



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Thank you for your email¹ of 14 December 2021 concerning the possible obligation to register the purchase and use of products purchased and used for the kitchen garden grown for own consumption by an organic wine producer.

First, on the basis of the information provided by your email, I assume that the parcel of land used as a kitchen garden is not included in the certified agricultural area of the holding subject to the controls established under Regulation (EU) 2018/848² on organic production.

The Regulation does not regulate the presence of kitchen garden for own consumption; the control body competent under the organic certification system has to decide on the matter depending on the precautionary measures taken by the organic wine producer to separate the management of the personal non-organic kitchen garden and the organic commercial farm.

However, I would like to draw your attention to the importance of the non-organic kitchen garden and its possible proximity to parcels in organic production, with respect to potential drift problems arising from plant protection treatments, as well as to the possible presence on the farm of any plant protection products and/or fertilisers not allowed in organic production, which when purchased for the kitchen garden, should not be stored on the farm in accordance with point 7.2 of Annex III to Regulation (EU) 2018/848, which states: *“No input products or substances other than those authorised pursuant to Articles 9 and 24 for use in organic production shall be stored in organic or in-conversion plant and livestock production units.”*

In addition, Article 28 provides for operators to put in place all precautionary measures to avoid contamination and Article 39 (1), point (a), of Regulation (EU) 2018/848 establishes that *“1. In addition to the obligations laid down in Article 15 of Regulation (EU) 2017/625, operators and groups of operators shall: (a) keep records to demonstrate their compliance with this Regulation (...)”*.

¹ ARES (2022) 170525

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

Subject to any further information, I would conclude that the registration of the purchase and use of products purchased and used for the non-organic kitchen garden grown for own consumption by an organic wine producer is not required by the EU regulation on organic production. **However**, the organic wine operator should take into account the risks of contamination with products and substances that are not authorised for use in organic production that arise from the presence of the non-organic garden and the control body should advise the operator to put in place all necessary measures to avoid such contamination. Please note that the competent authority is ultimately responsible for making sure that EU organics rules are followed.

This opinion is provided on the basis of the facts set out in your e-mail of 14 December 2021 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,

