



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels
LB/nb/agri.ddg1.b.4(2021)4168316

Dear Ms Riviocco, Dear Mr Paesano,

Thank you for your email of 21 May (our reference Ares (2021)3403306), in which you request clarification about the use of manure in organic production.

In your email, you ask whether point 1.9.5 of Annex II, Part I and point 1.6.6 of Annex II, Part II of future Regulation (EU) 2018/848 on organic production create an obligation for the organic farmer to spread manure on the available organic agricultural area (s)he manages or only an obligation to have enough land suitable for spreading manure and comply with the maximum limit of 170 kg organic nitrogen per year and per ha of agricultural area. In addition, you would like to know whether these provisions create an obligation for an organic farmer to sell surplus organic manure only to be spread on other organic farms or whether he can sell it for other purposes.

The legal provisions set for the use of organic manure under Regulation (EU) 2018/848¹ derive from the objectives and general principles of organic production. I refer in particular to the objectives of maintaining the long-term fertility of soils and substantially contributing to a non-toxic environment in Article 4 (b) and (d) as well as the general principles laid down in Article 5(f)(ii) and (g)(i) requiring that organic production is a sustainable management system based on:

“(f) (ii) the appropriate design and management of biological processes, based on ecological systems and using natural resources which are internal to the management system, using methods that practice soil-related crop cultivation and land-related livestock production;

“(g)(i) the restriction of the use of external inputs; where external inputs are required or the appropriate management practices and methods referred in point (f) do not exist, the external inputs shall be limited to (i) inputs from organic production;”

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02018R0848-20201114&qid=1622124043409&from=EN>

Ms Giovanna Riviocco and Mr Giuseppe Paesano
IT delegates at the Organic Production Committee
pqai1@politicheagricole.it

The provisions mentioned below from point 1.9.5 of Annex II, Part I of Regulation (EU) 2018/848 should be interpreted keeping in mind these objectives and general principles, and should be read together with the preceding relevant provisions of point 1.9 on soil management and fertilization for plant production, in particular the points 1.9.2 (c), 1.9.3, 1.9.4 which state:

“1.9.2. The fertility and biological activity of the soil shall be maintained and increased:

(c) in all cases, by the application of livestock manure or organic matter, both preferably composted, from organic production.

1.9.3. Where the nutritional needs of plants cannot be met by the measures provided for in points 1.9.1 and 1.9.2, only fertilisers and soil conditioners that have been authorised pursuant to Article 24 for use in organic production shall be used, and only to the extent necessary. Operators shall keep records of the use of those products.

1.9.4. The total amount of livestock manure, as defined in Directive 91/676/EEC, 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.

1.9.5. Operators of agricultural holdings may establish written cooperation agreements exclusively with operators of other agricultural holdings and undertakings which comply with the organic production rules, for the purpose of spreading surplus manure from organic production units. The maximum limit referred to in point 1.9.4 shall be calculated on the basis of all of the organic production units involved in such cooperation.”

In addition, organic farmers producing livestock must comply with the general requirements of point 1.1 of Annex II, Part II of Regulation (EU) 2018/848, which prohibits landless livestock production: *“Except in the case of beekeeping, landless livestock production, where the farmer intending to produce organic livestock does not manage agricultural land and has not established a written cooperation agreement with a farmer as regards the use of organic production units or in-conversion production units for that livestock, shall be prohibited.”* Furthermore, Regulation (EU) 2018/848 requires under points 1.6.6 and 1.6.7 of Annex II, Part II that *“1.6.6 The total stocking density shall not exceed the limit of 170 kg of organic nitrogen per year and hectare of agricultural area. 1.6.7. To determine the appropriate density of livestock referred to in point 1.6.6, the competent authority shall set out the livestock units equivalent to the limit referred to in point 1.6.6, following the figures laid down in each of the specific requirements per type of animal production.”*

Based on these legal provisions, it can be concluded that an organic farmer producing livestock is under the obligations both to respect a total stocking density not leading to exceeding the 170 kg of organic nitrogen per year and hectare of agricultural area and to apply soil management practices imposing that he uses the organic manure produced by his livestock (preferably composted) on the organic agricultural lands he manages to meet the nutritional needs of the plants he intends to produce, respecting always the maximum limit of 170 kg organic nitrogen per hectare per year. In addition, in compliance with point 1.1. mentioned above, landless livestock production can be allowed only if the farmer has established a written cooperation agreement with a farmer

as regards the use of organic or in-conversion production units for that livestock, hence, units where manure can be spread within the respect of 170 kg/ ha per year of organic nitrogen.

Finally, point 1.9.5. of Annex II, Part I of Regulation (EU) 2018/848 clarifies the situation for a holding that may be split into separated production units (organic, in-conversion, non-organic). In that case, in line with the provisions of Article 9 (7) of Regulation (EU) 2018/848, which require clearly and effectively separated production units for organic, in-conversion and non-organic production, the operator may need to conclude an agreement for the purpose of spreading surplus organic manure with another holding and then the surplus derived from his organic production units must be spread on other organic production units.

Please note that under the current organic rules, the compliance with the provisions related to manure are so important that Article 74 of Regulation (EC) No 889/2008 requires the following on control arrangements:

“1. When the control system applying specifically to livestock production is first implemented, the full description of the unit referred to in Article 63(1)(a) shall include: (a) a full description of the livestock buildings, pasturage, open air areas, etc., and, where applicable, the premises for the storage, packaging and processing of livestock, livestock products, raw materials and inputs;

(b) a full description of the installations for the storage of livestock manure.

2. The practical measures referred to in Article 63(1)(b) shall include:

(a) a plan for spreading manure agreed with the control body or authority, together with a full description of the areas given over to crop production;

(b) where appropriate, as regards the spreading of manure, the written arrangements with other holdings as referred to in Article 3(3) complying with the provisions of the organic production rules;

(c) a management plan for the organic-production livestock unit”

In light of the above and pending a further complete description of the potential cases at stake, I would conclude the following: before an organic farmer producing livestock can sell the surplus organic manure produced by his livestock for another purpose than spreading, he must **first** comply with several very precise provisions regarding the total stocking density of his livestock, the respect of the maximum limit of 170 kg of organic nitrogen per year and hectare of agricultural area, the agronomic needs of the plants he produced and the spreading of manure. All relevant EU legal provisions have to be respected, including the requirements of Directive 91/676/EEC². Under Regulation (EU) 2018/848, the proper implementation of these provisions from 1 January 2022 is crucial in the context of the Farm to Fork Strategy.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01991L0676-20081211&qid=1622640428204&from=EN>

The present opinion is provided on the basis of the facts as set out in your letter of 21 May 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,



Nathalie SAUZE- VANDEVYVER

c.c.: Delegate from Luxemburg at the Organic Production Committee,
Ms Monique Faber-Decker, monique.faber@asta.etat.lu