



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,
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[REDACTED]

I thank for your e-mail of 24 July 2020 (Int. Ref. Ares(2020)3918336) asking whether an operator, not certified organic, producing vegetables through hydroponic system and applying only biological control methods against pests and diseases, could use the term “biological methods of plant protection” or whether this could represent a non compliance with respect to Article 23 of Council Regulation (EC) No 834/2007¹.

I would just recall that according to Article 4 of Commission Regulation (EC) No 889/2008² hydroponic production is prohibited in organic crops. Thus, plants produced through hydroponic systems cannot be certified.

With respect to labelling the product with the term “biological methods of plant protection”, I would recall that Article 23(2) of Regulation (EC) No 834/2007 provides that: *“The terms referred to in paragraph 1 shall not be used anywhere in the Community and in any Community language for the labelling, advertising and commercial documents of a product which does not satisfy the requirements set out under this Regulation, unless they are not applied to agricultural products in food or feed or clearly have no connection with organic production. Furthermore, any terms, including terms used in trademarks, or practices used in labelling or advertising liable to mislead the consumer or user by suggesting that a product or its ingredients satisfy the requirements set out under this regulation shall not be used.”*

Therefore, in this case the reference to “biological methods of plant protection” could be misleading for the consumers as there is clearly a potential connection with organic production where the use of biological methods for plant protection is one of the fundamental requirement.

¹ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.07.2007, p. 1)

² Commission Regulation (EC) n° 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1).

The present opinion is provided on the basis of the facts as set out in your e-mail of 24 July 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 sincerely,

