



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,
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Dear [REDACTED],

Thank you for your e-mail of 18 December 2019 (Ares (2019)7797115) by which you ask several clarifications mainly related to the new Regulation (EU) 2018/848¹ on organic production. In addition, on 27 January 2020 we received a further e-mail from you (Ares (2020)493737) concerning a question on soil definition on which you will also find a clarification hereby.

I can confirm that the new Regulation, as laid down in its Article 56, will repeal Regulation (EC) No 834/2007². With respect to Regulation (EC) No 889/2008³ (and its amending regulations such as Regulation (EC) 710/2009⁴), they will be also repealed but by means of the secondary acts to be adopted pursuant Regulation (EU) 2018/848. To be noted that in accordance with Article 56 of Regulation (EU) 2018/848 references to the Regulation (EC) 834/2007 shall be construed as references to Regulation (EU) 2018/848.

You ask on the basis of recital 29 of Regulation (EU) 2018/848 whether production of ornamentals and herbs can be certified as organic also without soil? Or does this only refer to the use of pots (and therefore the absence of a connection with the bedrock, as written in recital (28)?

Recitals provide the motivations for the provisions which are included in the Articles and Annexes of the legislative act. In this case, you should consider Annex II Part 1 point 1.4. where it is laid down that: *“By way of derogation from point 1.1, the following practices shall be allowed: (a) growing plants for the production of ornamentals and herbs in pots to be sold together with the pot to the final consumer; (b) growing seedlings or transplants in containers for further transplanting.”*

¹ [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 \(OJ L 150, 14.6.2018 p.1 \)](#)

² [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 \(OJ L 189, 20.07.2007, p. 1\)](#)

³ [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 \(OJ L 250, 18.9.2008, p. 1\)](#)

⁴ [Commission Regulation \(EC\) No 710/2009 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation \(EC\) No 834/2007 as regards laying down detailed rules on organic aquaculture animal and seaweed production \(OJ L 204, 6.8.2009, p. 15\)](#)

[REDACTED]

Therefore, ornamentals and herbs can be produced not only in living soils as laid down in point 1.1. but also in pots to be sold in pots to the consumer with or without soil. To address your question on the definition of “herb”, not being included such definition in the regulation itself, I recall the general use of the term referring to herbaceous plants with aromatic properties.

With respect to the use of fish raw manure, some fertilisers can be used as an input in organic production provided that they are authorised in accordance with Article 16(1)(b) of Regulation (EC) No 834/2007 and are listed in Annex I to Regulation (EC) No 889/2008. Fish raw manure is not mentioned in Annex I to Regulation (EC) No 889/2008 therefore its use is at present not allowed in organic production. From first January 2021, those fertilisers will have to be authorised in accordance with Articles 9 and 24 of Regulation (EU) 2018/848 and listed in an implementing act provided for by Article 24(9).

To address your question on possible existence of a soil definition, I would bring your attention to Article 3 (70) of Regulation (EU) 2018/848 where you can find a definition for what should be intended as “soil-related crop cultivation”.

Finally, I would like to inform you about the following dedicated website where you will find further updated information on the new organic legislation:

https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming_en

The present opinion is provided on the basis of the facts as set out in your e-mails of 18 December 2019 and 27 January 2020 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,

