



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels
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I would like to thank you for your email¹ of 8 February 2022, in which you ask for the reasons for the prohibition of cultivation in containers for organic production, in particular why it is not mandatory to grow solely with organic materials? In addition, you refer to the organic production rules of Canada, where cultivation in containers is allowed when compliant with certain conditions, including a set volume of soil to be used, and ask whether “EU has thought about something like this, and why this would not work for the EU?”.

Please be informed that, since the very beginning of the organic scheme, organic plant production is based on nourishing the plants primarily through the soil ecosystem. Plants should be produced on and in living soil in connection with the subsoil and bedrock.

I would like to draw your attention to the general principles that are at the origin of this approach and are laid down in Article 5 of Regulation (EU) 2018/848, in particular points (a), (f) and (g), which read as follows:

- (a) “*respect for nature’s systems and cycles and the sustainment and enhancement of the state of soil, the water and the air, of the health of plants and animals, and of the balance between them;*”
- (f) “*the appropriate design and management of biological processes, based on ecological systems and using natural resources which are internal to the management system, using methods that ... (ii) practice soil-related crop cultivation and land-related livestock production...*”, and
- (g) “*the restriction of the use of external inputs; where external inputs are required or the appropriate management practices and methods referred to in point (f) do not exist, the external inputs shall be limited to .../... (ii) natural of naturally-derived substances; (iii) low solubility mineral fertilisers*”.

Consequently, in Part I of Annex II to Regulation (EU) 2018/848 regarding plant production rules, point 1.1. states that “*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.*”

¹ ARES (2022) 913253

However, in the course of the discussions on the new rules on organic production and labelling of organic products², the co-legislators agreed upon a very limited number of exceptions to these fundamental rules and identified the following limited derogations to soil-related cultivation, which are laid down under Part I of Annex II of the new basic act:

- for the production of sprouted seeds or chicory heads for their particular production techniques implying a phase hors-soil for safety and peculiar technical purpose (see point 1.3),
- for the production of ornamentals and herbs that are sold in pots to the consumers for which the principle of soil-related crop cultivation is not adapted or for which no risk exists that the consumer could be misled regarding the production method (see point 1.4),
- for growing seedlings or transplants in containers for further transplanting in order to facilitate availability of healthy young plant reproductive material (see point 1.4),
- for a transitional period up to 31 December 2031 for growing crops in demarcated beds in Finland, Sweden and Denmark but limited to the surfaces already certified before 28 June 2017 (see point 1.5).

Please note that, with respect to this last derogation allowing the growing of crops in demarcated beds, the Commission shall present by 31 December 2026 a report to the European Parliament and the Council, which may be accompanied by a legislative proposal on the use of demarcated beds in organic agriculture.

It should also be noted that the exceptions referred to above relate only to the requirement in point 1.1. concerning the cultivation in living soil in connection with the subsoil and bedrock. All other organic rules laid down in the Regulation apply, including the prohibition of hydroponic production³ and the respect of using only external inputs, such as fertilisers and plant protection products, which have been authorised for use in organic farming in accordance with Article 24 of Regulation (EU) 2018/848.

This opinion is provided on the basis of the facts set out in your email of 8 February 2022 and expresses the opinion 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 Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours sincerely,



² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02018R0848-20220101>

³ See point 1.1 of Part I of Annex II to Regulation (EU) 2018/848.