



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach
The Director



I would like to thank you for your email of 3 March 2021¹, in which you ask about recent developments concerning the organic legislation regarding microalgae production, and also updated information on the ongoing discussion concerning the possible definition of “factory farming”.

I would like to start by recalling that Regulation (EU) 2018/848² - in particular Annex II, Part III, Point 2 – lays down specific provisions on production rules for algae and that the Commission has no empowerment to amend those provisions.

However, the Commission may propose, under the conditions laid down in Article 24 of the same Regulation, to approve certain substances and products to be authorised for use in organic algae cultivation and nutrients could be authorised under certain conditions in facilities on land.

As you are aware, with respect to the limitation concerning the use of nutrients in algae production, the European expert group for technical advice on organic production (EGTOP)³ has examined, amongst others, a request related to whether the use of certain animal origin nutrients could be allowed in the production of organic micro-algae.

The conclusions of the EGTOP assessment have been published and are available here:

<https://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupMeeting&meetingId=18174>

The group concluded that *“For cultivation of macroalgae/microalgae/cyanobacteria, nutrients from terrestrial animal origin should be permitted, with the restriction reported in the Annex I of the Regulation (EC) No 889/2008⁴ and provided that any microbial contamination of the final product can be avoided.*

¹ ARES(2021)1602410

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 https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/co-operation-and-expert-advice/egtop-reports_en

⁴ Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 25, 22.2.2016, p. 1).



All efficient and environmentally friendly technologies for nutrient recycling are welcomed, therefore the group is not against permitting the N-Stripping technology, if animal nutrients from factory farming are excluded. The integrity of organic food/feed will not be undermined by allowing N-recovery from animal manure, biogas digestates as listed in Annex I of the Regulation (EC) No. 889/2008. Food/feed safety concerns can be addressed by a functioning quality control system with regular microbiological testing of the source of animal nutrients.

Ammonium sulfate originating from N-Stripping has a high solubility which is not in line with the organic principles for crop production (as highlighted in EGTOP report Fertilisers III). In order to avoid any misunderstanding, the use shall be restricted to macro-/microalgae production in closed and land-based systems”.

However, so far, there is no definition of factory farming and, under the current rules for algae, only nutrients of plant and mineral origin are allowed (see Article 6d(2) of above-mentioned Regulation (EC) No 889/2008). These last provisions are confirmed by Regulation (EU) 2018/848, Annex II Part III point 2.3.2.

Moreover, EGTOP is finalising another related report on fertilisers, which will conclude among others, on the assessment of a mineral origin product Sodium nitrate. The latter was proposed for the possible use as nutrient in algae production. The report is expected to be finalised in the coming weeks.

With respect to “factory farming”, the Commission is working on a mandate to EGTOP to define factory farming in the context of the assessment of possible external inputs to be allowed for organic production. As soon as EGTOP will conclude on this subject, a report will be made available on the above-mentioned webpage.

Finally, only once all the necessary relevant technical assessments have been completed, the Commission may consider proposing the amendment of the legislative act on the matter (i.e. Regulation (EU) 2018/848).

The present opinion is provided on the basis of the facts as set out in your email 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 European Court of Justice to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

