



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels
LB/nb/agri.ddg1.b.4(2020)7139457

Dear Madam,

Thank you for your email of 21 August regarding an interpretation of the requirements for grazing of livestock under the current¹ and the future² EU organic rules for the purpose of providing support to organic producers. Please accept my apologies for the late reply.

In your email, you asked whether according to the current rules, the operator must use for grazing a "**pasture**", defined as such under the national law and registered accordingly to the Agricultural Registry and the Payment Agency as a Category of use, or it can be **any organic agricultural land** used by the animals for **grazing**. You also refer to a potential change between the current and the future rules with regard for grazing.

First, I would like to clarify that the rules for grazing and pastures for livestock are very similar between the current and the future rules on organic production.

Under the current EU legislation, these rules are laid down in particular in Article 5 on specific principles applicable to farming and Article 14 on livestock production rules of Council Regulation (EC) No 834/2007:

- Article (5)(l) "*the application of animal husbandry practices, which enhance the immune system and strengthen the natural defence against diseases, in particular including regular exercise and access to open air areas and pastureland where appropriate*";
- Article 14(1)(b)(iii) "*the livestock shall have permanent access to open air areas, preferably pasture, whenever weather conditions and the state of the ground*

¹ Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91, OJ L 189, 20.7.2007, p.1 and Commission Regulation (EC) No 889/2008 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.

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.



- allow this unless restrictions and obligations related to the protection of human and animal health are imposed on the basis of Community legislation;”*
- Article 14(1)(b)(iv) *“the number of livestock shall be limited with a view to minimising overgrazing, poaching of soil, erosion, or pollution caused by animals or by the spreading of their manure;”*
 - Article 14(1)(d)(iii) *“with the exception of bees, livestock shall have permanent access to pasture or roughage”;*

These provisions are further detailed in Commission Regulation (EC) No 889/2009 and in particular in the following Articles:

- Article 14(2) on access to open air areas *“In accordance with Article 14(1)(b)(iii) of Regulation (EC) No 889/2008 herbivores shall have access to pasturage for grazing whenever conditions allow.”;*
- Article 20(2) *“Rearing systems for herbivores are to be based on maximum use of grazing pasturage according to the availability of pastures in the different periods of the year.”*

Regulation (EU) 2018/848 lays down very similar provisions, in particular in:

- Article 6(1) on specific principles applicable to agricultural activities and aquaculture *“the application of animal husbandry practices which enhance the immune system and strengthen the natural defence against diseases, including regular exercise and access to open air areas and pastures”;*
- Point 1.4.1(e) of Part II of Annex II *“with the exception of porcine animals, poultry and bees, livestock shall have permanent access to pasture whenever conditions allow or shall have permanent access to roughage;”*
- Point 1.7.3 of Part II of Annex II *“Livestock shall have permanent access to open air areas that allow the animals to exercise, preferably pasture, whenever weather and seasonal conditions and the state of the ground allow, except where restrictions and obligations related to the protection of human and animal health have been imposed on the basis of Union legislation”;*
- Point 1.7.4 of Part II of Annex II *“The number of livestock shall be limited with a view to minimising overgrazing, poaching of soil, erosion, and pollution caused by animals or by the spreading of their manure.”*
- Point 1.9.1.1(b) of Part II of Annex II on nutrition for bovine animals, ovine animals, caprine animals and equine animals *“animals shall have access to pasturage for grazing whenever conditions allow;”*
- Point 1.9.1.1(e) of Part II of Annex II on nutrition for bovine animals, ovine animals, caprine animals and equine animals *“rearing systems shall be based on maximum use of grazing pasturage, by reference to the availability of pastures in the different periods of the year;”*

Hence, under the current and future rules of organic production, the requirements for grazing and pasture are very similar and put the emphasis on their importance to provide exercise and feeding to herbivores. None of these provisions requires that the operator must use for grazing a pasture as defined under the national law and registered accordingly to the Agricultural Registry and the Payment Agency as a Category of use.

The present opinion is provided on the basis of the facts as set out in your e-mail of 21 August 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 faithfully,

