



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability
The Director

Brussels

I would like to thank you for your email⁽¹⁾ of 3 November 2022 asking further⁽²⁾ questions on the issue of grazing under organic production rules. Please accept my apologies for the late reply.

In your email, you explain that you require further clarification in relation to non-breeding livestock and in relation to the provision that non-organic livestock may graze organic pasturage for limited periods each year. You ask whether this means that organic farmers may purchase non-organic stock, treat them as organic and graze them on their pasturage each year, as long as they are not present on the organic land at the same time as the organic animals and are not marketed as organic animals.

I would like to start by recalling the provisions of Article 9, paragraphs (2) and (7), of Regulation (EU) 2018/848⁽³⁾, which state the following:

“(2) the entire holding shall be managed in compliance with the requirements of this Regulation that apply to organic production.

(7) notwithstanding paragraph 2, a holding may be split into clearly and effectively separated production units for organic, in-conversion and non-organic production, provided that for the non-organic production units: (a) as regards livestock, different species are involved.”

From the information that you provided, I understand that the organic farmer would buy new, non-organic animals from another farmer and would keep them in accordance with organic production rules only for part of the grazing season on grazing organic lands before selling them as non-organic animals at the end of their rearing.

In that case, because the organic farmer is buying the animals, the holding⁽⁴⁾ of that organic farmer will comprise two production units: one organic production unit⁽⁵⁾ and

⁽¹⁾ Ares(2022)7611431

⁽²⁾ Ares(2022)7287925

⁽³⁾ [EUR-Lex - 02018R0848-20220101 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/lexuri/ui.do?uri=OJ:L:2018:R:0848:20220101:EN:EUR-Lex)

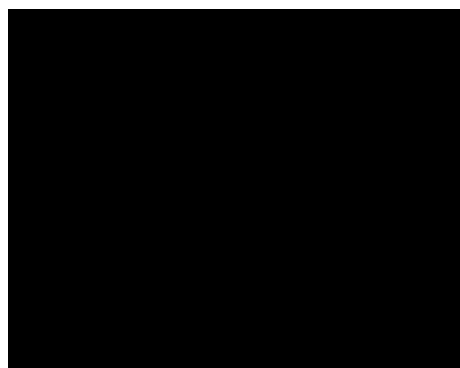
⁽⁴⁾ Article 3(8) of Regulation (EU) 2018/848 ‘**holding**’ means all the production units operated under single management for the purpose of producing live or unprocessed agricultural products, including

one non-organic production unit⁽⁶⁾. The non-organic animals would not be able to graze on the organic lands because this would not comply with the provisions of Article 9(7), which require that the organic and non-organic production units of a holding are clearly and effectively separated. In addition, for the non-organic production units, different species of livestock must be involved. The assessment of the concrete situation falls of course under the responsibility of the national authorities which must ensure the correct implementation of the EU legislation.

Please note that the provisions related to grazing in point 1.4.2 of Part II of Annex II to Regulation (EU) 2018/848 are not a derogation from the provisions of Article 9 of Regulation (EU) 2018/848 but aim to regulate the temporary sharing of organic grazing lands by certain categories of non-organic animals that have been raised in an environmentally friendly way.

The present opinion is provided on the basis of the facts as set out in your email of 3 November 2022 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,



products originating from aquaculture and beekeeping, referred to in point (a) of Article 2(1) or products listed in Annex I other than essential oils and yeast;

⁽⁵⁾ Article 3(9) and (10) of Regulation (EU) 2018/848 ‘**production unit**’ means all assets of a holding, such as primary production premises, land parcels, pasturages, open air areas, livestock buildings or parts thereof, hives, fish ponds, containment systems and sites for algae or aquaculture animals, rearing units, shore or seabed concessions, and premises for the storage of crops, of crop products, of algae products, of animal products, of raw materials and of any other relevant inputs managed as described in point (10), point (11) or point (12);

‘**organic production unit**’ means a production unit, excluding during the conversion period referred to in Article 10, which is managed in compliance with the requirements applicable to organic production;

⁽⁶⁾ Article 3(12) of Regulation (EU) 2018/848 ‘**non-organic production unit**’ means a production unit which is not managed in compliance with the requirements applicable to organic production;