



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,
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Thank you for your e-mail of 18 March 2021¹ by which you ask for clarification with respect to the provisions concerning databases and systems related to plant reproductive material laid down under Article 26 of Regulation (EU) 2018/848², and in particular whether the two entities could be considered as alternative or refer to a different type of information.

I would bring your attention to the development of the legislation on this matter. Indeed, Article 48 of Regulation (EC) No 889/2008³ specifies that national computerised databases should list the varieties for which seeds obtained by the organic production method are available. Further, pursuant to Article 49(1) of the same Regulation, such varieties shall be registered in the database at the request of the supplier. In addition, Article 45 of the same Regulation refers to those databases and requires that derogations from the obligation of the use of organic seeds shall be granted if such organic seeds are not available in the national database for the species or varieties which the user intends to sow.

When resuming the main changes on this subject introduced by the new Regulation (EU) 2018/848, I would firstly recall the motivations of such provisions which are clearly expressed in the recital 66 of Regulation (EU) 2018/848: *“In order to foster organic production and address the need for reliable data, information and data on the availability on the market for organic and in-conversion plant reproductive material, for organic animals and for organic aquaculture juveniles needs to be collected and disseminated to farmers and operators. For that purpose, Member States should ensure*

¹ ARES(2021)2506520

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 \(OJ L 150, 14.6.2018 p.1 \)](#)

³ Commission Regulation (EC) No 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)

that regularly updated databases and systems with such information are established on their territories, and the Commission should make such information public.”

Article 26 paragraph (1) of Regulation 2018/848 reads: *“Each Member State shall ensure that a regularly updated database is established for the listing of the organic and in-conversion plant reproductive material, excluding seedlings but including seed potatoes, which is available on its territory.”* and paragraph (2): *“Member States shall have in place systems that allow operators that market organic or in-conversion plant reproductive material, organic animals or organic aquaculture juveniles, and that are able to supply them in sufficient quantities and within a reasonable period, to make public on a voluntary basis, free of charge, together with their names and contact details, information on the following: (a) the organic and in-conversion plant reproductive material, such as plant reproductive material of organic heterogeneous material or of organic varieties suitable for organic production, excluding seedlings but including seed potatoes, which is available; the quantity in weight of that material; and the period of the year of its availability; such material shall be listed using at least the Latin scientific name; ...”*

Moreover, Article 53(6) obliges Member States to make available information collected in the database and in the systems to the Commission and to the other Member States by 30 June of each year, as well as information on the derogations for the use of conventional seeds granted in accordance with point 1.8.5. of Part I of Annex II.

Under point 1.8.5.1. in particular :*“By way of derogation from point 1.8.1, where the data collected in the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2) shows that the qualitative or quantitative needs of the operator regarding relevant organic plant reproductive material, excluding seedlings, are not met, competent authorities may authorise the use of in-conversion or non-organic plant reproductive material under the conditions laid down in points 1.8.5.3, 1.8.5.4 and 1.8.5.5. Prior to requesting any such derogation, the operator shall consult the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2) in order to verify whether his or her request is justified.”*

Therefore, important developments are needed in terms of databases and systems to cover all organic and in-conversion plant reproductive material excluding seedlings.

On this basis, the Co-legislators have introduced a distinction between the collection of data on the availability of organic and in-conversion plant reproductive material and the establishment of proper systems to make accessible information from the operators marketing such material on a voluntary basis to promote their use.

Therefore, to address your specific question, I agree with your analyses that the database should make it possible to list all available organic and in-conversion plant reproductive material excluding seedlings (see above Article 26(1) of Regulation (EU) 2018/848) but at the same time, the Co-legislators have kept a certain flexibility in case of derogations. In this case databases and systems can be consulted by the operators and can enable the competent authorities to decide whether to grant or not a derogation for the use of conventional seeds. This builds upon the current databases arrangements laid down in Regulation (EC) 889/2008, in fact Article 26(5) of Regulation (EU) 2018/848 allows Member States to continue to use relevant information systems already in existence for the purposes of the above-mentioned paragraphs 1 and 2 of Article 26. The present opinion is provided on the basis of the facts as set out in your e-mail 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,



c.c.:

