



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

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I would like to thank you for your email of 18 February 2021<sup>1</sup>, in which you request clarification with respect to the possibility to grow microgreens under Regulation (EU) No 2018/848 on organic production<sup>2</sup>, and in particular whether they could be grown “*in the same way as herbs in peat supplemented with authorised fertilizers*”.

“Microgreens” is a term that is not used in the abovementioned regulation. Therefore, microgreens being plants, they are subject to all provisions concerning plants.

For the sake of clarity, I would like to recall the provisions of point 1.1. of Part I of Annex II to Regulation (EU) No 2018/848: “*Organic crops, except those which are naturally grown in water, shall be produced in living soil, or in living soil mixed or fertilised with materials and products allowed in organic production, in connection with the subsoil and bedrock.*”

However, when microgreens are in practice “sprouts”, they could be subject to the derogation laid down under Regulation (EU) 2018/848, Annex II, Part I, point 1.3., and be grown by moistening the seeds in water. For this purpose, I would like to draw your attention to the fact that a proposal for a Delegated Regulation to amend this derogation, clarifying the methods of production and the reference to “sprouted seeds”, is close to adoption.

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<sup>1</sup> ARES(2021)1341604

<sup>2</sup> [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 \( OJ L 150, 14.6.2018 p.1 \)](#)

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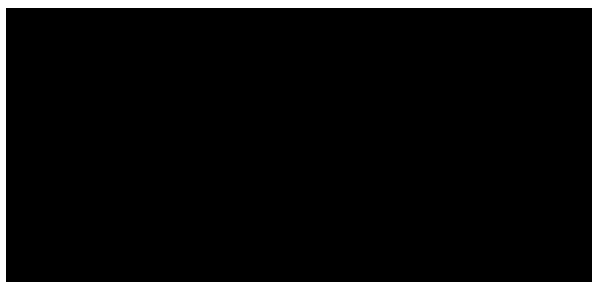
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In that proposal, sprouted seeds include sprouts, shoots and cress in line with the definitions provided in a relevant EFSA scientific opinion<sup>3</sup>.

The same comparable consideration applies whenever microgreens are botanically “herbs” and, as such, could be subject to the derogation laid down under point 1.4., which provides for the possibility to grow plants for the production of herbs in pots to be sold together with the pot to the final consumer.

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



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<sup>3</sup> Description of their production cycles in [EFSA Scientific Opinion on the risk posed by Shiga toxin-producing Escherichia coli \(STEC\) and other pathogenic bacteria in seeds and sprouted seeds – EFSA Journal 2011; 9\(11\):2424. \[101 pp\] doi:10.2903/j.efsa.2011.2424.](#)