



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Deputy Director General, in charge of Directorates A, B and C

Brussels,
BD/sn/agri.ddg1.b.4(2017)4293547

Dear Mr Pytlak,

Following your mail of 10/05/2017, in which you asked for clarification about animal conversion, and the explanations given in the COP meeting of 18 May, please find here-below additional clarifications.

Non-organic (conventional) animals may be brought into a farm, as an exception to the basic rule which provides that organic animals must be born and raised on organic holdings.

These exceptions are (as indicated by you):

For **breeding purposes** according to Article 14(1)(a)(ii) of Council Regulation (EC) No 834/2007¹ and Article 9 of Commission Regulation (EC) No 889/2008², when not enough organic animals are available and under specific conditions:

- when a flock or herd is constituted for the first time, Article 9(2) of Regulation (EC) No 889/2008, with age or weight restrictions;
- for the renewal of a herd or a flock with restriction as to the percentage of renewal, Article 9(3) of Regulation (EC) No 889/2008.

In all cases, the farm and the animals have to undergo a conversion period in accordance with Article 17 of Regulation (EC) No 834/2007 and with Article 38(1) of Regulation (EC) No 889/2008.

You ask our opinion on several situations for which you believe that there are no rules.

¹ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1–23)

² 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 250, 18.9.2008, p. 1–84)

Mr Bartosz Pytlak
Ministry of Agriculture and Rural Development of Poland
Email: bartosz.pytlak@minrol.gov.pl

1. WHEN THE FARM IS ORGANIC AND HAS NO ANIMALS – A FARMER BUYS A NON-ORGANIC FARM NEXT TO HIS FARM, AND THERE ARE NON-ORGANIC ANIMALS ON THAT NEW FARM – WE HAVE AN INCLUSION OF NON-ORGANIC ANIMALS TO AN ORGANIC UNIT AND NO RULES ON IT

In such a case, the enlarged farm is now composed of two units, one under organic production, and another one conventional. There are two possible options:

1.1. The farmer decides to convert the non-organic unit into organic production (new unit in conversion)

According to Article 14(1)(a)(iii) of Regulation (EC) No 834/2007 animals existing on the holding at the beginning of the conversion period and their products may be deemed organic after compliance with the applicable conversion period. Article 38(2) of Regulation (EC) No 889/2008 sets out specific conversion rules applicable to this situation, namely simultaneous conversion of the unit including the animals, the pasture/soil. The conversion period may be reduced to 24 months if the animals are fed mainly with the products of the unit. In addition, Article 17(1)(d) of Regulation (EC) No 834/2007 must be implemented until the end of the conversion period, namely the separation of the organic products and in-conversion products and animals.

1.2. The farmer continues to manage the new unit conventionally.

In this case the second and third paragraphs of Article 11 of Regulation (EC) No 834/2007 apply, namely the separation of the organic and non-organic unit (land, animals and products).

2. WHEN THERE ARE NON-ORGANIC ANIMALS EXISTING IN THE ORGANIC FARM AND THE FARMER WANTS TO CONVERT THOSE ANIMALS TO ORGANIC STATUS – THE HERD IS NOT CONSTITUTED FOR THE FIRST TIME, THE FARM IS ORGANIC ALREADY – HOW TO CONVERT THOSE ANIMALS?

A farm could not be certified as organic if non-organic animals would be present, unless the animals are in a separated unit and are from a different species as established in the second and third paragraphs of Article 11 of Regulation (EC) No 834/2007.

Non-organic animals may be introduced in an organic farm only for breeding purposes in accordance with Article 14(1)(a)(ii) of Regulation (EC) No 834/2007 and Article 9 of Regulation (EC) No 889/2008. In this scenario the conversion rules are set out in Article 38(1) of Regulation (EC) No 889/2008.

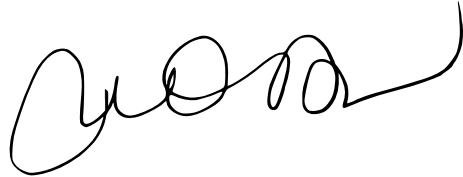
3. WHEN THE FARMER HAS AN ORGANIC HERD ON HIS FARM AND BUYS A NON-ORGANIC FARM WITH THE SAME SPECIES OF NON-ORGANIC ANIMALS HE HAS NO RULES ON HOW TO CONVERT THOSE ANIMALS.

This situation is comparable to **1.1**. The products and animals should be kept separated and the non-organic unit (land and animals) should undergo conversion. It is thus possible in a holding partly organic and partly in conversion to have the same species of animals, provided that the animals (organic and in-conversion) are separated or readily separated in accordance with Article 17(1)(d) of Regulation (EC) No 834/2007.

It is also possible to bring non-organic animals on an organic farm for breeding purposes if not sufficient organic animals are available (see Article 9 of Regulation (EC) No 889/2008), but this is subject to certain conditions of a maximum age and therefore not all the animals may be converted.

Lastly, please note that the present information is provided on the basis of the facts as set out in your email and on the understanding that in the event of a dispute involving Union law it is, under the Treaty on the 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,

A handwritten signature in black ink, consisting of a series of loops and curves, representing the name María Angeles Benítez Salas.

María Angeles BENITEZ SALAS