



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

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Thank you for your e-mail of 7 December 2020 (Int. Ref. ARES(2020)57522164) by which you submit a position paper on “GreenSwitch” a process of stripping nitrogen which you consider an innovative technique in line with organic principles and ask the EU Commission to consider amendments of current organic legislation to allow the products of GreenSwitch to be registered for organic production.

I can confirm that among the specific principles of organic production laid down under Article 5 of Regulation (EC) No 834/2007¹ is included the following: “(c) the recycling of wastes and by-products of plant and animal origin as input in plant and livestock production”.

However, as expressed also in the report of the Expert Group for Technical Advice on Organic Production (EGTOP) (2018 Fertilisers III)², there are other principles in the organic legislation, which have to be taken into account and in particular, the restriction of the use of external inputs, the limitation to low solubility mineral fertilisers and the prohibition of use of mineral nitrogen fertilisers (see Art. 4(b)(iii) and Art.12(1)(e) of Reg. 834/2007).

Indeed, this EGTOP report underlined in particular that the use of highly soluble mineral fertilisers in organic farming “is clashing with the principle of feeding the soil and not the plants” and despite welcoming the recycling potentiality and more research on methods which could be in line with organic farming principles, concluded that “the proper use of stripped nitrogen in line with the objectives and principles of organic farming cannot be assured at the moment. Therefore, the Group does not recommend including stripped nitrogen in Annex I.”

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

² https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/co-operation-and-expert-advice/egtop-reports_en

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For aquaculture, a more positive technical conclusion is laid down in the EGTOP report 2020 on aquaculture³, where the group concluded that, for algae production in land-based systems, partially/full closed systems, greenhouses and photobioreactors, nutrients from terrestrial animal origin should be permitted, with the restriction reported in the Annex I of the Regulation (EC) No 889/2008 and provided that any microbial contamination of the final product can be avoided.

The group indeed concluded that: *“All efficient and environmentally friendly technologies for nutrient recycling are welcomed, therefore the group is not against permitting the N-Stripping technology, if animal nutrients from factory farming are excluded. The integrity of organic food/feed will not be undermined by allowing N-recovery from animal manure, biogas digestates as listed in Annex I of the Commission Regulation (EC) No 889/2008⁴. Food/feed safety concerns can be addressed by a functioning quality control system with regular microbiological testing of the source of animal nutrients.”*

However, there is currently no definition of factory farming and under the current rules for algae only fertilisers of plant and mineral origin are currently allowed (see Article 6d(2) of above-mentioned Regulation (EC) No 889/2008).

Therefore, at this stage, it is premature to envisage any amendment of the organic legislation as you propose in your position paper, on the contrary a comprehensive technical and legal analysis is necessary to assess the full compatibility with organic objectives and principles of N stripping technologies and their output.

Please note that the new organic Regulation (EU) 2018/848 contain analogous provisions on this matter and will be applicable from 1 January 2022.

The present opinion is provided on the basis of the facts as set out in your e-mail of 7 December 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,



³ https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/co-operation-and-expert-advice/egtop-reports_en

⁴ 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 25, 22.2.2016, p. 1).