



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,  
PP/sn/agri.ddg1.b.4(2020)2112347

Dear [REDACTED]

Thank you for your e-mail of 21 February 2020, attached again among others in your e-mail of 27 February 2020 (Int. Ref. ARES(2020)1120720 and 1222360) asking for clarification with respect to the duration of conversion period in this phase of transition to the new Regulation (EU) No 2018/848<sup>1</sup>.

To address the first case of your e-mail, concerning an elderberry orchard on which the conversion period began on February 2018, I can confirm your conclusion. Indeed, it is a perennial crop and in accordance with Article 36(1) of Regulation (EC) No 889/2008<sup>2</sup> as well as under point 1.7.1. of Part I of Annex II to Regulation (EU) No 2018/848, the organic production rules must have been applied **on the parcels** for at least three years before being able to first harvest organic products. Therefore, the period will end February 2021.

On the second case, where again the conversion period started on February 2018 but only in March there was the plantation of a new orchard of elderberry, again the parcel for a perennial crop must be in conversion for three years.

Finally, it is important to recall that under Article 17 of Regulation (EC) No 834/2007<sup>3</sup> as well as under Article 10(2) of Regulation (EU) No 2018/848, the period of conversion starts at the earliest when the farmer has notified the activity to the competent authorities in accordance with Article 34(1). Hence, the activity as notified is important and if it was limited to previous arable crops or grassland on the parcel, the operator should have updated the notification as soon as possible.

---

<sup>1</sup> [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 \( OJ L 150, 14.6.2018 p.1 \)](#)

<sup>2</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 \(OJ L 250, 18.9.2008, p. 1\)](#)

<sup>3</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 \(OJ L 189, 20.07.2007, p. 1\)](#)

The present opinion is provided on the basis of the facts as set out in your e-mail of 21 and 27 February 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,

