



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

The Director-General

Brussels, ~~11 SEP 2013~~  
RLcde/ARESAagri.ddg3.h.3(2013)3052283

Dear Mr Vaccari,

Thank you for your note No 30363 of 26 July 2013 requesting clarification on elements of Articles 12 and 16 of Council Regulation (EC) No 834/2007<sup>1</sup>.

Concerning the **use of plant strengtheners** in agriculture, including in organic farming, as yet, there is no EU horizontal legislation concerning plant strengtheners or biostimulants<sup>2</sup>. This will change in the coming years, as the Commission is preparing a legislative proposal to revise the existing fertiliser legislation<sup>3</sup> and extend its scope to organic fertilisers, soil improvers as well as biostimulants. Such a proposal, if adopted by the Council and European Parliament, would harmonise the authorisation of plant strengtheners/biostimulants in the EU.

It would then remain for the organic legislation to include the EU authorised plant strengtheners/biostimulants into one of the annexes to Commission Regulation (EC) No 889/2008<sup>4</sup>, in order for these substances to be available for organic farmers. The most appropriate annex for this purpose would have to be decided at the relevant time (either Annex I, or Annex II or a new dedicated annex).

Before the revised EU fertiliser legislation comes into force, the Commission may propose amendments to Commission Regulation (EC) No 889/2008 in order to include

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<sup>1</sup> 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

<sup>2</sup> Plant biostimulants are neither fertilisers nor plant protection products but when applied to a plant will enhance its health, its resistance to abiotic stress and hence its growth mainly by improving the plant's capacity for nutrient uptake or by improving its nutrient use efficiency.

<sup>3</sup> Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (Text with EEA relevance), OJ L 304, 21.11.2003, p. 1

<sup>4</sup> 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

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therein plant strengtheners/biostimulants that have been approved under another EU horizontal legislation (e.g. pesticide legislation).

In this respect, the Commission intends to present at the next SCOF meeting in September a proposal to amend Annexes I and II to Commission Regulation (EC) No 889/2008. One of the substances to be added to Annex II is laminarin, an elicitor of crop' self defence mechanisms, which has recently been authorised under the EU pesticide legislation<sup>5</sup>.

As regards the **substances and products which can be used in organic farming pursuant to Article 16(5)** of Council Regulation (EC) No 834/2007, I would underline that this provision can cover cases which would not fall under paragraphs 1 and 4 of Article 16 but which could probably not be anticipated at the time when the Regulation was adopted. Please note that this provision does not give a blank cheque to operators, in the sense that the objectives and principles of the organic farming legislation as well as the general criteria in Article 16 of this Regulation must be respected. Compliance is verified by the control authorities or bodies under the organic control system.

Concerning the **definition of "biodynamic preparations"**, these terms are used solely in the context of bio-dynamic agriculture, which is recognised as one form of organic agriculture. As you know, the Demeter bio-dynamic® farm standard requires in particular the use of so-called bio-dynamic preparations to ensure self-sustaining fertility dynamics. It also provides a clear definition of, as well as instructions for, making and using these preparations. Given the very specific and well-defined context in which the terms "bio-dynamic preparations" are used, we are not convinced that a definition thereof needs to be introduced in the EU organic farming legislation.

Lastly, please note that the present information is provided on the basis of the facts as set out in your note 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,

Pour le Directeur Général empêché  
Loretta DORMAL MARINO  
Directeur Général Adjoint



Jerzy PLEWA

c.c.:                   Members of the Standing Committee on Organic Farming  
                          Permanent Representation of Italy to EU

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<sup>5</sup> Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC, OJ L 309, 24.11.2009, p.1