



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

The Director-General

Brussels,
PP/nb(2020)4493779

Thank you for your e-mail of 5 June 2020 to Commissioner WOJCIECHOWSKI (Int. Ref. Ares (2020)2913214) by which you request clarifications with respect to several provisions of Regulation (EU) 2018/848 on organic production and labelling of organic products¹ and related Commission Implementing Regulation (EU) 2020/464². The Commissioner asked me to reply on his behalf.

To address your first question concerning provisions under point 1.6.6. of Part II of Annex II to Regulation 2018/848 concerning the limit of 170 Kg of organic nitrogen per year and hectare of agricultural area, I confirm that the reference is to the total agricultural area and not only to the area actually available to the animals.

To address your second question, I would bring to your attention point 1.9.8. of Part I of the same Annex II, which prohibits the use of mineral nitrogen fertiliser. Moreover, point 1.9.4 of Part I of Annex II provides for the following: *“The total amount of livestock manure, as defined in Directive 91/676/EEC³, used in the in-conversion and organic production units shall not exceed 170 kg of nitrogen per year/hectare of agricultural area used. That limit shall only apply to the use of farmyard manure, dried farmyard manure and dehydrated poultry manure, composted animal excrement, including poultry manure, composted farmyard manure and liquid animal excrement.”*

Therefore, the limit is applicable to the total content of nitrogen, which can be present in the above-mentioned organic fertilisers.

In the reasoning for your third and fourth questions, you refer to a draft proposal that has been finally adopted and published as Commission Implementing Regulation (EU)

¹ [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 \(OJ L 150, 14.6.2018 p.1 \)](#)

² Commission Implementing Regulation (EU) 2020/464 of 26 March 2020 laying down certain rules for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States (OJ L 98, 31.3.2020 p.2)

³ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p.1)

2020/464, hence, I would invite you to consult the final act as the provisions are now clearly referring to vegetation. You can find the text at the following address:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1595249723500&uri=CELEX:32020R0464>

To address your last question, I would recall that as laid down by Article 16(3) of Regulation (EU) 2020/464: “*Open air areas for poultry shall be mainly covered with vegetation composed of a diverse range of plants.*”. The same article provides for other requirements for open air areas and, among others, that they shall provide also protective facilities or shrubs or trees to ensure the birds can use the whole area in a balanced way. Hence, there is not a prescribed minimum percentage of area to be covered by vegetation, but the word “mainly” is indicating that the major part shall be covered by diverse plants.

Finally, I would bring your attention to the fact that the present opinions are provided on the basis of the questions as set out in your e-mail of 5 June 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 faithfully,

In absence of the Director-General


María de los Ángeles BENÍTEZ SALAS
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Wolfgang Burtscher