



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels  
PP

[Redacted]

Thank you for your note<sup>1</sup> of 15 December 2021 concerning the production of organic plant reproductive material for small fruit crops, which was addressed to DG AGRI and DG SANTE. I would like to inform you that the following answers have been drafted with DG SANTE colleagues, in copy of this letter.

In your note, you refer in particular to the difficulties of the sector in complying with the horizontal legislation on plant reproductive material, where the restriction on the production of mother plants in the soil is due to phytosanitary reasons.

First, I would point out that point 1.4 of Part I of Annex II to Regulation (EU) 2018/848<sup>2</sup> provides for a derogation from the general organic production requirement as regards cultivation linked to soil. However, this derogation is limited to herbs and ornamental plants intended for cultivation and sale in pots and for seedlings and transplants intended for cultivation in containers for further transplantation.

The Commission is empowered under Article 12(2) of Regulation (EU) 2018/848 to amend those provisions but any such amendment needs to be thoroughly examined and discussed with other delegates in the Committee on Organic Production in order to verify whether and how it is appropriate to introduce the possibility for organic mother plants to be cultivated in pots due to phytosanitary requirements.

Secondly, you ask what should be understood as a ‘mother plant’ under Regulation (EU) 2018/848 and, in particular, whether *‘is it the direct origin of the grafting from which there is production of marketed plants? Or the indirect origin which could affect the pre-basic mother plant at the top of the parentage pyramid?’*

<sup>1</sup> ARES (2022) 7779387

<sup>2</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 \(OJ L 150, 14.6.2018, p. 1\).](#)

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In the horizontal legislation on reproductive material, I would like to point out that definitions of mother plants are provided only under Commission Implementing Directive (EC) 2014/98<sup>3</sup> as follows: “(1) ‘mother plant’ means an identified plant intended for propagation; (2) ‘proposed pre-basic mother plant’ means a mother plant which the supplier intends to have accepted as a pre-basic mother plant; (3) ‘pre-basic mother plant’ means a mother plant intended for the production of pre-basic material; (4) ‘basic mother plant’ means a mother plant intended for the production of basic material; (5) ‘certified mother plant’ means a mother plant intended for the production of certified material;”.

On the other hand, Article 3, point (20), of Regulation (EU) 2018/848 provides for a definition of mother plant as follows: (1) ‘mother plant’ means: an identified plant from which plant reproductive material is collected for the reproduction of new plants;’. This definition is given in relation to the correct implementation of the provisions of point 1.8.2 of Annex II, Part I, which provides as follows: ‘To obtain **organic plant reproductive material** to be used for the production of products other than plant reproductive material, the mother plant and, where relevant, other plants intended for plant reproductive material production shall have been produced in accordance with this Regulation for at least one generation or, in the case of perennial crops, for at least one generation during two growing seasons.’

The definition of “mother plant” inserted in Regulation (EU) 2018/848 indicates the origin of the final organic plant reproductive material which is placed on the market as organic fruit plants to be transplanted and used for organic production (e.g. apples). Thus, in order to answer your question, it is in fact the direct origin of the grafting from which the organic fruit plants marketed are produced.

Finally, you are seeking clarification on the concept of ornamental plants for species which produce small fruits, in particular in relation to plant reproductive material of ornamental plants which could be sold for the production of berries. As explained at the meeting of the Committee on Organic Production on 28 January 2022, plant reproductive material should be considered in this case as plant reproductive material intended for fruit multiplication, and therefore subject to the relevant horizontal legislation.

This opinion is drawn up on the basis of the facts set out in your note of 15 December 2021 and expresses the opinion 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 Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Your sincerely,

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<sup>3</sup> Commission Implementing Directive 2014/98/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards specific requirements for the genera and species of fruit plants referred to in Annex I thereto, specific requirements by suppliers and detailed rules on official inspections (OJ L 298, 16.10.2014, p. 22)

