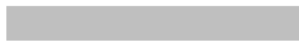




EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels
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I would like to thank you for your email of 9 November 2021¹ regarding the implementation of Article 31 of Regulation (EU) 2018/848 on organic production². Please accept my apologies for the late reply.

You asked whether “*based in the content of the new article 31 of Regulation (EU) 2018/848, after 1 of January 2022 only inputs for being used in crop organic production, “authorized” in accordance with articles 9 and 24 of the same Regulation can bear references to the allowance to use in organic production*” and whether “*this “authorization” can only be performed by authorized Control Authorities or Control Bodies by one of the Competent Authorities to perform official controls in Europe or European Commission for authorized third countries Control Bodies*”.

I would like to start by referring you to the “Frequently Asked Questions” document available on our website via the following link:

[organic-rules-faqs_en_1.pdf\(europa.eu\)](#)

More in particular, I would like to refer you to the reply to question 5) “Can a fertiliser be certified as organic?”, since I trust this provides relevant background information in relation to your questions on the labelling of products used in organic crop production.

Secondly, regarding your specific questions, Recital (81) of Regulation (EU) 2018/848 explains the purpose of the provisions of Article 31 and states the following: “*Certain products or substances used in plant protection products or as fertilisers should not fall within the scope of this Regulation and should therefore, in principle, not be subject to the rules of this Regulation, including the rules on labelling. However, since those products and substances play an important role in organic agriculture and their use in organic production is subject to authorisation under this Regulation, and since certain uncertainties as regards their labelling appeared in practice, in particular as regards the*

¹ Ares (2021)6882550

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02018R0848-20220101&qid=1641922733204&from=EN>



use of terms referring to organic production, it should be made clear that where such products or substances are authorised for use in organic production in accordance with this Regulation, they may be labelled accordingly.”

Article 31 of Regulation (EU) 2018/848 sets the rules on the possibility of the labelling of certain products and substances used in organic crop production. It states the following: *“Notwithstanding the scope of this Regulation as set out in Article 2(1), products and substances used in plant protection products or as fertilisers, soil conditioners or nutrients that have been authorised in accordance with Articles 9 and 24 may bear a reference indicating that those products or substances have been authorised for use in organic production in accordance with this Regulation.”*

Hence, as regards your first question, only the products and substances used in plant protection products or as fertilisers, soil conditioners or nutrients that have been authorised in accordance with Articles 9 and 24 may bear a reference indicating that those products or substances have been authorised for use in organic production. Concretely, for example for a plant protection product, it may bear the reference that it has been authorised for organic production provided it complies with the relevant provisions of Regulation (EU) 2021/1165³, in particular those of Article 1, and the active substance it contains is listed in Annex I to that same Regulation. For a fertiliser, soil conditioner or nutrient, the product and substance may bear the reference that it has been authorised for organic production provided it complies with the relevant provisions of Regulation (EU) 2021/1165⁴, in particular those of Article 2, and it is listed in Annex II to that same Regulation.

Concerning your second question, in accordance with Article 24(8) of Regulation (EU) 2018/848, the Commission is responsible for adopting implementing acts setting the authorisation, or withdrawal of the authorisation, of products and substances used as active substances to be used in plant protection products or as fertilisers, soil conditioners and nutrients. The latest lists of authorized products and substances are laid down in the implementing Regulation mentioned above (Regulation (EU) 2021/1165).

Finally, I would like to recall that, in the EU, it is the responsibility of control authorities or control bodies designated by the competent authorities to perform organic controls to verify that organic products comply in particular with the rules on production and labelling laid down in Chapters III and IV of Regulation (EU) 2018/848 and, hence, to ensure that, when products and substances labelled as being authorised for use in organic production are used by organic operators, they comply with the provisions of Article 31 of Regulation (EU) 2018/848.

In third countries, please note that the situation differs depending on the different import regimes applying to organic products as referred to in Article 45(1), point (b), of Regulation (EU) 2018/848 and also on the transitional period set in Article 57 of the same Regulation.

In those third countries where control authorities and control bodies have been recognized by the Commission in accordance with Article 46 of Regulation (EU) 2018/848, it is the responsibility of the recognized control authorities and control bodies

³ [EUR-Lex - 32021R1165 - EN - EUR-Lex \(europa.eu\)](#)

⁴ [EUR-Lex - 32021R1165 - EN - EUR-Lex \(europa.eu\)](#)

to perform organic controls to ensure that organic products comply in particular with the rules on production and labelling laid down in Chapters III and IV of Regulation (EU) 2018/848 and, hence, to ensure that when products and substances labelled as being authorised for use in organic production are used by organic operators, they comply with the provisions of Article 31 of Regulation (EU) 2018/848.

The present opinion is provided on the basis of the facts as set out in your email of 9 November 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 faithfully,

