EXPLANATORY MEMORANDUM TO

THE ORGANIC PRODUCTION (AMENDMENT) REGULATIONS 2025

2025 No. 1111

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Angela Eagle MP, Minister of State for Food Security and Rural Affairs at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

2.2 Rachel Bailey, Deputy Director for Food and Drink Quality Partnerships, at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Leeanne Rees at the Department for Environment, Food and Rural Affairs, Telephone: 02080260071 or email: organic.standards@defra.gov.uk, can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument makes amendments to assimilated EU legislation.

4.2 Under Article 22 of Council Regulation (EC) No 834/2007, derogations to the rules of organic production may be authorised where certain criteria are met. These criteria includes a lack of availability of organically reared livestock and organic feed.

4.3 These derogations are implemented by Commission Regulation (EC) No 889/2008.

4.4 Article 42(b) of Regulation 889/2008 permits the use of non-organic pullets for egg production up to the age of 18 weeks, when organically reared pullets are unavailable. This instrument extends the derogation until 31 December 2026.

4.5 Article 43 of Regulation 889/2008 permits the use of up to 5% of non-organic protein feed for pigs and poultry species until 31 December 2025. This instrument extends the derogation until 31 December 2026 and limits the scope of the derogation to piglets of not more than 35 kilograms and poultry not more than 30 weeks only.

4.6 Annex 8 of Regulation 889/2008 permits the use of gellan gum, a food additive, in its high-acyl form only where it is derived from organic sources from 1 January 2026. Since organic gellan gum remains unavailable to producers in Great Britain, this instrument removes the mandatory requirement for high acyl gellan gum to be derived from organic production, instead requiring that it should be obtained from organic production if available.

Where does the legislation extend to, and apply?

4.7 The extent of this instrument is England and Wales and Scotland.

4.8 The territorial application of this instrument is England and Wales and Scotland.

5. Policy Context

What is being done and why?

5.1 Derogations which allow the use of non-organic pullets of no more than 18 weeks and 5% non-organic protein feed for pigs and poultry are being extended until 31 December 2026. Pullets are young chickens which will mature into laying hens. There are insufficient organically reared pullets for egg production available, both in terms of quality and quantity, on the GB market.

5.2 In discussion with Organic Control Bodies and key sector stakeholders, the sector has clear intentions to invest and improve the organic pullet sector. However, this cannot be achieved without establishing organic pullet standards with appropriate transitional rules to allow for land conversion and structural changes to be made. Since there continues to be a shortage of organically reared pullets on the market, this statutory instrument extends the derogation.

5.3 The non-organic protein feed derogation was introduced based on the recognition that feeding animals a 100% organic diet can put a considerable strain on the organic pig and poultry sectors as well as broader constraints of nutritional requirements and resulting welfare issues.

5.4 In discussion with Organic Control Bodies and key sector stakeholders, it is acknowledged that whilst some improvements have been made to the organic protein feeds available, there is still significant issues with balancing key amino acids that are required to ensure feed for young poultry and piglets meets the nutritional requirements to keep the animals healthy. Therefore, whilst this derogation is being extended, the scope of the derogation is being limited to piglets of not more than 35 kilograms and poultry not more than 30 weeks only.

5.5 Gellan gum is commonly used to bind, stabilise or texturise processed food. Since 2016, the high-acyl form of non-organic gellan gum has been permitted as an additive in the processing of organic foods under a temporary derogation. However, from 1 January 2026, its use will be restricted to its high-acyl form only, and only when derived from organic production.

5.6 In discussion with Organic Control Bodies, it is acknowledged that organic gellan gum continues to be unavailable to the GB market. To avoid disruption in the production of organic processed food, the permitted use will still come into effect on 1st January 2026 but its permitted use will be widened to require it to be derived from organic production if available.

What was the previous policy, how is this different?

5.7 The policy regarding the use of non-organic pullets of not more than 18 weeks old will continue as it has applied previously.

5.8 The policy regarding the 5% non-organic protein feed will be limited to piglets of not more than 35 kilograms and poultry not more than 30 weeks. This change also removes the divergence between the rules applicable in Great Britain and Northern Ireland.

5.9 The policy regarding the use of non-organic gellan gum in its high-acyl form in organic food will continue, with the mandatory requirement to use high-acyl gellan gum derived only from organic production from 1 January 2026 amended so that its derivation from organic production is only required if it is available.

6. Legislative and Legal Context

How has the law changed?

6.1 The 5% non-organic protein feed will be limited to piglets of no more than 35 kilograms and poultry of no more than 30 weeks only, rather than being available to all poultry and porcine species in Great Britain.

6.2 This change also removes the divergence in the scope of the derogation between poultry and pig producers in Great Britain and Northern Ireland.

6.3 The mandatory requirement to use high-acyl gellan gum derived only from organic production from 1 January 2026 has been amended so that the requirement that it be derived from organic production is required only where it is available in organic form.

Why was this approach taken to change the law?

6.4 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 Targeted consultation of the Scottish and Welsh Governments was carried out via the organics Four Nations Working Group. This instrument, and the policy reflected within it, has been developed in collaboration with officials in the Scottish and Welsh Devolved Governments. These amendments to retained Regulation (EC) No 889/2008 will not apply to Northern Ireland.

7.2 Targeted consultation of Organic Control Bodies and Industry Groups in Great Britain was carried out with regards to the extension of the non-organic pullets of not more than 18 weeks and 5% non-organic protein feed derogations. Stakeholders shared their concerns regarding the ongoing issues the sector faces with providing 100% organic feed, in particular for pigs of not more than 35 kilograms and poultry not more than 30 weeks. They are supportive of the extensions provided for these derogations.

7.3 Targeted consultation of Organic Control Bodies was carried out with regards to the availability of organic gellan gum in its high-acyl form and they are supportive of the mandatory requirement for high-acyl gellan gum to be derived from organic production being relaxed to allow the use of non-organically derived high-acyl gellan gum to be used where it is not available organically.

7.4 Due to the limited scope of this statutory instrument, a full public consultation was not considered appropriate.

8. Applicable Guidance

8.1 The extension of these derogations will be communicated to the UK organic Control Bodies, who will disseminate the information to organic operators.

8.2 As this amendment is made with the consent of the Devolved Governments, they are aware of the impacts it will have. No further guidance is needed.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is a low level of impact on businesses. This statutory instrument will permit operators to continue using non-organic pullets and non-organic high-acyl gellan gum as they have done and will permit up to 5% non-organic protein feed for piglets of not more than 35 kilograms and poultry not more than 30 weeks old from 1 January 2026.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies.

9.3 The legislation does impact small or micro businesses.

9.4 No specific action is proposed to minimise the impact of the requirements on small or micro businesses (employing up to 50 people), this is because the requirements must apply to all organically certified operators.

9.5 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is continued liaison with the relevant stakeholders to ensure the legislation is working as intended.

10.2 The instrument does not include a statutory review clause because the expected impact on businesses is significantly below £5 million and a review would be disproportionate.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts"). It does however relate to the withdrawal of the United Kingdom from the European Union because these changes amend assimilated European legislation.