



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Deputy Director General, in charge of Directorates A, B and C

Brussels,
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Subject: Your e-mail of 23 February 2017 concerning tomato seeds

[Redacted]

The phytosanitary measures set out in Commission Decision 2004/200/EC are an obligatory measure to prevent the spread of pepino mosaic virus applying to imported tomato seeds and seeds of tomato originating in the EU. Therefore the acid treatment referred therein is mandatory for all seeds irrespective if they are intended for use in organic or conventional agriculture.

Such treatment is allowed in organic farming according to Article 45 of Regulation (EC) No 889/2008 provided that the measure is taken according to Council Directive 2000/29/EC. Indeed the legal basis for Decision 2004/200/EC is Council Directive 2000/29/EC and therefore acid treatment of tomato seeds is allowed.

However, even though the treatment with acid extraction is obligatory both for conventional and organic tomato seeds, in the organic legislation there is no exception allowing for organic tomato seeds treated with acid on the basis of phytosanitary measures to be labelled as organic. Therefore, organic tomato seeds treated with acid may not be labelled or sold as organic.

Lastly, please note that the present information is provided on the basis of the facts as set out in your email 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 Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

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[Redacted contact information]