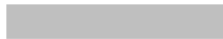




EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,
PP/nb/agri.ddg1.b.4(2021)1499258



I would like to thank for your email of 22 January 2021 (Int. Ref. Ares (2021)543072), in which you ask for clarifications with respect to the provisions of Article 4 of Regulation (EC) No 889/2008,¹ which prohibits “hydroponic production”, and with respect to the definition of hydroponic production provided under Article 2 (g) of the same regulation as follows: “*Hydroponic production means the method of growing plants with their roots in a mineral nutrient solution only or in an inert medium, such as perlite, gravel or mineral wool to which a nutrient solution is added*”.

In your letter, you state that “*growing plants with their roots in a box containing a NON-inert medium (e.g. by-products of plant origin) is possible*”. This is not completely correct.

The fact that the definition of hydroponic production refers to the use of a mineral nutrient solution does not automatically mean that producing plants in boxes containing a non-inert medium would be possible according to the organic legislation.

I recall the general principles of organic farming laid down under Article 4 of Regulation (EC) No 834/2007²: “*the appropriate design and management of biological processes, based on ecological systems using natural resources which are internal to the management system, by methods that ...practice land-related crop cultivation and land-related livestock production*”.

Since the very beginning of the organic scheme, organic plant production is based on nourishing the plants primarily through the soil eco-system, and plants should be produced on and in living soil in connection with the subsoil and bedrock. You may also be interested in consulting the report of the Expert Group for Technical Advice on Organic Production (EGTOP) on greenhouses,³ where the soil-related cultivation principle and the few exceptions to this principle are thoroughly discussed.

¹ 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. 1–84).

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 <https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/farming/documents/final-report-etop-greenhouse-production.pdf>



As from 1 January 2022, Regulation (EU) 2018/848 will apply. According to point 1.2 of Annex II to Regulation (EU) 2018/84, “organic crops, except those which are naturally grown in water, shall be produced in living soil, or in living soil mixed or fertilised with materials and products allowed in organic production, in connection with the subsoil and bedrock”.

In addition, during the revision of the organic rules, the co-legislators defined only very few exceptions to the fundamental rule of soil-related cultivation and identified the following limited exceptions laid down under Part I of Annex II to Regulation (EU) 2018/848 in line with EGTOP conclusions:

- point 1.3. for the production of sprouted seeds or chicory heads for their particular production techniques implying a phase hors-soil for safety and peculiar technical purpose,
- point 1.4. (a) for the production of ornamentals and herbs that are sold in pots to the consumers for which the principle of soil-related crop cultivation is not adapted or for which no risk exists that the consumer could be misled regarding the production method,
- point 1.4. (b) for growing seedlings or transplants in containers for further transplanting in order to facilitate availability of healthy young plant reproductive material,
- point 1.5. only for a transitional period up to 31 December 2030 for growing crops in demarcated beds in Finland, Sweden and Denmark but limited to the surfaces already certified before 28 June 2017.

It is to be noted that, as these are exceptions only relevant with respect to the requirement of cultivation in living soil in connection with the subsoil and bedrock, all other organic rules laid down in the Regulation shall apply, including prohibition of hydroponic production.

From the detailed provisions mentioned above, it is clear that the production of plants in boxes is not in line with the principles of cultivation in living soil in connection with the subsoil and bedrock, irrespective of whether inert or non-inert substrates are used.

The present opinion is provided on the basis of the facts as set out in your email of 22 January 2021 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,

