



Brussels,  
H.3/SC/rmh D(2010) 973915

Dear

Thanks for your question concerning the computerised seed data base and the authorisation for the use of seed and seed potatoes referred respectively to in Article 48 and Article 45 of Commission Regulation (EC) No 889/2008 of 5 September 2008.

I will give certain elements of reply to the points you raise, referring to the relevant EU legislation. However, you must know that the Court of Justice is alone qualified to come to a conclusion in a legally binding way about the validity and the interpretation of the acts adopted by the Community Institutions.

If I understand well in your letter you refer to "transplants" as plants intended for planting for the production of vegetables.

In particular, you would like to know 1) whether organic transplants of different plant species must also be listed in the data base and 2) whether it is also required to grant the authorization for the use of conventional transplants. You also mention in your letter that if the use of conventional transplant is allowed you would like to know from when may the crop product be considered as organic after a certain time or immediately, provided it is henceforth grown in accordance with the organic production method.

To answer to your first question, I would like to recall that in Article 48 of Commission (EC) No 889/2008 it is clearly mentioned that each Member State shall ensure that a computerised database is established for the listing of the varieties for which seed or seed potatoes, and not plants, obtained by the organic production method are available on its territory.

As far as your second question is concerning, I would like to highlight that the authorisations mentioned in Article 45 of Commission Regulation (EC) No 889/2008 refer to seed and vegetative propagating material only. Therefore, it is not allowed to authorise the use of conventional vegetable transplants for the organic production.

Vegetable plants may be obtained starting from organic seeds or, under the derogation regime, from conventional seeds.

Yours sincerely,

Jean-Luc DEMARTY,  
Director General