



Brussels
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I would like to thank you for your email of 5 November¹, in which you ask for an explanation of the term “common land” used in Annex II, Part II, point. 1.4.2.2, of Regulation (EU) 2018/848². You want to know whether the term “common land” means conventional land, where organic animals may graze under the conditions specified in the Regulation.

According to the glossary of Eurostat³, common land can be defined as utilised agricultural area used by the agricultural holding but not belonging directly to it, i.e. to which common rights apply. In general terms, common land is utilised agricultural area (UAA) owned by a public authority (state, parish, etc.) over which another person is entitled to exercise rights of common, and these rights are generally exercisable in common with others.

In addition, point 1.4.2.2.1 of part II of Annex II to Regulation (EU) 2018/848 states the following: “*organic animals may graze on common land, provided that: (a) the common land has not been treated with products and substances not authorised for use in organic production for at least three years; (b) any non-organic animals which use the common land 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; any livestock products from organic animals that were produced during the period when those animals grazed on common land are not considered organic products unless adequate segregation from non-organic animals can be proved.*”

Hence, the legal provisions of EU organic rules related to grazing on common land which will apply from 1 January 2022, do not require that the common land where organic animals graze is managed fully organically, but that the common land fulfils the conditions set in point 1.4.2.2.1 of Part II of Annex II to Regulation (EU) 2018/848.

¹ Ares (2021)7695870

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02018R0848-20201114&qid=1636552157394>

³ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Common_land



The present opinion is provided on the basis of the facts as set out in your e-mail 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,

