



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels

agri.b.4(2022)2151475

Dear [REDACTED]

I would like to thank you for your email of 23 February¹, in which you ask for clarification regarding the notion of animal species in the context of parallel production in organic production.

You asked in particular what the definition of species for livestock is and whether, under the provisions of Article 9, paragraph 7, point (a) of Regulation (EU) 2018/848 on organic production², the term species can be understood, in addition to the biological point of view, as also related to the use of livestock.

In order to reply to your questions, I would like to recall Recital (29) of Regulation (EU) 2018/848, which explains the intentions of the Legislators with the provisions on parallel production under the organic scheme: *“The risk of non-compliance with organic production rules is considered higher in agricultural holdings which include units that are not managed under those rules. Therefore, after an appropriate conversion period, all agricultural holdings in the Union which aim to become organic should be entirely managed in compliance with the requirements applicable to organic production. However, holdings including both units managed under organic production rules and units managed under non-organic production rules should be allowed under certain conditions, including in particular the condition of clear and effective separation between organic, in-conversion and non-organic production units and between the products produced by those units.”*

Paragraph 2 of Article 9 of the same Regulation on general production rules requires that *“The entire holding shall be managed in compliance with the requirements of this Regulation that apply to organic production”* and its paragraph 7 sets a derogation allowing parallel production under certain strict conditions *“Notwithstanding paragraph 2, a holding may be split into clearly and effectively separated production units for organic, in-conversion and non-organic production, provided that for the non-organic production units: (a) as regards livestock, different species are involved.”*

¹ Ares (2022)1434923

² [CL2018R0848EN0020010.0001.3bi_cp.1..1 \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2018/848/oj/20010.0001.3bi_cp.1..1)

Further, the term species in relation to livestock is used in several different provisions in Regulation (EU) 2018/848 and in Regulation (EU) 2020/464³. It appears that this term is used with the same meaning as in biology: “a group of living organisms consisting of similar individuals capable of exchanging genes or interbreeding. The species is the principal natural taxonomic unit, ranking below a genus and denoted by a Latin binomial, e.g. *Gallus gallus*”.

In the case of Article 9(7) of Regulation (EC) 2018/848, the purpose of the Legislators was to have a clear distinction between the products produced by the organic, in-conversion and non-organic units of the holding. Based on the above and on the intentions of the Legislators, only the definition of the species can serve as criteria: for example, although the products and the production systems are completely different – for instance, eggs and meat for, respectively, laying hens and meat for broilers - they belong to the same species *Gallus gallus* and, in that particular case, having in the same holding, a separated unit producing organic laying hens and a separated non-organic unit producing non-organic broilers would not comply with the provisions of Article 9(7) of Regulation (EC) 2018/848 related to species.

This opinion is provided on the basis of the facts set out in your letter of 23 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 faithfully,



³ [CL2020R0464EN0030010.0001.3bi_cp 1..1 \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2020/464/oj)