice to the principles laid down in paragraphs (a) and (b) above;
 - (d) the use of allopathic chemically synthesised medicinal products for preventive treatments is prohibited;
 - (e) without prejudice to the principle in (a) above formic acid, lactic acid, acetic acid and oxalic acid and the following substances: menthol, thymol, eucalyptol or camphor can be used in cases of infestation with *Varroa jacobsoni*.
- 6.4. In addition to the above principles, veterinary treatments or treatments to hives, combs etc., which are compulsory under national or Community legislation shall be authorised.
- 6.5. If a treatment is applied with chemically synthesised allopathic products, during such a period, the colonies treated must be placed in isolation apiaries and all the wax must be replaced with wax complying with the conditions laid down in this Regulation. Subsequently, the conversion period of one year will apply to those colonies.

6.6. The requirements laid down in the previous paragraph do not apply to products mentioned in paragraph 6.3(e).

6.7. Whenever veterinary medicinal products are to be used, the type of product (including the indication of the active pharmacological substance) together with details of the diagnosis, the posology, the method of administration, the duration of the treatment and the legal withdrawal period must be recorded clearly and declared to the inspection body or authority before the products are marketed as organically produced.

7. Husbandry management practices and identification

7.1. The destruction of bees in the combs as a method associated with the harvesting of beekeeping products is prohibited.

7.2. Mutilation such as clipping the wings of queen bees is prohibited.

7.3. The replacement of the queen bees involving the killing of the old queen is permitted.

7.4. The practice of destroying the male brood is permitted only to contain the infestation with *Varroa jacobsoni*.

7.5. The use of chemical synthetic repellents is prohibited during honey extractions operations.

7.6. The zone where the apiary is situated must be registered together with the identification of the hives. The inspection body or authority must be informed of the moving of apiaries with a deadline agreed on with the inspection authority or body.

7.7. Particular care shall be taken to ensure adequate extraction, processing and storage of beekeeping products. All the measures to comply with these requirements shall be recorded.

7.8. The removals of the supers and the honey extraction operations must be entered in the register of the apiary.

8. Characteristics of hives and materials used in beekeeping

8.1. The hives must be made basically of natural materials presenting no risk of contamination to the environment or the apiculture products.

8.2. With the exception of products mentioned in paragraph 6.3(e) in the hives can be used only natural products such as propolis, wax and plant oils.

8.3. The beeswax for new foundations must come from organic production units. By way of derogation, in particular in the case of new installations or during the conversion period, bees wax not coming from such units may be authorised by the inspection authority or body in exceptional circumstances where organically produced beeswax is not available on the market and provided that it comes from the cap.

8.4. The use of combs, which contain broods, is prohibited for honey extraction.

8.5. For the purposes of protecting materials (frames, hives and combs), in particular from pests, only appropriate products listed in part B, Section 2, of Annex II are permitted.

8.6. Physical treatments such as steam or direct flame are permitted.

8.7. For cleaning and disinfecting materials, buildings, equipment, utensils or products used in beekeeping only the appropriate substances listed in Annex II Part E are permitted.

(*) OJ L 142, 2.6.1997, p. 1. Regulation as amended by Regulation (EC) No 2331/98 (OJ L 291, 30.10.1998, p. 10).

(**) OJ L 375, 31.12.1991, p. 1.

(***) OJ L 340, 11.12.1991, p. 28. Directive as last amended by Directive 97/2/EC (OJ L 25, 28.1.1997, p. 24).

(****) OJ L 340, 11.12.1991, p. 33.

(*****) OJ L 215, 30.7.1992, p. 85. Regulation as last amended by Regulation (EC) No 2772/95 (OJ L 288, 1.12.1995, p. 35).'

II. Annex II is amended as follows:

1. The title of Part B is replaced by the following:

'B. PESTICIDES

1. Products for plant protection.'

2. The following is inserted after Part B, Section 1:

'2. Products for pest and disease control in livestock buildings and installations:

Products listed in Section 1

Rodenticides'

3. Part C 'Other products' is replaced by the following:

'C. FEED MATERIALS

1. **Feed materials from plant origin**

1.1. Cereals, grains, their products and by-products. The following substances are included in this category:

Oats as grains, flakes, middlings, hulls and bran; barley as grains, protein and middlings; rice as grains, rice broken, bran, and germ expeller; millet as grains; rye as grains, middlings, feed and bran; sorghum as grains; wheat as grains, middlings, bran, gluten feed, gluten and germ; spelt as grains; triticale as grains; maize as grains, bran, middlings, bran, germ expeller and gluten; malt culms; brewers' grains.

1.2. Oil seeds, oil fruits, their products and by-products. The following substances are included in this category:

Rape seed, expeller, and hulls; soya bean as bean, toasted, expeller and hulls; sunflower seed as seed and expeller; cotton as seed and seed expeller; linseed as seed and expeller; sesame seed as seed and expeller; palm kernels as expeller; turnip rape seed as expeller and hulls; pumpkin seed as expeller; olive pulp (from physical extraction of olives).

1.3. Legume seeds, their product and by-products. The following substances are included in this category:

Chick peas as seeds; ervil as seeds; chickling vetch as seeds submitted to an appropriate heat treatment; peas as seeds, middlings, and bran; broad beans as seeds, middlings and bran; horse beans as seeds, vetches as seeds and lupin as seeds.

1.4. Tuber roots, their products and by-products. The following substances are included in this category:

Sugar beet pulp, dried beet, potato, sweet potato as tuber, manioc as roots, potato pulp (by-product of the extraction of potato starch), potato starch, potato protein and tapioca.

1.5. Other seeds and fruits, their products and by-products. The following substances are included in this category:

Carob pods, citrus pulp, apple pomace, tomato pulp, and grape pulp.

1.6. Forages and roughages. The following substances are included in this category:

Lucerne, lucerne meal, clover, clover meal, grass (obtained from forage plants), grass meal, hay, silage, straw of cereals, and root vegetables for foraging.

- 1.7. Other plants, their products and by-products. The following substances are included in this category:

Molasses as a binding agent in compound feedingstuffs seaweed meal (obtained by drying and crushing seaweed and washed to reduce iodine content), powders and extracts of plants, plant protein extracts (solely provided to young animals), spices and herbs.

2. Feed materials from animal origin

- 2.1. Milk and milk products. The following substances are included in the category:

Raw milks as defined in Article 2 of Directive 92/46/EEC (*), milk powder, skimmed milk, skimmed-milk powder, buttermilk, buttermilk powder, whey, whey powder, whey powder low in sugar, whey protein powder (extracted by physical treatment), casein powder and lactose powder.

- 2.2. Fish, other marine animals, their products and by-products. The following substances are included in the category:

Fish, fish oil and cod-liver oil not refined; Fish molluscan or crustacean autolysates, hydrolysate and proteolysates obtained by an enzyme action, whether or not in soluble form, solely provided to young animals. Fish meal.

3. Feed materials from mineral origin

The following substances are included in this category:

Sodium:

unrefined sea salt

coarse rock salt

sodium sulphate

sodium carbonate

sodium bicarbonate

sodium chloride

Calcium:

lithotamnion and maerl

Shells of aquatic animals (including cuttlefish bones)

calcium carbonate

calcium lactate

calcium gluconate

Phosphorus:

bone dicalcium phosphate precipitate

defluorinated dicalcium phosphate

defluorinated monocalcium phosphate

Magnesium:

anhydrous magnesia

magnesium sulphate

magnesium chloride

magnesium carbonate

Sulphur:

sodium sulphate'

4. The following Parts are added:

'D. FEED ADDITIVES, CERTAIN SUBSTANCES USED IN ANIMAL NUTRITION (DIRECTIVE 82/471/EEC)
AND PROCESSING AIDS USED IN FEEDINGSTUFFS

1. **Feed additives**

1.1. Trace elements. The following substances are included in this category:

- E1 Iron:
 - ferrous (II) carbonate
 - ferrous (II) sulphate monohydrate
 - ferric (III) oxide
- E2 Iodine:
 - calcium iodate, anhydrous
 - calcium iodate, hexahydrate
 - potassium iodide
- E3 Cobalt:
 - cobaltous (II) sulphate monohydrate and/or heptahydrate
 - basic cobaltous (II) carbonate, monohydrate
- E4 Copper:
 - copper (II) oxide
 - basic copper (II) carbonate, monohydrate
 - copper (II) sulphate, pentahydrate
- E5 Manganese:
 - manganose (II) carbonate
 - manganous oxide and manganic oxide
 - manganous (II) sulfate, mono- and/or tetrahydrate
- E6 Zinc:
 - zinc carbonate
 - zinc oxide
 - zinc sulphate mono- and/or hepta-hydrate
- E7 Molybdenum:
 - ammonium molybdate, natrium molybdate
- E8 Selenium:
 - sodium selenate
 - sodium selenite.

1.2. Vitamins, provitamins and chemically well defined substances having a similar effect. The following substances are included in this category:

Vitamins authorised under Directive 70/524/EEC (**):

- preferably derived from raw materials occurring naturally in feedingstuffs, or
- synthetic vitamins identical to natural vitamins only for monogastric animals.

1.3. Enzymes. The following substances are included in this category:

Enzymes authorised under Directive 70/524/EEC.

1.4. Micro-organisms. The following micro-organisms are included in this category:

micro-organisms authorised under Directive 70/524/EEC.

1.5. Preservatives. The following substances are included in this category:

- E 236 Formic acid only for silage
- E 260 Acetic acid only for silage
- E 270 Lactic acid only for silage
- E 280 Propionic acid only for silage

1.6. Binders, anti-caking agents and coagulants. The following substances are included in this category:

- E 551b Colloidal silica
- E 551c Kieselgur
- E 553 Sepiolite
- E 558 Bentonite
- E 559 Kaolinitic clays
- E 561 Vermiculite
- E 599 Perlite

2. **Certain products used in animal nutrition**

The following products are included in this category:

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3. **Processing aids used in feedingstuffs**

3.1. Processing aids for silage. The following substances are included in this category:

Sea salt, coarse rock salt, enzymes, yeasts, whey, sugar, sugar beet pulp, cereal flour, molasses and lactic, acetic, formic, and propionic bacteria.

When weather conditions do not allow for adequate fermentation, the inspection authority or body may authorise the use of lactic, formic, propionic and acetic acids in the production of silage.

E. PRODUCTS AUTHORISED FOR CLEANING AND DISINFECTION OF LIVESTOCK BUILDINGS AND INSTALLATIONS (E.G. EQUIPMENT AND UTENSILS)

Potassium and sodium soap

Water and steam

Milk of lime

Lime

Quicklime

Sodium hypochlorite (e.g. as liquid bleach)

Caustic soda

Caustic potash

Hydrogen peroxide

Natural essences of plants

Citric, peracetic acid, formic, lactic, oxalic and acetic acid

Alcohol

Nitric acid (dairy equipment)

Phosphoric acid (dairy equipment)

Formaldehyde

Cleaning and disinfection products for teats and milking facilities

Sodium carbonate

F. OTHER PRODUCTS

(*) OJ L 268, 14.9.1992, p. 1. Directive as last amended by Directive 94/71/EC (OJ L 368, 31.12.1994, p. 33).

(**) OJ L 270, 14.12.1970, p. 1. Directive as last amended by Directive 98/19/EC (OJ L 96, 28.3.1998, p. 39).'

III. Annex III is amended as follows:

1. The heading of Part A is replaced by 'A.1 Plants and plant products from farm production or collection'.
2. The following section is inserted:

'A.2. Livestock and livestock products produced by animal husbandry'

1. When the inspection system applying specifically to livestock production is first implemented, the producer and the inspection body must draw up:
 - a full description of the livestock buildings, pasturages open-air exercise areas, open air runs, etc., and, where applicable, the premises for the storage, packaging and processing of livestock, livestock products, raw materials and inputs,
 - a full description of the installations for the storage of livestock manure,
 - plan for spreading such manure agreed with the inspection body or inspection authority, together with a full description of the areas given over to crop production,
 - where appropriate, the arrangements laid down by contract with other farms as regards the spreading of manure,
 - management plan for the organic-production livestock unit (e.g. management for feeding, reproduction, health, etc.),
 - all practical measures to be taken on the livestock farm to ensure compliance with this Regulation.

The description and the measures concerned are to be set out in an inspection report countersigned by the producer concerned.

In addition, the report must specify an undertaking by the producer to carry out operations in accordance with Articles 5 and 6 and to accept, in the event of infringement, enforcement of the measures referred to in Article 9(9) and, where relevant, in Article 10(3).

2. The general requirements on inspection in points 1 and 4 to 8 of Part A.1 covering crops and crop products are applicable to livestock and livestock products.

By way of a derogation from those rules, the storage of allopathic veterinary medicinal products and antibiotics is permitted on holdings provided that they have been prescribed by a veterinarian in connection with treatment as referred to in Annex I, that they are stored in a supervised location and that they are entered in the farm register.

3. The livestock must be identified permanently using techniques adapted to each species, individually in the case of large mammals and individually or by batch in the case of poultry and small mammals.
4. Livestock records must be compiled in the form of a register and kept available to the inspection authorities or bodies at all times at the address of the holding.

Such records, which are to provide a full description of the herd or flock management system, must contain the following information:

- by species, as regards livestock arriving at the holding: origin and date of arrival, conversion period, identification mark and veterinary record;
- as regards livestock leaving the holding: age, number of head, weight in case of slaughter, identification mark and destination;

- details of any animals lost and reasons;
 - as regards feed: type, including feed supplements, proportions of various ingredients of rations and periods of access to free-range areas, periods of transhumance where restrictions apply;
 - as regards disease prevention and treatment and veterinary care: date of treatment, diagnosis, type of treatment product, method of treatment and practitioner's prescription for veterinary care with reasons and withdrawal periods applying before livestock products can be marketed.
5. Where a producer manages several livestock holdings in the same region, the units which produce livestock or livestock products not covered by Article 1 will also be subject to the inspection system as regards the first, second and third indents of point 1 of this section on livestock and livestock products and as regards the provisions on livestock management, livestock records and the principles governing storage of animal husbandry products used.'
3. The title of Part B is replaced by:
- B. Units for preparation of plant and livestock products and foodstuffs composed of plant and livestock products.'
4. The title of Part C is replaced by:
- C. Importers of plant products, livestock products and foodstuffs composed of plant and/or livestock products from third countries.'
- IV. In Annex VI, the following paragraph is introduced after the first paragraph entitled General principles':
- Pending the adoption of rules in Sections A and B of this Annex, and in order to cover specifically the preparation of foodstuffs composed of one or more livestock products, national rules shall apply'.
- V. The following Annexes are added:

'ANNEX VII

Maximum number of animals per ha Class or species	Maximum number of animals per ha equivalent to 170 kg N/ha/year
Equines over six months old	2
Calves for fattening	5
Other bovine animals less than one year old	5
Male bovine animals from one to less than two years old	3,3
Female bovine animals from one to less than two years old	3,3
Male bovine animals two years old or over	2
Breeding heifers	2,5
Heifers for fattening	2,5
Dairy cows	2
Cull dairy cows	2
Other cows	2,5
Female breeding rabbits	100
Ewes	13,3
Goats	13,3
Piglets	74
Breeding sows	6,5
Pigs for fattening	14
Other pigs	14
Table chickens	580
Laying hens	230

ANNEX VIII

Minimum surface areas indoors and outdoors and other characteristics of housing in the different species and types of production

1. BOVINES, OVINE AND PIGS

	Indoors area (net area available to animals)		Outdoors area (exercise area, excluding pasturage)
	Live weight minimum (kg)	M ² /head	M ² /head
Breeding and fattening bovine and equidae	up to 100 up to 200 up to 350 over 350	1,5 2,5 4,0 5 with a minimum of 1 m ² /100 kg	1,1 1,9 3 3,7 with a minimum of 0,75 m ² /100 kg
Dairy cows		6	4,5
Bulls for breeding		10	30
Sheep and goats		1,5 sheep/goat 0,35 lamb/kid	2,5 2,5 with 0,5 per lamb/kid
Farrowing sows with piglets up to 40 days		7,5 sow	2,5
Fattening pigs	up to 50 up to 85 up to 110	0,8 1,1 1,3	0,6 0,8 1
Piglets	over 40 days and up to 30 kg	0,6	0,4
Brood pigs		2,5 female 6,0 male	1,9 8,0

2. POULTRY

	Indoors area (net area available to animals)			Outdoors area (m ² of area available in rotation/head)
	No animals/m ²	cm perch/animal	nest	
Laying hens	6	18	8 laying hens per nest or in case of common nest 120 cm ² /bird	4, provided that the limit of 170 kg of N/ha/year is not exceeded
Fattening poultry (in fixed housing)	10 with a maximum of 21 kg live-weight/m ²	20 (for guinea fowl only)		4 broilers and guinea fowl 4,5 ducks 10 turkey 15 geese In all the species mentioned above the limit of 170 kg of N/ha/year is not exceeded
Fattening poultry in mobile housing	16 (*) in mobile poultry houses with a maximum of 30 kg liveweight/m ²			2,5, provided that the limit of 170 kg of N/ha/year is not exceeded

(*) Only in the case of mobile houses not exceeding 150 m² floor space which remain open at night.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 23 March 1998

concerning the conclusion by the Community of the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes

(1999/575/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a, in conjunction with Article 228(2) and (3), first subparagraph, thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

(1) Whereas on 24 November 1986 the Council adopted Directive 86/609/EEC ⁽⁴⁾ on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes, setting out common rules incorporating the principles, objectives and main provisions of the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes;

(2) Whereas the provisions of the said Directive and Convention affect the conditions of production and placing on the market of products and substances the development of which involves the experiments referred to therein; whereas those provisions therefore contribute to the establishment and functioning of the internal market, the completion of which constitutes one of the chief objectives of the Community;

(3) Whereas the use of primates for experimental and other scientific purposes carries the risk of suffering for those animals and therefore has to be reduced;

(4) Whereas the use of primates for experimental and other scientific purposes has led to the catching of primates in the wild, and whereas, this should be avoided whenever possible in view of the suffering and losses which can arise during catching and transport;

(5) Whereas the Fifth Environmental Action Programme aims at taking some positive steps towards a reduction of 50 % in the use of animals for experimentation by the year 2000; whereas this target must not, however, stand in the way of the formulation and achievement of more ambitious objectives;

(6) Whereas the Community is stepping up its efforts to develop substitute methods and computer-aided simulation models, paying particular attention to the work carried out by the European Centre for the validation of alternative methods (ECVAM), so that the goal of reducing experiments on animals may be achieved in the near future;

(7) Whereas the Community also endorses all projects that encourage a full and uncomplicated exchange of data on the use of animals in experiments and prescribe that unnecessary duplicate experiments must be avoided *inter alia* by rules for second applicants;

(8) Whereas the Community signed the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes on 10 February 1987;

⁽¹⁾ OJ C 200, 5.8.1989, p. 8.

⁽²⁾ OJ C 291, 20.11.1989, p. 43 and
OJ C 269, 16.10.1995, p. 38.

⁽³⁾ OJ C 329, 30.12.1989, p. 10.

⁽⁴⁾ OJ L 358, 18.12.1986, p. 1.

- (9) Whereas it is necessary for the Community to approve the said Convention,

Secretary-General of the Council of Europe, as provided for in Article 31 of the Convention.

HAS DECIDED AS FOLLOWS:

2. When depositing the instrument of approval, the designated person or persons shall, in accordance with Article 34(1) of the Convention, make the reservation set out in Annex B to this Decision.

Article 1

The Community shall approve the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes, subject to a reservation in respect of Article 28(1) thereof.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

The text of the Convention is set out in Annex A.

Done at Brussels, 23 March 1998.

The text of the reservation is set out in Annex B.

Article 2

1. The President of the Council is hereby authorised to designate the person or persons empowered to deposit the instrument of approval of the Convention with the

For the Council
The President
M. MEACHER

TRANSLATION

ANNEX A

**EUROPEAN CONVENTION FOR THE PROTECTION OF VERTEBRATE ANIMALS USED FOR
EXPERIMENTAL AND OTHER SCIENTIFIC PURPOSES****Preamble**

THE MEMBER STATES OF THE COUNCIL OF EUROPE, SIGNATORY HERETO,

Recalling that the aim of the Council of Europe is to achieve a greater unity between its members and that it wishes to cooperate with other States in the protection of live animals used for experimental and other scientific purposes;

Recognising that man has a moral obligation to respect all animals and to have due consideration for their capacity for suffering and memory;

Accepting nevertheless that man in his quest for knowledge, health and safety has a need to use animals where there is a reasonable expectation that the result will be to extend knowledge or be to the overall benefit of man or animal, just as he uses them for food, clothing and as beasts of burden;

Resolved to limit the use of animals for experimental and other scientific purposes, with the aim of replacing such use wherever practical, in particular by seeking alternative measures and encouraging the use of these alternative measures;

Desirous to adopt common provisions in order to protect animals used in those procedures which may possibly cause pain, suffering, distress or lasting harm and to ensure that where unavoidable they shall be kept to a minimum,

HAVE AGREED AS FOLLOWS:

PART I

General principles*Article 1*

1. This Convention applies to any animal used or intended for use in any experimental or other scientific procedure where that procedure may cause pain, suffering, distress or lasting harm. It does not apply to any non-experimental agricultural or clinical veterinary practice.

2. In this Convention:

(a) 'animal', unless otherwise qualified, means any live non-human vertebrate including free-living and/or reproducing larval forms, but excluding other foetal or embryonic forms;

(b) 'intended for use' means bred or kept for the purpose of sale, disposal or use in any experimental or other scientific procedure;

(c) 'procedure' means any experimental or other scientific use of an animal which may cause it pain, suffering, distress or lasting harm, including any course of action intended to, or liable to, result in the birth of an animal in any such conditions, but excluding the least painful methods accepted in modern practice (that is 'humane' methods) of killing or marking an animal. A procedure starts when an animal is first prepared for use and ends when no further observations are to be made for that procedure; the elimination of pain, suffering, distress or lasting harm by the successful use of anaesthesia or analgesia or other methods does not place the use of an animal outside the scope of this definition;

(d) 'competent person' means any person who is considered by a Party to be competent in its territory to perform the relevant function described in this Convention;

(e) 'responsible authority' means, in the territory of a given Party, any authority, body or person designated for the relevant purpose;

- (f) 'establishment' means any stable or mobile facility, any building, group of buildings or other premises, including a place which is not wholly enclosed or covered;
- (g) 'breeding establishment' means any establishment where animals are bred with a view to their use in procedures;
- (h) 'supplying establishment' means any establishment, other than a breeding establishment, from which animals are supplied with a view to their use in procedures;
- (i) 'user establishment' means any establishment where animals are used in procedures;
- (j) 'humane method of killing' means the killing of an animal with a minimum of physical and mental suffering appropriate to the species.

Article 2

A procedure may be performed for one or more of the following purposes only and subject to the restrictions laid down in this Convention:

- (a) (i) avoidance or prevention of disease, ill-health or other abnormality, or their effects, in man, vertebrate or invertebrate animals or plants, including the production and the quality, efficacy and safety testing of drugs, substances or products;
- (ii) diagnosis or treatment of disease, ill-health or other abnormality, or their effects, in man, vertebrate or invertebrate animals or plants;
- (b) detection, assessment, regulation or modification of physiological conditions in man, vertebrate and invertebrate animals or plants;
- (c) protection of the environment;
- (d) scientific research;
- (e) education and training;
- (f) forensic inquiries.

Article 3

Each Party undertakes to take all the necessary steps to give effect to the provisions of this Convention and to ensure an effective system of control and supervision as soon as possible and in any case within a period of five years from the date of entry into force of the present Convention in respect of that Party.

Article 4

No provision in this Convention shall affect the liberty of the Parties to adopt stricter measures for the protection of animals used in procedures or for the control and restriction of the use of animals in procedures.

PART II

General care and accommodation

Article 5

1. Any animal used or intended for use in a procedure shall be provided with accommodation, an environment, at least a minimum degree of freedom of movement, food, water and care, appropriate to its health and well-being. Any restriction on the extent to which an animal can satisfy its physiological and ethological needs shall be limited as far as practicable. In the implementation of this provision, regard should be paid to the guidelines for accommodation and care of animals set out in Appendix A to this Convention.

2. The environmental conditions in which animals are bred, kept or used shall be checked daily.

3. The well-being and state of health of animals shall be observed sufficiently closely and frequently to prevent pain or avoidable suffering, distress or lasting harm.

4. Each Party shall determine arrangements to ensure that any defect or suffering discovered is corrected as quickly as possible.

PART III

Conduct of procedure

Article 6

1. A procedure shall not be performed for any of the purposes referred to in Article 2, if another scientifically satisfactory method, not entailing the use of an animal, is reasonably and practicably available.

2. Each Party should encourage scientific research into the development of methods which could provide the same information as that obtained in procedures.

Article 7

When a procedure has to be performed, the choice of species shall be carefully considered and, where required, be explained

to the responsible authority; in a choice between procedures, those should be selected which use the minimum number of animals, cause the least pain, suffering, distress or lasting harm and which are most likely to provide satisfactory results.

Article 8

A procedure shall be performed under general or local anaesthesia or analgesia or by other methods designed to eliminate as far as practicable pain, suffering, distress or lasting harm, applied throughout the procedure unless:

- (a) the pain caused by the procedure is less than the impairment of the animal's well-being caused by the use of anaesthesia or analgesia; or
- (b) the use of anaesthesia or analgesia is compatible with the aim of the procedure. In such cases, appropriate legislative and/or administrative measures shall be taken to ensure that no such procedure is carried out unnecessarily.

Article 9

1. Where it is planned to subject an animal to a procedure in which it will or may experience severe pain which is likely to endure, that procedure must be specifically declared and justified to, or specifically authorised by, the responsible authority.

2. Appropriate legislative and/or administrative measures shall be taken to ensure that no such procedure is carried out unnecessarily.

Such measures shall include:

- either specific authorisation by the responsible authority,
- or specific declaration of such procedure to the responsible authority and judicial or administrative action by that authority if it is not satisfied that the procedure is of sufficient importance for meeting the essential needs of man or animal, including the solution of scientific problems.

Article 10

During a procedure, an animal used shall remain subject to the provisions of Article 5 except where those provisions are incompatible with the objective of the procedure.

Article 11

1. At the end of a procedure it shall be decided whether the animal shall be kept alive or killed by a humane method. An animal shall not be kept alive if, even though it has been restored to normal health in all other respects, it is likely to remain in lasting pain or distress.

2. The decisions referred to in paragraph 1 of this Article shall be taken by a competent person, in particular a veterinarian, or the person who, in accordance with Article 13, is responsible for, or has performed, the procedure.

3. Where, at the end of a procedure:

- (a) an animal is to be kept alive, it shall receive the care appropriate to its state of health, be placed under the supervision of a veterinarian or other competent person and kept under conditions conforming to the requirements of Article 5. The conditions laid down in this subparagraph may, however, be waived where, in the opinion of a veterinarian, the animal would not suffer as a consequence of such exemption;
- (b) an animal is not to be kept alive or cannot benefit from the provisions of Article 5 for its well-being, it shall be killed by a humane method as soon as possible.

4. No animal which has been used in a procedure entailing severe or enduring pain or suffering, irrespective of whether anaesthesia or analgesia was employed, shall be used in a further procedure unless it has returned to good health and well-being, and either:

- (a) the further procedure is one in which the animal is subject throughout to general anaesthesia which is to be maintained until the animal is killed; or
- (b) the further procedure will involve minor interventions only.

Article 12

Notwithstanding the other provisions of this Convention, where it is necessary for the legitimate purposes of the procedure, the responsible authority may allow the animal concerned to be set free provided that it is satisfied that the maximum practicable care has been taken to safeguard the animal's well-being. Procedures that involve setting the animal free shall not be permitted solely for educational or training purposes.

PART IV

Authorisation

Article 13

A procedure for the purposes referred to in Article 2 may be carried out only by persons authorised, or under the direct

responsibility of a person authorised, or if the experimental or other scientific project concerned is authorised in accordance with the provisions of national legislation. Authorisation shall be granted only to persons deemed to be competent by the responsible authority.

PART V

Breeding or supplying establishments

Article 14

Breeding and supplying establishments shall be registered with the responsible authority subject to the grant of an exemption under Article 21 or Article 22. Such registered establishments shall comply with the requirements of Article 5.

Article 15

The registration provided for in Article 14 shall specify the person in charge of the establishment, who shall be competent to administer or arrange for suitable care for animals of the species bred or kept in the establishment.

Article 16

1. Arrangements shall be made at registered breeding establishments to record, in respect of the animals bred there, the number and species of such animals leaving, the dates they leave and the name and address of the recipient.

2. Arrangements shall be made at registered supplying establishments to record the number and species of such animals entering and leaving, the dates of these movements, from whom the animals concerned were acquired and the name and address of the recipient.

3. The responsible authority shall prescribe the records which are to be kept and made available to it by the person in charge of the establishments mentioned in paragraphs 1 and 2 of this Article; such records shall be kept for a minimum of three years from the date of the last entry.

Article 17

1. Each dog and cat in an establishment shall be individually and permanently marked in the least painful manner possible before it is weaned.

2. Where an unmarked dog or cat is taken into an establishment for the first time after it has been weaned, it shall be marked as soon as possible.

3. Where a dog or cat is transferred from one establishment to another before it is weaned and it is not practical to mark it beforehand, a full documentary record, specifying in particular its mother, shall be kept until it can be marked.

4. Particulars of the identity and origin of each dog or cat shall be entered in the records of the establishment.

PART VI

User establishments

Article 18

User establishments shall be registered with or otherwise approved by the responsible authority and shall comply with the conditions laid down in Article 5.

Article 19

Provisions shall be made at user establishments for installations and equipment appropriate for the species of animals used and the performance of the procedures conducted there. The design, construction and functioning of such installations and equipment shall be such as to ensure that the procedures are performed as effectively as possible, with the object of obtaining consistent results with the minimum number of animals and the minimum degree of pain, suffering, distress or lasting harm.

Article 20

In user establishments:

- (a) the person or persons who are administratively responsible for the care of the animals and the functioning of the equipment shall be identified;
- (b) sufficient trained staff shall be provided;
- (c) adequate arrangements shall be made for the provision of veterinary advice and treatment;
- (d) a veterinarian or other competent person should be charged with advisory duties in relation to the well-being of the animals.

Article 21

1. Animals of the species listed below which are for use in procedures shall be acquired directly from or originate from registered breeding establishments, unless a general or special

exemption has been obtained under arrangements to be determined by the Party:

mouse:	mus musculus
rat:	rattus norvegicus
guinea pig:	cavia porcellus
golden hamster:	mesocricetus auratus
rabbit:	oryctolagus cuniculus
dog:	canis familiaris
cat:	felis catus
quail:	coturnix coturnix.

2. Each Party undertakes to extend the provisions of paragraph 1 of this Article to other species, in particular of the order of primates, as soon as there is a reasonable prospect of a sufficient supply of purpose-bred animals of the species concerned.

3. Straying animals of a domesticated species shall not be used in procedures. A general exemption made under the conditions of paragraph 1 of this Article may not extend to stray dogs and cats.

Article 22

In user establishments, only animals supplied from registered breeding or supplying establishments shall be used, unless a general or special exemption has been obtained under arrangements to be determined by the Party.

Article 23

Procedures may, where authorised by the responsible authority, be conducted outside user establishments.

Article 24

Arrangements shall be made at user establishments to maintain records and make them available as required by the responsible authority. In particular, these records shall be sufficient to meet the requirements of Article 27 and, in addition, show the number and species of all animals acquired, from whom they were acquired and their date of arrival.

PART VII

Education and training

Article 25

1. Procedures carried out for the purpose of education, training or further training for professions or other occupations, including the care of animals being used or

intended for use in procedures, must be notified to the responsible authority and shall be carried out by or under the supervision of a competent person, who will be responsible for ensuring that the procedures comply with national legislation under the terms of this Convention.

2. Procedures within the scope of education, training, or further training for purposes other than those referred to in paragraph 1 above shall not be permitted.

3. Procedures referred to in paragraph 1 of this Article shall be restricted to those absolutely necessary for the purpose of the education or training concerned and be permitted only if their objective cannot be achieved by comparably effective audio-visual or any other suitable methods.

Article 26

Persons who carry out procedures, or take part in procedures, or take care of animals used in procedures, including supervision, shall have had appropriate education and training.

PART VIII

Statistical information

Article 27

1. Each Party shall collect statistical information on the use of animals in procedures and this information shall where lawful be made available to the public.

2. Information shall be collected in respect of:

- (a) the numbers and kinds of animals used in procedures;
- (b) the numbers of animals in selected categories used in procedures directly concerned with medicine and in education and training;
- (c) the numbers of animals in selected categories used in procedures for the protection of man and the environment;
- (d) the numbers of animals in selected categories used in procedures required by law.

Article 28

1. Subject to requirements of national legislation relating to secrecy and confidentiality, each Party shall communicate every year to the Secretary-General of the Council of Europe information in respect of the items mentioned in paragraph 2 of Article 27, presented in the form set out in Appendix B to this Convention.

2. The Secretary-General of the Council of Europe shall publish the statistical information received from the Parties in respect of the items mentioned in paragraph 2 of Article 27.

3. Each Party is invited to communicate to the Secretary-General of the Council of Europe the address of its national authority from which information about more comprehensive national statistics may be obtained on request. Such addresses will be contained in the publications of statistics made by the Secretary-General of the Council of Europe.

PART IX

Recognition of procedures carried out in the territory of another Party

Article 29

1. In order to avoid unnecessary repetition of procedures required by law on health and safety, each Party shall, where practicable, recognise the results of procedures carried out in the territory of another Party.

2. To that end the Parties undertake, where practicable and lawful, to render each other mutual assistance, in particular by furnishing information on their legislation and administrative practice relating to the requirements for procedures to be carried out in support of submissions for registration of products, as well as factual information on procedures carried out in their territory and on authorisation or any other administrative particulars pertaining to these procedures.

PART X

Multilateral consultations

Article 30

The Parties shall, within five years from the entry into force of this Convention and every five years thereafter, or more frequently if a majority of the Parties should so request, hold multilateral consultations within the Council of Europe to examine the application of this Convention, and the advisability of revising it or extending any of its provisions. These consultations shall take place at meetings convened by the Secretary-General of the Council of Europe. The Parties shall communicate the name of their representative to the Secretary-General of the Council of Europe at least two months before meetings.

PART XI

Final provisions

Article 31

This Convention shall be open for signature by the Member States of the Council of Europe and by the European Communities. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval

shall be deposited with the Secretary-General of the Council of Europe.

Article 32

1. This Convention shall enter into force on the first day of the month following the expiration of a period of six months after the date on which four Member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 31.

2. In respect of a signatory which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of six months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 33

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council to accede to this Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the committee.

2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of six months after the date of deposit of the instrument of accession with the Secretary-General of the Council of Europe.

Article 34

1. Any Signatory may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more reservations. No reservations may, however, be made in respect of Articles 1 to 14 or Articles 18 to 20.

2. Any Party which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary-General of the Council of Europe. The withdrawal shall take effect on the date of receipt of such notification by the Secretary-General.

3. A Party which has made a reservation in respect of a provision of this Convention may not claim the application of that provision by any other Party; it may, however, if its reservation is partial or conditional, claim the application of that provision in so far as it has itself accepted it.

Article 35

1. Any Signatory may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2. Any Party may at any later date, by a declaration addressed to the Secretary-General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of six months after the date of receipt of such declaration by the Secretary-General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary-General. The withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary-General.

Article 36

1. Any Party may at any time denounce this Convention by means of a notification addressed to the Secretary-General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary-General.

Article 37

The Secretary-General of the Council of Europe shall notify the Member States of the Council of Europe, the European Communities and any State which has acceded to this Convention of:

- (a) any signature;
- (b) the deposit of any instrument of ratification, acceptance, approval or accession;
- (c) any date of entry into force of this Convention in accordance with Articles 32, 33 and 35;
- (d) any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg, this 18 March 1986 in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary-General of the Council of Europe shall transmit certified copies to each Member State of the Council of Europe, to the European Communities and to any State invited to accede to this Convention.

ANNEX B

RESERVATION IN RESPECT OF ARTICLE 28(1) OF THE CONVENTION FOR THE PROTECTION OF VERTEBRATE ANIMALS USED FOR EXPERIMENTAL AND OTHER SCIENTIFIC PURPOSES

In application of Article 34(1) of the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes, the European Community states that it does not consider itself bound by the requirements to communicate statistical data laid down in Article 28(1) of the said Convention.

COUNCIL DECISION**of 29 June 1999****on the signing and notification of the provisional application of the Food Aid Convention 1999
on behalf of the European Community**

(1999/576/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 181, in conjunction with the first sentence of the first subparagraph of Article 300(2),

Sole Article

Having regard to the proposal from the Commission,

- (1) Whereas the Community is a member of the International Grains Agreement 1995 comprising two distinct legal instruments, i.e. the Grains Trade Convention and the Food Aid Convention; whereas these Agreements were extended until 30 June 1999;
- (2) Whereas the Grains Trade Convention 1995 will be extended until 30 June 2001;
- (3) Whereas the Food Aid Convention 1999 has been negotiated;
- (4) Whereas this Agreement should be signed;
- (5) Whereas the new Food Aid Convention will be open for signature at the headquarters of the United Nations in New York from 1 May to 30 June 1999 inclusive; whereas during that period signatories shall deposit their instruments of ratification, acceptance or approval; whereas given that the necessary procedures will not be accomplished within this time-frame it should be decided to apply the new Food Aid Convention provisionally,

1. The President of the Council is hereby authorised to designate the person empowered to sign the Food Aid Convention 1999 on behalf of the European Community.

The text of the Agreement is annexed to this Decision.

2. The European Community shall apply the Food Aid Convention 1999 provisionally from the time of its entry into force.

3. The President of the Council shall deposit a declaration of provisional application as provided for in Article XXII(c) of the Food Aid Convention 1999 with the Secretary-General of the United Nations on behalf of the European Community.

Done at Brussels, 29 June 1999.

For the Council
The President
J. FISCHER

Declaration of provisional application

It will not be possible for the European Community to complete before 30 June 1999 its institutional procedures for approval as required by Article XXII(b) of the Food Aid Convention.

In accordance with Article XXII(c) of the said Convention, the Community therefore makes this declaration of provisional application which shall take effect when the Convention enters into force. By depositing such a declaration, the Community regards itself to be provisionally a party to the Convention concerned, with all the rights and obligations which result therefrom, until such time as it has taken a final decision on the matter.

ANNEX

FOOD AID CONVENTION 1999

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FOOD AID CONVENTION 1999

Preamble

THE PARTIES TO THIS CONVENTION,

Having reviewed the Food Aid Convention 1995 and its objective of securing at least 10 million t of food aid annually in the form of grain suitable for human consumption, and wishing to confirm their desire to maintain international cooperation on food aid matters among member governments;

Recalling the Declaration on World Food Security and the World Food Summit plan of action adopted in Rome in 1996, in particular the commitment to achieve food security for all and to an ongoing effort to eradicate hunger;

Desiring to enhance the capacity of the international community to respond to food emergency situations and to improve world food security, through the assurance of supplies of food aid irrespective of world food price and supply fluctuations;

Recalling that, in their 1994 Marrakesh decision on measures concerning least-developed countries and net food-importing developing countries, ministers of WTO member countries agreed to review the level of food aid established under the Food Aid Convention as further elaborated at the 1996 Singapore Ministerial Conference;

Recognising that the recipients and members have their own policies on food aid and related matters, and that the ultimate objective of food aid is the elimination of the need for food aid itself;

Desiring to improve the effectiveness and quality of food aid as a tool in support of food security in developing countries, particularly to alleviate poverty and hunger of the most vulnerable groups, and to improve member coordination and cooperation in the field of food aid,

HAVE AGREED ON THE FOLLOWING:

PART I

OBJECTIVES AND DEFINITIONS

Article I

Objectives

The objectives of this Convention are to contribute to world food security and to improve the ability of the international community to respond to emergency food situations and other food needs of developing countries by:

- (a) making appropriate levels of food aid available on a predictable basis, as determined by the provisions of this Convention;
- (b) encouraging members to ensure that the food aid provided is aimed particularly at the alleviation of poverty and hunger of the most vulnerable groups, and is consistent with agricultural development in those countries;

- (c) including principles for maximising the impact, the effectiveness and quality of the food aid provided as a tool in support of food security;

- (d) providing a framework for cooperation, coordination and information-sharing among members on food aid related matters to achieve greater efficiency in all aspects of food aid operations and better coherence between food aid and other policy instruments.

Article II

Definitions

- (a) Under this Convention, unless the context otherwise requires, any reference to:
 - (i) 'cif' means cost, insurance and freight;
 - (ii) 'commitment' means the minimum amount of food aid to be provided annually by a member under Article III(e);

- (iii) 'Committee' means the Food Aid Committee referred to in Article XV;
 - (iv) 'contribution' means the amount of food aid provided and reported to the Committee by a member annually in accordance with the provisions of this Convention;
 - (v) 'Convention' means the Food Aid Convention 1999;
 - (vi) 'DAC' means the Development Assistance Committee of the OECD;
 - (vii) 'developing country' means any country or territory eligible to receive food aid under Article VII;
 - (viii) 'eligible product' means a product, referred to in Article IV, which may be provided as food aid by a member as its contribution under this Convention;
 - (ix) 'Executive Director' means the Executive Director of the International Grains Council;
 - (x) 'fob' means free on board;
 - (xi) 'food' or 'food aid' includes, as appropriate, a reference to seed for food crops;
 - (xii) 'member' means a party to this Convention;
 - (xiii) 'micro-nutrients' means vitamins and minerals used to fortify or complement food aid products which are eligible, under Article IV (c), to be counted as a member's contribution;
 - (xiv) 'OECD' means the Organisation for Economic Cooperation and Development;
 - (xv) 'products of primary processing' include:
 - cereal flours,
 - cereal groats and cereal meal,
 - other worked cereal grains (e.g. rolled, flaked, polished, pearled and kibbled, but not further prepared) except husked, glazed, polished or broken rice,
 - germ of cereals, whole, rolled, flaked or ground,
 - bulgur, and
 - any other similar grain product which the Committee may decide;
 - (xvi) 'products of secondary processing' include:
 - macaroni, spaghetti and similar products, and
 - any other product, whose manufacture involves the use of a product of primary processing, which the Committee may decide;
 - (xvii) 'rice' includes husked, glazed, polished or broken rice;
 - (xviii) 'Secretariat' means the Secretariat of the International Grains Council;
 - (xix) 'tonne' means a metric ton of 1 000 kilograms;
 - (xx) 'transport and other operational costs', as listed in Annex A, mean costs beyond the fob stage or, in the case of local purchases, beyond the point of purchase, associated with a food aid operation, which may be counted in whole or in part towards a member's contribution;
 - (xxi) 'value' means the commitment of a member in a convertible currency;
 - (xxii) 'wheat equivalent' means the amount of a member's commitment or contribution as evaluated in accordance with Article V;
 - (xxiii) 'WTO' means the World Trade Organisation;
 - (xxiv) 'year' means the period from 1 July to the following 30 June, unless otherwise stated.
- (b) Any reference in this Convention to a 'government' or 'governments' or 'member' shall be construed as including a reference to the European Community (hereinafter referred to as the EC). Accordingly, any reference in this Convention to 'signature' or to the 'deposit of instruments of ratification, acceptance, or approval' or 'an instrument of accession' or 'a declaration of provisional application' by a government shall, in the case of the EC, be construed as including signature or declaration of provisional application on behalf of the EC by its competent authority and the deposit of the instrument required by the institutional procedures of the EC to be deposited for the conclusion of an international agreement.
- (c) Any reference in this Convention to a 'government', or 'governments', or 'member', shall be understood, where appropriate, to include a reference to any separate customs territory within the meaning of the General Agreement on Tariffs and Trade or of the Agreement Establishing The World Trade Organisation.

PART II

CONTRIBUTIONS AND NEEDS

Article III

Quantities and quality

- (a) Members agree to provide food aid to developing countries or the cash equivalent thereof in the minimum annual

amounts specified in paragraph (e) below (hereinafter referred to as 'the commitment').

value may include the transport and other operational costs associated with the food aid operations.

(b) The commitment of each member shall be expressed in either tonnes of wheat equivalent or in value or in a combination of tonnage and value. Members expressing their commitment in value terms shall also specify a guaranteed annual tonnage.

(d) Whether its commitment is expressed in tonnage, in value, or in a combination of tonnage and value, a member may also include an indicative value representing its total estimated cost, including the transport and other operational costs associated with the food aid operations.

(c) In the case of members expressing their commitment in value terms or in a combination of tonnage and value, the

(e) Subject to the provisions of Article VI, the commitment of each member shall be:

Member	Tonnage ⁽¹⁾ (wheat equivalent)	Value ⁽¹⁾ (millions)	Total indicative value (millions)
Argentina	35 000	—	
Australia	250 000	—	AUD 90 ⁽²⁾
Canada	420 000	—	CAD 150 ⁽²⁾
European Community and its Member States	1 320 000	EUR 130 ⁽²⁾	EUR 422 ⁽²⁾
Japan	300 000	—	
Norway	30 000	—	NOK 59 ⁽²⁾
Switzerland	40 000	—	
United States of America	2 500 000	—	USD 900 to 1 000 ⁽²⁾

⁽¹⁾ Members shall report their food aid operations in line with the relevant Rules of Procedure.

⁽²⁾ Includes transport and other operational costs.

(f) Transport and other operational costs, when counted towards a member's commitment, must be incurred as part of a food aid operation which is also eligible to be counted towards a member's commitment.

(j) All products provided as food aid shall meet international quality standards, be consistent with the dietary habits and nutritional needs of recipients and, with the exception of seeds, shall be suitable for human consumption.

(g) In respect of transport and other operational costs, a member cannot count more than the acquisition cost of eligible products towards its commitment, except in the case of internationally recognised emergency situations.

Article IV

Products

(h) Any member which has acceded to this Convention under paragraph (b) of Article XXIII shall be deemed to be listed in paragraph (e) of this Article, together with its commitment.

(a) The following products are eligible to be supplied under this Convention, subject to the specifications set out in the relevant Rules of Procedure:

(i) The commitment of an acceding member referred to in paragraph (h) of this Article shall not be less than 20 000 tonnes or an appropriate value as the Committee may approve. This will normally apply in full starting in the first year during which the country is deemed by the Committee to have acceded to the Convention. However, to facilitate the accession of governments other than those referred to in paragraph (e) of this Article, the Committee may agree that an acceding member's commitment should be phased in over a period of not more than three years, provided that the commitment is at least 10 000 tonnes or an appropriate value in the first year, and increases by at least 5 000 tonnes a year or an appropriate value in each succeeding year.

(i) grains (wheat, barley, maize, millet, oats, rye, sorghum or triticale), or rice;

(ii) grain and rice products of primary or secondary processing;

(iii) pulses;

(iv) edible oil;

(v) root crops (cassava, round potatoes, sweet potatoes, yams, or taro), where these are supplied in triangular transactions or in local purchases;

(vi) skimmed-milk powder;

- (vii) sugar;
 - (viii) seed for eligible products;
 - (ix) within the limits of paragraph (b) below, products which are a component of the traditional diet of vulnerable groups, or a component of supplementary feeding programmes, and which meet the requirements set out in Article III (j) of this Convention.
- (b) The amount of food aid provided by a member in any year in fulfilling its commitment in the form of:
- (i) all products included in paragraph (a)(vi) to (viii) of this Article shall not together exceed 15 %, and no product category may individually exceed 7 %, of its commitment excluding transport and other operational costs;
 - (ii) all products included in paragraph (a)(ix) of this Article shall not together exceed 5 %, and no product may individually exceed 3 %, of its commitment excluding transport and other operational costs;
 - (iii) in the case of commitments expressed as a combination of tonnage and value, the percentages in subparagraphs (i) and (ii) above shall be calculated separately for tonnage and value, excluding transport and other operational costs.
- (c) For the purposes of fulfilment of their commitments, members may provide micro-nutrients in conjunction with eligible products. They are encouraged to provide, when appropriate, fortified food aid products, particularly in emergency situations and targeted development projects.
- (iv) pulses, seed of grain, rice or other food crops, and all other eligible products, shall be based on the costs of acquisition in accordance with the methods set out in the Rules of Procedure.
 - (b) In the case of contributions in the form of blends or mixtures of products, only the proportion of the blend or mixture which is made from eligible products shall be counted towards a member's contribution.
 - (c) The Committee shall establish a Rule of Procedure to determine the wheat equivalent of fortified products and micro-nutrients.
 - (d) Contributions of cash for the purchase of eligible products supplied as food aid shall be evaluated either in accordance with the wheat equivalent of these products, or at prevailing international market prices of wheat, in accordance with the methods laid down in the Rules of Procedure.

Article VI

Carryover and carryforward

- (a) Each member shall ensure that operations in respect of its commitment for one year are made to the maximum extent possible within that year.
- (b) If a member is unable to provide that amount specified in paragraph (e) of Article III in a particular year, it shall report the circumstances to the Committee as soon as possible and, in any case, no later than the first session held after the end of that year. Unless the Committee decides otherwise, the unfulfilled amount shall be added to the member's commitment for the following year.
- (c) If a member's contribution exceeds its commitment for any year, up to 5 % of its overall commitment, or the amount of the excess, whichever is the smaller, may be counted as part of the member's commitment for the following year.

Article V

Equivalence

- (a) Contributions shall be counted in terms of their wheat equivalent, as follows:
 - (i) grain for human consumption shall be equal to wheat;
 - (ii) rice shall be determined by the international export price relationship between rice and wheat, in accordance with the methods set out in the Rules of Procedure;
 - (iii) products of primary or secondary processing of grains or of rice shall be determined by their respective grain or rice content, in accordance with the specifications set out in the Rules of Procedure;

Article VII

Eligible recipients

- (a) Food aid under this Convention may be provided to the developing countries and territories which are listed in Annex B, namely:
 - (i) least-developed countries;
 - (ii) low-income countries;

- (iii) lower middle-income countries, and other countries included in the WTO list of net food-importing developing countries at the time of negotiation of this Convention, when experiencing food emergencies or internationally recognised financial crises leading to food shortage emergencies, or when food aid operations are targeted on vulnerable groups.
- (b) For purposes of paragraph (a), any changes made to the DAC list of developing countries and territories in Annex B(a) to (c) shall also apply to the list of eligible recipients under this Convention.
- (c) When allocating their food aid, members shall give priority to least-developed countries and low-income countries.
- (g) At the time of the identification of food aid needs, members or their partners shall endeavour to consult with each other at the regional and recipient country level, with a view to developing a common approach to needs analysis.
- (h) Members agree, where appropriate, to identify priority countries and regions under their food aid programmes. Members will ensure transparency as to their priorities, policies and programmes, by providing information for other donors.
- (i) Members will consult with each other, directly or through their relevant partners, on the possibilities for the establishment of common action plans for priority countries, if possible on a multiannual basis.

Article VIII

Needs

- (a) Food aid should only be provided when it is the most effective and appropriate means of assistance.
- (b) Food aid should be based on an evaluation of needs by the recipient and the members, within their own respective policies, and should be aimed at enhancing food security in recipient countries. In responding to those needs, members shall pay attention to meeting the particular nutritional needs of women and children.
- (c) Food aid for free distribution should be targeted on vulnerable groups.
- (d) The provision of food aid in emergency situations should take particular account of longer-term rehabilitation and development objectives in the recipient countries and should respect basic humanitarian principles. Members shall aim to ensure that the food aid provided reaches the intended recipients in a timely manner.
- (e) To the maximum extent possible, non-emergency food aid shall be provided by members on a forward planning basis, so that recipient countries may be able to take account, in their development programmes, of the likely flow of food aid they will receive during each year of this Convention.
- (f) If it appears that, because of a substantial production shortfall or other circumstances, a particular country, region or regions is faced with exceptional food needs, the matter shall be considered by the Committee. The Committee may recommend that members should respond to the situation by increasing the amount of food aid provided.

Article IX

Forms and terms of aid

- (a) Food aid under this Convention may be supplied as:
 - (i) grants of food or of cash to be used to purchase food for or by the recipient country;
 - (ii) sales of food for the currency of the recipient country, which is not transferable and is not convertible into currency or goods and services for use by the donor members;
 - (iii) sales of food on credit, with payment to be made in reasonable annual amounts over periods of 20 years or more and with interest at rates which are below commercial rates prevailing in world markets.
- (b) With respect only to food aid counted against a member's commitment, all food aid provided to least-developed countries shall be made in the form of grants.
- (c) Food aid under this Convention provided in the form of grants shall represent not less than 80% of a member's contribution and, to the extent possible, members will seek progressively to exceed this percentage.
- (d) Members shall undertake to conduct all food aid transactions under this Convention in such a way as to avoid harmful interference with normal patterns of production and international commercial trade.
- (e) Members shall ensure that:
 - (i) the provision of food aid is not tied directly or indirectly, formally or informally, explicitly or

implicitly, to commercial exports of agricultural products or other goods and services to recipient countries;

- (ii) food aid transactions, including bilateral food aid which is monetised, are carried out in a manner consistent with the FAO 'Principles of surplus disposal and consultative obligations'.

Article X

Transport and delivery

- (a) The costs of transporting and delivering food aid beyond the fob stage shall, to the extent possible, be borne by the donors, particularly in the case of emergency food aid or food aid provided to priority recipient countries.
- (b) In planning food aid operations, due account shall be taken of potential difficulties which may affect transport, processing or storage of food aid, and the effects that the delivery of the aid may have on marketing of local harvests in the recipient country.
- (c) In order to make optimum use of available logistical capacity, members shall establish, as far as possible, with other food aid donors, recipient countries, and any other parties involved in the delivery of the food aid, a coordinated timetable for the delivery of their aid.
- (d) Due reference to the payment of transport and other operational costs shall be made in any review of the performance of members under this Convention.
- (e) Transport and other operational costs must be incurred as part of a food aid operation which is also eligible to be reported as part of a member's contribution.

Article XI

Channelling

- (a) Members may provide their food aid bilaterally, through intergovernmental or other international organisations, or non-governmental organisations.
- (b) Members shall give full consideration to the advantages of directing food aid through multilateral channels, in particular the World Food Programme.
- (c) In developing and implementing their food aid operations, members shall make use, whenever possible, of information and competencies available within the relevant

international organisations, whether intergovernmental or non-governmental, active in the field of food aid.

- (d) Members are encouraged to coordinate their food aid policies and activities in relation to international organisations active in the field of food aid, with a view to strengthening the coherence of food aid operations.

Article XII

Local purchases and triangular transactions

- (a) In order to promote local agricultural development, strengthen regional and local markets and enhance the longer-term food security of recipient countries, members shall give consideration to using or directing their cash contributions for the purchase of food:
 - (i) for supply to the recipient country from other developing countries (triangular transactions); or
 - (ii) in one part of a developing country for supply to a deficit area in that country (local purchases).
- (b) Cash contributions shall not normally be made to purchase food which is of the same type that the country which is the source of supply has received as bilateral or multilateral food aid in the same year as the purchase, or in a previous year if the food aid then received is still being used.
- (c) To facilitate the purchase of food from developing countries, members shall, to the extent possible, provide to the Secretariat such information as is available to them on food surpluses that may exist, or are anticipated, in developing countries.
- (d) Members shall pay particular attention to avoiding harmful effects on low-income consumers due to price changes resulting from local purchases.

Article XIII

Effectiveness and impact

- (a) In all food aid transactions, members shall pay particular attention to:
 - (i) avoiding harmful effects on local harvests, production and marketing structures, by appropriately timing the distribution of food aid;
 - (ii) respecting local food habits and nutritional needs of the beneficiaries and minimising any possible negative effects on their eating habits;

- (iii) facilitating the participation of women in the decision-making process and in the implementation of food aid operations, thus strengthening food security at the household level.
- (b) Members shall endeavour to support the efforts of governments in recipient countries to develop and implement food aid programmes in a manner consistent with this Convention.
- (c) Members should support and, where appropriate, contribute to strengthening the capacity and competence of recipient governments and the respective civil societies to develop and implement food security strategies to enhance the impact of food aid programmes.
- (d) When food aid is sold within a recipient country, the sale shall be carried out, as far as possible, through the private sector and be based on market analysis. In targeting proceeds from such sales, priority shall be given to projects aiming to improve the food security of beneficiaries.
- (e) Consideration should be given to reinforcing food aid by other means (financial aid, technical assistance, etc.) in order to strengthen its capacity to enhance food security and to increase the capacity of governments and civil society to develop food security strategies at all levels.
- (f) Members shall endeavour to ensure coherence between food aid policies and policies in other sectors such as development, agriculture and trade.
- (g) Members agree to consult to the extent possible with all partners concerned at the level of each recipient country to ensure monitoring of the coordination of food aid programmes and operations.
- (h) Members shall endeavour to carry out joint evaluations of their food aid programmes and operations. Such evaluation should be based on agreed international principles.
- (i) When carrying out evaluations of their food aid programmes and operations, members shall take into consideration the provisions of this Convention relating to the effectiveness and impact of those food aid programmes and operations.
- (j) Members are encouraged to assess the impact of their food aid programmes, channelled bilaterally or multilaterally or through non-governmental organisations, using appropriate indicators such as the nutritional status of the beneficiaries and other indicators related to world food security.

Article XIV

Information and coordination

- (a) Members shall provide regular and timely reports to the Committee on the amount, content, channelling, costs including transport and other operational costs, forms and terms of their contributions in accordance with the Rules of Procedure.
- (b) Members undertake to supply such statistical and other information that may be required for the operation of this Convention, in particular regarding their:
 - (i) aid deliveries, including the purchase of products made as the result of cash contributions, local purchases or triangular operations, and those channelled through international organisations;
 - (ii) arrangements entered into for the future supply of food aid;
 - (iii) policies affecting the provision and distribution of food aid. To the extent possible, these reports shall be submitted in writing to the executive director before each regular session of the Committee.
- (c) Members who make contributions in the form of multilateral cash contributions to international organisations shall report the fulfilment of their obligations in accordance with the Rules of Procedure.
- (d) Members shall exchange information on their food aid policies and programmes and the results of their evaluations of these policies and programmes, and shall endeavour to ensure the coherence of their food aid programmes with food security strategies at national, regional, local and household levels.
- (e) Members shall indicate to the Committee, in advance, the amount of their commitment which is not made in the form of grants and the terms of any such aid.

PART III

ADMINISTRATION

Article XV

Food Aid Committee

- (a) The Food Aid Committee, established by the Food Aid Convention of the International Grains Arrangement 1967, shall continue in being for the purpose of administering

this Convention, with the powers and functions provided in this Convention.

- (b) The membership of the Committee shall consist of all parties to this Convention.
- (c) Each member shall designate a representative resident at the seat of the Committee to whom the Secretariat's notices and other communications related to the work of the Committee shall normally be addressed. Other arrangements may be adopted by any member in agreement with the executive director.

Article XVI

Powers and functions

- (a) The Committee shall take such decisions and perform such functions as are required to carry out the provisions of this Convention. It shall establish such Rules of Procedure as are necessary for this purpose.
- (b) The decisions of the Committee shall be reached by consensus.
- (c) The Committee shall keep the requirements for food aid in developing countries and the ability of members to respond to those requirements under review.
- (d) The Committee shall keep under review the progress made in attaining the objectives set out in Article I of this Convention, and the fulfilment of the provisions of this Convention.
- (e) The Committee may receive information from recipient countries and consult with them.

Article XVII

Chairman and vice-chairman

- (a) At the last statutory session held in each year, the Committee shall appoint a chairman and a vice-chairman for the following year.
- (b) The duties of the chairman shall be:
 - (i) to approve the draft agenda for each session;
 - (ii) to preside at sessions;
 - (iii) to declare the opening and closing of each meeting and of each session;
 - (iv) to submit the draft agenda to the Committee for adoption at the beginning of each session;
 - (v) to direct the discussions and to ensure observance of the Rules of Procedure;

- (vi) to accord the right to speak and to decide all questions of order in accordance with the relevant Rules of Procedure;

- (vii) to put questions and announce decisions;

- (viii) to rule on points of order that delegates may raise.

- (c) If the chairman is absent from a session or any part thereof, or is temporarily unable to fill the office of chairman, the vice-chairman shall act as chairman. In the absence of the chairman and the vice-chairman, the Committee shall appoint a temporary chairman.

- (d) If, for any reason, the chairman is unable to continue to fill the office of chairman, the vice-chairman shall act as chairman pending the appointment of a new chairman by the Committee.

- (e) The vice-chairman, when acting as chairman, or the temporary chairman, shall have the same powers and duties as the chairman.

Article XVIII

Sessions

- (a) The Committee shall meet at least twice a year in conjunction with the statutory sessions of the International Grains Council. The Committee shall meet also at such other times either as the chairman shall decide, at the request of three members, or as otherwise required by this Convention.
- (b) The presence of delegates representing two thirds of the membership of the Committee shall be necessary to constitute a quorum at any session of the Committee.
- (c) The Committee may, when appropriate, invite any non-member government and representatives from other international intergovernmental organisations to attend its open meetings as observers.
- (d) The seat of the Committee shall be in London.

Article XIX

Secretariat

- (a) The Committee shall use the services of the Secretariat of the International Grains Council for the performance of such administrative duties as the Committee may request, including the processing and distribution of documentation and reports.

- (b) The executive director shall carry out the directions of the Committee and shall perform such duties as are laid down in the Convention and the Rules of Procedure.

Article XX

Defaults and disputes

- (a) In the case of a dispute concerning the interpretation or application of this Convention, or of a default in obligations under this Convention, the Committee shall meet and take appropriate action.
- (b) Members shall take account of the recommendations and conclusions reached by consensus by the Committee in cases of disagreement as to the application of the provisions of this Convention.

PART IV

FINAL PROVISIONS

Article XXI

Depositary

The Secretary-General of the United Nations is hereby designated as the depositary of this Convention.

Article XXII

Signature and ratification

- (a) This Convention shall be open for signature from 1 May 1999 until and including 30 June 1999 by the governments referred to in paragraph (e) of Article III.
- (b) This Convention shall be subject to ratification, acceptance or approval by each signatory government in accordance with its constitutional procedures. Instruments of ratification, acceptance or approval shall be deposited with the depositary not later than 30 June 1999, except that the Committee may grant one or more extensions of time to any signatory government that has not deposited its instrument of ratification, acceptance or approval by that date.
- (c) Any signatory government may deposit with the depositary a declaration of provisional application of this Convention. Any such government shall provisionally apply this Convention in accordance with its laws and regulations and be provisionally regarded as a party thereto.
- (d) The depositary shall notify all signatory and acceding governments of each signature, ratification, acceptance, approval, provisional application of, and accession to, this Convention.

Article XXIII

Accession

- (a) This Convention shall be open for accession by any government referred to in paragraph (e) of Article III that has not signed this Convention. Instruments of accession shall be deposited with the depositary not later than 30 June 1999, except that the Committee may grant one or more extensions of time to any government that has not deposited its instrument of accession by that date.
- (b) Once this Convention has entered into force in accordance with Article XXIV it shall be open for accession by any government other than those referred to in paragraph (e) of Article III on such conditions as the Committee considers appropriate. Instruments of accession shall be deposited with the depositary.
- (c) Any government acceding to this Convention under paragraph (a) of this Article, or whose accession has been agreed by the Committee under paragraph (b) of this Article, may deposit with the depositary a declaration of provisional application of this Convention pending the deposit of its instrument of accession. Any such government shall provisionally apply this Convention in accordance with its laws and regulations and be provisionally regarded as a party thereto.

Article XXIV

Entry into force

- (a) This Convention shall enter into force on 1 July 1999 if by 30 June 1999 the governments, whose combined commitments, as listed in paragraph (e) of Article III, equal at least 75 % of the total commitments of all governments listed in that paragraph, have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, and provided that the Grains Trade Convention 1995 is in force.
- (b) If this Convention does not enter into force in accordance with paragraph (a) of this Article, the governments which have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, may decide by unanimous consent that it shall enter into force among themselves provided that the Grains Trade Convention 1995 is in force.

Article XXV

Duration and withdrawal

- (a) This Convention shall remain in force until and including 30 June 2002, unless extended under paragraph (b) of this Article or terminated earlier under paragraph (f) of this Article, provided that the Grains Trade Convention 1995, or a new Grains Trade Convention replacing it, remains in force until and including that date.

- (b) The Committee may extend this Convention beyond 30 June 2002 for successive periods not exceeding two years on each occasion, provided that the Grains Trade Convention 1995, or a new Grains Trade Convention replacing it, remains in force during the period of the extension.
- (c) If this Convention is extended under paragraph (b) of this Article, the commitments of members under paragraph (e) of Article III may be subject to review by members before the entry into force of each extension. Their respective commitments, as reviewed, shall remain unchanged for the duration of each extension.
- (d) The operation of this Convention shall be kept under review, in particular with reference to the results of any multilateral negotiations bearing on the provision of food aid, including especially on concessional credit terms, and the need to apply the results thereof.
- (e) The situation with respect to all food aid operations and, in particular, those under concessional credit terms, shall be reviewed before deciding on any extension of this Convention or any new convention.
- (f) In the event of this Convention being terminated, the Committee shall continue in being for such time as may be required to carry out its liquidation, and shall have such powers, and exercise such functions, as may be necessary for that purpose.
- (g) Any member may withdraw from this Convention at the end of any year by giving written notice of withdrawal to

the depositary at least 90 days prior to the end of that year. That member shall not thereby be released from any obligations incurred under this Convention which have not been discharged by the end of that year. The member shall simultaneously inform the Committee of the action it has taken.

- (h) Any member which withdraws from this Convention may thereafter rejoin by giving written notice to the Committee and to the depositary. It shall be a condition of rejoining the Convention that the member shall be responsible for fulfilling its commitment with effect from the year in which it rejoins.

Article XXVI

International Grains Agreement

This Convention shall replace the Food Aid Convention 1995, as extended, and shall be one of the constituent instruments of the International Grains Agreement 1995.

Article XXVII

Authentic texts

The texts of this Convention in the English, French, Russian and Spanish languages shall all be equally authentic.

Done at London, 13 April 1999.

ANNEX A

TRANSPORT AND OTHER OPERATIONAL COSTS

The following transport and other operational costs associated with food aid contributions are included under Articles II(a)(vii), III, X and XIV of this Convention:

(a) transport costs:

freight, including loading and discharge,
demurrage and dispatch,
transshipment,
bagging,
insurance and superintendence,
port charges and storage fees in port,
temporary warehouse facilities and fees in port and en-route,
in-country transport, vehicle hire, tolls and escort, convoy and border fees,
equipment hire,
aircraft, airlifts;

(b) other operational costs:

non-food items (NFIs) utilised by beneficiaries (tools, utensils, agricultural inputs)
NFIs provided to implementing partners (vehicles, storage facilities)
costs of counterpart training,
implementing partners' operational costs, not otherwise covered as transport costs,
milling and other special costs,
in-country NGO costs,
technical support services and logistics management,
project preparation, appraisal, monitoring and evaluation,
beneficiary registration,
in-country technical services.

ANNEX B

ELIGIBLE RECIPIENTS

Eligible food aid recipients under Article VII of this Convention refer to developing countries and territories listed as aid recipients by the Development Assistance Committee (DAC) of the OECD, effective as of 1 January 1997, and to countries included in the WTO list of net food-importing developing countries, effective as of 1 March 1999.

(a) Least-developed countries

Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Laos, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, São Tomé and Príncipe, Sierra Leone, Solomon Islands, Somalia, Sudan, Tanzania, Togo, Tuvalu, Uganda, Vanuatu, Western Samoa, Yemen, Zambia.

(b) Low-income countries

Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Cameroon, China, Republic of the Congo, Côte d'Ivoire, Georgia, Ghana, Guyana, Honduras, India, Kenya, Kyrgyz Republic, Mongolia, Nicaragua, Nigeria, Pakistan, Senegal, Sri Lanka, Tajikistan, Vietnam Zimbabwe.

(c) Lower middle-income countries

Algeria, Belize, Bolivia, Botswana, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Grenada, Guatemala, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Democratic People's Republic of Korea, Lebanon, Macedonia (former Yugoslav Republic), Marshall Islands, Micronesia Federated States, Moldova, Morocco, Namibia, Niue, Palau Islands, Palestinian Administered Areas, Panama, Papua New Guinea, Paraguay, Peru, Philippines, St Vincent & Grenadines, Suriname, Swaziland, Syria, Thailand, Timor, Tokelau, Tonga, Tunisia, Turkey, Turkmenistan, Uzbekistan, Venezuela, Wallis and Futuna, and Yugoslavia Federal Republic.

(d) WTO net food-importing developing countries (not included above)

Barbados, Mauritius, St Lucia, Trinidad & Tobago.
