



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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I would like to thank you for your email of 5 July 2021<sup>1</sup> communicating to the Commission a proposal in the context of the discussion on possible amendments to the provisions of Regulation (EU) 2018/848<sup>2</sup> concerning seedlings.

I would like to clarify the main issues, which are indeed limiting the possibilities to propose amendments to the current provisions concerning seedlings in Regulation (EU) 2018/848<sup>3</sup>

In particular, in your paper, you propose to add specific amendments on seedlings, except those having a cycle longer than one growing season, to consider them as “early growing stage” of the subsequent plant production to be grown under organic conditions. In addition, your proposed amendment would allow them, when produced from non-organic seeds, to be placed on the market with indication for further transplanting in organic production.

I regret having to say that such amendments cannot be taken up in the Commission proposal under discussion as, technically and legally, “seedlings”, when placed on the market as plant reproductive material, are plant reproductive material. This is a fundamental element, relevant also under horizontal legislation, and their nature of plant reproductive material when placed on the market for that purpose cannot be modified under the organic rules.

Please consider that “seedlings” fall under the definition of plant reproductive material set under Article 3, point (17) as follows: *“plant reproductive material” means plants and*

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<sup>1</sup> ARES(2021)4384001

<sup>2</sup> [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 \( OJ L 150, 14.6.2018 p.1 \)](#)

<sup>3</sup> [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 \( OJ L 150, 14.6.2018 p.1 \)](#)

*all parts of plants, including seeds, at any stage of growth that are capable of, and intended for, producing entire plants;”.*

Moreover, a definition of seedling in the context of information to be provided by Member States on the availability of organic and in-conversion plant reproductive material is available in Annex III of Commission Implementing Regulation (EU) 2020/464<sup>4</sup> as follows: “*For the purposes of this point, ‘seedling’ means a young plant originating from seed and not from cutting.*”.

Under EU horizontal rules on plant reproductive material and plant health, the specific term “seedling” is used, among others, in Council Directive 1999/105/EC<sup>5</sup> and Council Directive 2002/54/EC<sup>6</sup>, as well as Commission Implementing Decision (EU) 2017/547<sup>7</sup> and Commission Implementing Regulation (EU) 2019/2072.<sup>8</sup>

In addition, it is evident that seedlings are plant reproductive material in the current derogation for seedlings and transplants from soil related cultivation, set under Annex II part I, point 1.4 of Regulation (EU) 2018/848 “*for the cultivation of seedlings and transplants in containers to be transplanted*”, which confirm their nature of “being” capable of, and intended for producing entire plants” as set under Article 3, point (17).

Being plant reproductive material, seedlings are subject to the specific provisions of Annex II part I point 1.8.2. to Regulation (EU) 2018/848 as follows: “*To obtain organic plant reproductive material to be used for the production of products other than plant reproductive material, the mother plant and, where relevant, other plants intended for plant reproductive material production shall have been produced in accordance with this Regulation for at least one generation, or, in the case of perennial crops, for at least one generation during two growing seasons*”.

Therefore, “organic seedlings” to be used for production of organic products should derive from seeds coming from a mother plant respecting the above-mentioned provisions.

Indeed, the derogation regime is only necessary for the use of non-organic plant reproductive material to produce plants and plant products and not for the production of organic plant reproductive material ruled under point 1.8.2. We cannot “cancel” the nature of plant reproductive material of seedlings (please see above). This is the reason why in the possible amendments to the provisions of Regulation (EU) 2018/848

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<sup>4</sup> Commission Implementing Regulation (EU) 2020/464 of 26 March 2020 laying down certain rules for the application of regulation (EU) 2018/848 of the European Parliament and of the Council as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States (OJ L 98, 31.3.2020 p.2 )

<sup>5</sup> Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material (OJ L 11, 15.1.2000 p.17)

<sup>6</sup> Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ L 193, 20.7.2002 p.12)

<sup>7</sup> Commission Implementing Decision (EU) 2017/547 of 21 March 2017 on the organisation of a temporary experiment under Council Directive 2002/56/EC as regards seed potato tubers derived from true potato seed (OJ L 78, 23.3.2017, p.65)

<sup>8</sup> COMMISSION IMPLEMENTING REGULATION (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p.1)

concerning seedlings we are proposing to allow the production of seedlings from non-organic seeds.

I hope the above clarifies the matter and I am confident we will be able to finalise a proposal to solve the case of use of seedling derived from non-organic seeds in short cycle crops.

Yours sincerely,

