EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Deputy Director General, in charge of Directorates A, B and C

Brussels,
LB/sn/agri.ddg1.b.4(2017)6623704

Dear Mr Selearis,

Thank you for your letter of 17 October 2017 concerning the interpretation of specific provisions of the organic legislative framework related to animal production and the access to pasture for grazing by herbivores. Please accept my apologies for the late reply.

In your letter, you explain that there are specific topographic and climatic conditions in Cyprus which make conditions of pastures unsuitable for cattle. You ask whether, in order to take into account the lack of pastures suitable for cattle due to the specific conditions existing in Cyprus, it would be acceptable for organic production of cattle not to have any access to pasture for grazing, on a general basis, provided that the provisions that "livestock shall have permanent access to pasture or roughage" (Article 14(1)(d)(iii) of Council Regulation (EC) No 834/2007), "at least 60 % of the dry matter in daily rations of herbivores shall consist of roughage, fresh or dried fodder, or silage" (Article 20(2) of Commission Regulation (EC) No 889/2008), and the minimum surface areas indoors and outdoors (exercise area, excluding pasturage) (Annex III of Commission Regulation (EC) No 889/2008) were respected.

Article 14 of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products[1] lays down the general rules for livestock production and its paragraph 14(1)(b)(iii) requires with regards to husbandry practices that "*the livestock shall have permanent access to open air areas, preferably pasture, whenever weather conditions and the state of the ground allow this unless restrictions and obligations related to the protection of human and animal health are imposed on the basis of Community legislation.*"

Furthermore, Article 14(2) and (3) of Commission Regulation (EC) No 889/2008[2] lay down detailed rules for the implementation of Council Regulation (EC) No 834/2007

[1] http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1511969595728&uri=CELEX:02007R0834-20130701

[2] http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1511969769742&uri=CELEX:02008R0889-20170521

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regarding access to open air areas and state that *"In accordance with Article 14(1)(b)(iii) of Regulation (EC) No 834/2007 herbivores shall have access to pasturage for grazing whenever conditions allow. 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 areas during the winter months may be waived"*.

In addition, Article 20(2) of Commission Regulation (EC) No 889/2008 states that "*Rearing systems for herbivores are to be based on maximum use of grazing pasturage according to the availability of pastures in the different periods of the year. At least 60 % of the dry matter in daily rations of herbivores shall consist of roughage, fresh or dried fodder, or silage. A reduction to 50 % for animals in dairy production for a maximum period of three months in early lactation is allowed."*

Therefore, if no pastures are available with sufficient grazing capacity for cattle as a permanent management practice, this method of production does not comply with the requirements for organic production laid down in Article 14(1)(b)(iii) of Regulation (EC) No 834/2007 and Articles 14(2), (3) and 20(2) of Regulation (EC) No 889/2008.

The present opinion is provided on the basis of the facts as set out in your letter of 17 October 2017 and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

María Angeles BENITEZ SALAS

Electronically signed on 12/12/2017 11:38 (UTC+01) in accordance with article 4.2 (Validity of electronic documents) of Commission Decision 2004/563