



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Brussels
PP/BD/sf/agri.ddg1.b.4(2021)6269294

I would like to thank you for your e-mail¹ of 19 July (Ares(2021)4672019) concerning the potential approval of the use of bone char as fertiliser in organic productions.

I would like to recall that, according to Regulation (EU) No 2018/848 on organic production², which will apply from 1 January 2022, the fertility and biological activity of the soil shall be maintained and increased by multiannual crop rotation, including legumes, green manure crops, and by the application of livestock manure or organic material, both preferably composted, from organic production. Additionally fertilisers and soil conditioners can be used only if they are authorised under Article 24 of the same Regulation, and included in a restricted list of products and substances (i.e. Annex II of Commission Implementing Regulation 2021/1165³).

According to Article 24 of Regulation (EU) 2018/848, fertilisers in organic farming can be authorised provided they comply with the objectives, criteria and principles of organic production, as established by the organic legislation.

At present, biochar is included in Annex II of Commission Implementing Regulation 2021/1165 and approved for the use in organic farming as follows:

¹ ARES(2021)4672019

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 Implementing Regulation \(EU\) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists \(OJ L 253, 16.7.2021 p.13 \)](#)

Biochar – pyrolysis product made from a wide variety of organic materials of plant origin and applied as a soil conditioner

only from plant materials, when treated after harvest only with products included in Annex I

until 15 July 2022: maximum value of 4 mg polycyclic aromatic hydro- carbons (PAHs) per kg dry matter (DM)

from 16 July 2022, the relevant limits for contaminants set in Regulation (EU) 2019/1009 apply

The approval of biochar was based on the conclusions of the group of experts for technical advice on organic production (EGTOP)⁴; whose assessment was limited to biochar made from plants. The Commission always has the possibility to ask EGTOP for an opinion on the compatibility of new products or substances with the objectives, criteria and principles of organic production. However, this can be done after a relevant request is submitted to the European Commission by a Member State in accordance with Article 24(7) of Regulation (EU) 2018/848.

Once a dossier has been submitted to EGTOP for assessment, and should EGTOP provide a positive advice on the use of bone char from animal origin as fertiliser in organic production, the Commission services may propose to the Committee on organic production to add this into Annex II to Commission Implementing Regulation (EU) 2021/1165.

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



⁴ [final-report-egtop-fertilizers-iii_en.pdf \(europa.eu\)](#)