



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels

agri.b.4(2022)2225407

Dear [REDACTED],

I would like to thank you for your email¹ of 1 March 2022, in which you ask for clarifications with respect to certain provisions of Regulation (EU) 2018/848² concerning ornamentals.

I confirm your conclusions with respect to the fact that ornamentals fall within the scope of Regulation (EU) 2018/848 and, therefore, can be produced, certified and labelled as organic when in compliance with the provisions of the Regulation.

In particular, with respect to the scope, they are clearly covered by Article 2 of Regulation (EU) 2018/848 being “*live or unprocessed agricultural products, including seeds and other reproductive material*” and covered in Annex I to the TFEU by the description “*Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage*”.

However, to address specifically the doubt you express with respect to a recent intervention by another delegate to the Committee on organic production on this subject, I recall that the question was related to the plant reproductive material of ornamentals, in particular when the same species is placed on the market as plant reproductive material for ornamentals or for the production of berries.

I would like to bring to your attention the detailed reply, which is available in CIRCA BC³, and in particular its last paragraph, which reads as follows: “*Finally, you are seeking clarification on the concept of ornamental plants for species which produce small fruits, in particular in relation to plant reproductive material of ornamental plants which could be sold for the production of berries. As explained at the meeting of the Committee on Organic Production on 28 January 2022, plant reproductive material should be considered in this case as plant reproductive material intended for fruit multiplication, and therefore subject to the relevant horizontal legislation*”.

This opinion is provided on the basis of the facts set out in your letter of 1 March 2022 and expresses the opinion 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

¹ ARES (2022)1540359

² [Regulation \(EU\) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation \(EC\) No 834/2007 \(OJ L 150, 14.6.2018, p. 1\)](#).

³ ARES (2022)1028439



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,

