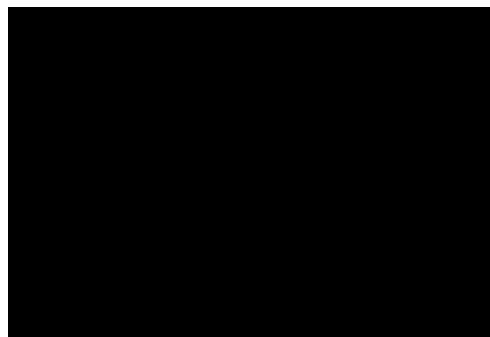




EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT
Directorate B – Sustainability
The Director

Brussels

agri.b.4(2026)5335968



Subject: Requirements of soil management and fertilisation

Dear [REDACTED]

Thank you for your email of 7 May 2026 ⁽¹⁾ in which you seek clarification on the requirements of soil management and fertilisation in organic production.

Points 1.9.2(a), (b) and (c) of Part I of Annex II to Regulation 2018/848 ⁽²⁾ must be read together. These provisions refer to the maintenance and increase of fertility and biological activity of soils in holdings of certified organic farmers. Point 1.9.2(a) is not applicable to grassland or perennial forage whereas Point 1.9.2(b) is not applicable to forage and Point 1.9.2(c) is applicable to all kind of crops without exception.

Concerning the type of livestock manure which can be used in organic farming, the applicable legal basis is Annex II to Commission Implementing Regulation 2021/1165 ⁽³⁾:

⁽¹⁾ Requirements of soil management and fertilisation – our ref. [Ares\(2026\)4665926](#)

⁽²⁾ 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* ELI: <http://data.europa.eu/eli/reg/2018/848/oj>

⁽³⁾ Commission Implementing Regulation (EU) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists, *OJ L 253, 16.7.2021, p. 13* ELI: http://data.europa.eu/eli/reg_impl/2021/1165/oj

“Fertilisers, soil conditioners and nutrients listed in this Annex may be used in organic production, provided that they are compliant with

— the relevant Union and national legislations on fertilising products, in particular, where applicable, Regulation (EC) No 2003/2003 and Regulation (EU) 2019/1009; and

— Union legislation on animal by-products, in particular Regulation (EC) No 1069/2009 and Regulation (EU) No 142/2011, in particular Annexes V and XI.

[...] They may only be used according to the specifications and restrictions of use of those respective Union and national legislations. More restrictive conditions for use in organic production are specified in the right column of the tables.

Name Compound products or products containing only materials listed hereunder	Description, specific conditions and limits
Farmyard manure	product comprising a mixture of animal excrements and vegetable matter (animal bedding and feed material) factory farming origin forbidden
Dried farmyard manure and dehydrated poultry manure	factory farming origin forbidden
Composted animal excrements, including poultry manure and composted farmyard manure included	factory farming origin forbidden
Liquid animal excrements	use after controlled fermentation and/or appropriate dilution factory farming origin forbidden

[...]

Recovered struvite and precipitated phosphate salts	products must meet the requirements laid down in Regulation (EU) 2019/1009 animal manure as source material cannot have factory farming origin
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[...]”

All the above entries are listed in Annex II to Implementing Regulation (EU) 2021/1165 provided they do not originate from factory farms (“*factory farming origin forbidden*”).

Please note that a Commission proposal to amend Implementing Regulation (EU) 2021/1165 has been discussed at the Organic Production Committee. Among other changes, the proposed amendment would phase out the term “factory farming”, which is not defined at EU level. For the time being, the implementation of this restriction on the origin of livestock manure must comply with the criteria set by the Court of Justice of the European Union in its judgment of 04.10.2024 in case C-228/23 ⁽⁴⁾. Point 1.9.3 only applies if the nutritional needs of plants cannot be met by the management techniques, and green and animal manure referred to in points 1.9.1 and 1.9.2. Only in this case, additional fertilisers and soil conditioners can be used if they are authorised for use in organic production by the Commission and included in a restricted list of products and substances

⁽⁴⁾ Judgment of the Court of Justice of 4 October 2024, *Association AFAÏA v Institut national de l’origine et de la qualité (INAO)*, C-228/23, ECLI:EU:C:2024:829, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0228>.

(Annex II to Implementing Regulation (EU) 2021/1165). In addition, the threshold set in point 1.9.4 must always be respected. Finally, point 1.9.8 prohibits the use of mineral nitrogen fertilisers.

Concerning the errors regarding the Lithuanian version of the legal text to which you refer to, please send the pertaining information to agri.b.4@ec.europa.eu so that we can consider a corrigendum.

The present opinion is provided on the basis of the facts set out in your email of 7 May 2026 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 Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

