



**EUROPEAN COMMISSION**  
 DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,  
 PP/nb(2019)614227

Dear [REDACTED],

Thank you for your e-mail of 7 December 2018 (Int. Ref. ARES(2018)6300772) asking clarifications with respect to the minimum duration of conversion periods in cases of change of crops in accordance with Article 36 of Regulation (EC) No 889/2008<sup>1</sup>. Please accept my apologies for the late reply.

In your letter, you refer to several examples of crop changes questioning the duration of mandatory period of conversion.

Article 17(1)(c) of Regulation (EC) No 834/2007 requires that conversion periods specific to the type of crop production are applied to a farm on which organic production is started.

Article 36 of Regulation (EC) No 889/2008 requires that plant and plant products fulfil a specific period of conversion to be considered organic. Such period of conversion is always linked to the parcels. In fact, Article 36 clearly lays down that during the conversion period the relevant rules applicable to organic plant production “*must have been applied on the parcels*”.

Hence, in your example if from an annual crop or perennial forage crop, the type of crop production changes to perennial orchard, the parcel itself must have been cultivated in compliance with the organic plant production rules for three years before the plant products of the perennial orchard could be considered organic. This means that if the parcel was already in organic production without any interruption, respecting continuously organic production rules for two years, it would be enough another year of respect of organic rules on new perennial orchard to be able to sell the crop products as organic. Even if the change would occur at the 18<sup>th</sup> month, this means that the parcel must continue to be cultivated under organic production rules for another 18 months and only at the end of the mandatory three years the perennial crop products will be organic.

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<sup>1</sup> 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. 1–84)

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In the other cases you provide, the reply is again the same: As above-mentioned, the conversion period is related to the parcel and the crop. If the intention is to sell product from the perennial crops as organic, three years of organic cultivation of the parcel before the harvest are necessary. If the intention is to have organic feed from grassland or perennial forage, two years of conversion are necessary; and to sow an annual crop from which to get organic product the parcel must have been already cultivated respecting organic rules for two years, hence only at the third year products are organic.

The present opinion is provided on the basis of the facts as set out in your letter of 7 December 2018 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,



p.o.Nicolas VERLET  
in absence of  
Nathalie SAUZE-VANDEVYVER