



Brussels,  
[REDACTED]/agri.ddg1.b.4(2017)242051

**Subject: Fertilizer inputs in organic agriculture**

[REDACTED]

Thank you for your e-mail of 21 November 2016 concerning inclusion of fertiliser inputs into the Council Regulation (EC) n° 834/2007 on organic production.

The scope of Council Regulation (EC) No 834/2007<sup>1</sup> is laid down in Article 1(2) covering live or unprocessed agricultural products; processed agricultural products for use as food; feed; vegetative propagating material and seeds for cultivation; and yeast used for food or feed.

**Fertilizers fall outside the scope of the EU Organic legal framework** comprised of Council Regulation (EC) No 834/2007, Commission Regulation (EC) No 889/2008<sup>2</sup> and Commission Regulation (EC) No 1235/2008<sup>3</sup>. Consequently, fertilizer manufacturers are not "operators" for the purpose of Article 1(3) and Article 2 of Council Regulation (EC) No 834/2007. Therefore, fertilizers cannot be certified as organic under the EU Organic legal framework neither be labelled nor advertised using the EU organic logo.

However, certain fertilisers can be used as an input in organic production provided that they are authorised in accordance with Article 16 (1) (b) of Regulation (EC) No 834/2007) and are listed in Annex I of Commission Regulation (EC) No 889/2008.

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<sup>1</sup> 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. 1-23)

<sup>2</sup> Commission Regulation (EC) No 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. 1-84)

<sup>3</sup> Commission Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25-52)

These products do not need to and cannot be certified under Regulation (EC) No 834/2007.

There is nevertheless nothing in the EU organic production legislation that prevents their placing on the market with an indication such as "this product may be used in organic agriculture according to Council Regulation (EC) No 834/2007". Regulation (EC) No 834/2007 does not prohibit the development of private certification schemes in this regard, even if it should be stressed again that it does not require such a certification.

In this context, it should also be noted that these products would have to respect the general legislation on consumer protection which provides that the terms used on the labelling of products cannot mislead the consumer. Moreover, the second sub-paragraph of Article 23(2) of Regulation (EC) No 834/2007 prohibits any terms or practices in labelling and advertising liable to mislead the consumer or user by suggesting that a product or its ingredients satisfy the requirements set out under this Regulation.

The present opinion is provided on the basis of the facts as set out in your letter of 17 March 2016 and on the understanding that 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,

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