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DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT



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I would like to thank you for your email of 13 June¹, in which you asked a question on the implementation of organic rules regarding grazing on organic land. Please accept my apologies for the late reply.

In your email, you ask whether it is possible for a dairy or beef farmer to “*partially*” convert his farm to organic production. In the case you describe, the land used for grazing would be managed under organic rules but all livestock would be raised conventionally and only conventional livestock would graze on the organic land. You ask in particular whether the provisions of point 1.4.2.1 of Part II of Annex II to Regulation (EU) 2018/848² on grazing on organic land stating the following could be interpreted as authorising such a practice: “*Without prejudice to point 1.4.2.2, organic animals shall graze on organic land. However, non-organic animals may use organic pasturage for a limited period each year, provided that they have been raised in an environmental friendly way on land supported under Articles 23, 25, 28, 30, 31 and 34 of Regulation (EU) No 1305/2013 and that they are not present on the organic land at the same time as organic animals*”.

Organic production is a sustainable management system based on the appropriate design and management of biological processes, based on ecological systems and using natural resources that are internal to the management system, using methods that practice soil-related crop cultivation and land-related livestock production according to the general principle laid down in Article 5, point (f)(ii), of Regulation (EU) 2018/848.

Article 3, points (8), (9), (10) and (11), of Regulation (EU) 2018/848 provides the following definitions:

- a “holding” as meaning “*all the production units operated under **single management** for the purpose of producing live or unprocessed agricultural products, including products originating from aquaculture and beekeeping,*

¹ Ares (2021)3894532

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02018R0848-20201114&qid=1625822382832&from=EN>



referred to in point (a) of Article 2(1) or products listed in Annex I other than essential oils and yeast”

- a “production unit” as *“all assets of a holding, such as primary premises, land parcels, **pasturages**, open air areas, livestock buildings or parts thereof, hives, fish ponds, containment systems and sites for algae or aquaculture animals, rearing units, shore or seabeds concessions, and premises for the storage of crops, of crop products, of algae products, of animal products, of raw materials and of any other relevant inputs managed as described in point (10), point (11) or point (12).”*
- an “organic production unit” as *a production unit, excluding during the conversion period referred to in Article 10, which is managed in compliance with the requirements applicable to organic production*
- a “non-organic production unit” as *“a production unit not managed in compliance with the requirements applicable to organic production.”*

In the case at stake, the farm comprising the pastures and conventional animals would be considered as a holding and the “organic pastures” as an organic production unit and the “conventional animals” as part of a non-organic production unit.

Hence, the practice you describe would not be in line with the general principle of Article 5, point (f), (ii) and the general production rules laid down in Article 9(2) and (7), point(a), which state respectively that *“the entire holding shall be managed in compliance with the requirements of this Regulation that apply to organic production.”* and that *“notwithstanding paragraph 2, a holding may be split **into clearly and effectively separated production units for organic, in-conversion and non-organic production**, provided that the non-organic production units as regards livestock, different species are involved”*.

The provisions of point 1.4.2.1 of Part II of Annex II of Regulation (EU) 2018/848 related to grazing on organic land are a derogation to the general rule that organic animals shall graze on organic land. This derogation may be used for limited period each year for certain non-organic animals and only under certain conditions. This potential derogation cannot be used as a permanent and structural management of the organic pastures with only conventional livestock grazing on them as it would circumvent the rules mentioned above regarding the organic land-related livestock production and the splitting into clearly and effectively separated production units for organic and non-organic production.

The present opinion is provided on the basis of the facts as set out in your email of 13 June 2021 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,

