



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels  
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Dear Ms Riviocco, Dear Mr Paesano,

I would like to thank you for your email of 19 February 2021 (our reference Ares (2021)1432980), in which you ask for clarification about animal density and cooperation agreements for organic livestock production. Please accept my apologies for the late reply.

In your email, you explain that, under the current rules for organic production, Article 15(1) of Regulation (EC) No 889/2008<sup>1</sup> on maximum animal density refers explicitly to Article 3(2) on plant production and that point (3) of the same Article foresees the possibility to conclude cooperation agreements with other farms to use the surplus manure. In new Regulation (EU) 2018/848<sup>2</sup>, you consider that the relation between total animal density and plant production is missing. Hence, you fear that the abovementioned difference between the current and the future rules could be interpreted as if the animal density relates only to the surface of the farm without any possibility to take into account cooperation agreements with other organic farms. In your view, this would be inconsistent with the provisions of point 1.1. of Annex II, Part II of Regulation (EU) 2018/848 on livestock production. To conclude, you suggest that, in order to maintain the status quo and clarify the provisions of the new organic rules, the Commission uses the empowerments of Article 14(2)(b) of Regulation (EU) 2018/848 to draft a delegated act amending point 1.6.6. of part II, Annex II of Regulation (EU) 2018/848 as follows: “The total stocking density shall not exceed the limit of 170 kg of organic nitrogen per year and hectare of agricultural area as referred to in point 1.9.4. of Annex II, Part I.”

Organic farmers producing livestock must comply with all relevant requirements related to livestock manure of Regulation (EU) 2018/848 : the requirements of points 1.1, 1.6.6 and 1.6.7 of Annex II, Part II of Regulation (EU) 2018/848 on the prohibition of landless livestock production, the total stocking density and the maximum limit of 170 kg of organic nitrogen per year and hectare as well as those laid down in points 1.9.2, 1.9.3,

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02008R0889-20210101&qid=1622472663505&from=EN>

<sup>2</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02018R0848-20201114&qid=1622472709174>

Ms Giovanna Riviocco and Mr Giuseppe Paesano  
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1.9.4 and 1.9.5 of Annex II, Part I of Regulation (EU) 2018/848 on soil management and fertility; all of the requirements related to livestock manure of Regulation (EU) 2018/848 must be read and interpreted together.

As mentioned in your email, organic farmers producing livestock must comply with the general requirements of point 1.1 of Annex II, Part II of Regulation (EU) 2018/848 which prohibits landless livestock production: *“Except in the case of beekeeping, landless livestock production, where the farmer intending to produce organic livestock does not manage agricultural land and has not established a written cooperation agreement with a farmer as regards the use of organic production units or in-conversion production units for that livestock, shall be prohibited.”* The terms *“the use of organic production units or in-conversion production units for that livestock”* cover the spreading of manure but also potentially other aspects linked to organic livestock production such as the production of feed for the livestock or access to open air areas.

Furthermore, Regulation (EU) 2018/848 requires under points 1.6.6 and 1.6.7 of Annex II Part II that *“1.6.6 The total stocking density shall not exceed the limit of 170 kg of organic nitrogen per year and hectare of agricultural area. 1.6.7. To determine the appropriate density of livestock referred to in point 1.6.6, the competent authority shall set out the livestock units equivalent to the limit referred to in point 1.6.6, following the figures laid down in each of the specific requirements per type of animal production.”*

In light of the above and subject to a further complete description of the case at stake, I would conclude the following: the term “agricultural area” in point 1.6.6 of Annex II Part II of Regulation (EU) 2018/848 covers the land parcels used for the purpose of organic livestock and plant production. In accordance with point 1.1, these land parcels cover those managed by a farmer or used by a farmer who has established a written cooperation agreement.

Hence, the Commission does not intend to propose a delegated act, based on the empowerment of Article 14(2)(b) of Regulation (EU) 2018/848, to amend point 1.6.6 of Annex II Part II of Regulation (EU) 2018/848.

The present opinion is provided on the basis of the facts as set out in your email of 19 February 2021 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,



Nathalie SAUZE- VANDEVYVER