



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability  
The Director

Brussels  
LB/sf/agri.b.4(2022)3530414

Dear Mr [REDACTED],

I would like to thank you for your email of 28 October<sup>1</sup>, in which you ask for clarification regarding the meaning of the term “production unit” in Regulation (EU) No 2018/848<sup>2</sup>, and this within the frame of the discussions on Commission Implementing Regulation (EU) 2021/2119 laying down detailed rules on certain records and declarations required from operators and groups of operators and on the technical means for the issuance of certificates<sup>3</sup>. Please accept my apologies for the late reply.

You state that your understanding is that, under new Regulation (EU) No 2018/848, there can be a maximum of three production units on an organic holding: one organic, one in conversion and one non-organic.

I would like to start by highlighting that changes have been introduced with Regulation (EU) No 2018/848 in the definitions of the terms “holding” (Article 3, point (8)) and “production unit” (Article 3, point (9)) and also in the rules related to the splitting of a holding (Article 9 (7), (8), (9) and (10)) compared to those laid down in, respectively, Article 2, points(e) and (f), and Article 40 of Regulation (EC) No 889/2008<sup>4</sup>.

In particular, in Regulation (EU) 2018/848, the definition of the term “production unit” set in Article 3, point (9), is not linked anymore to a “production sector” as in Regulation (EC) No 889/2008 but to the nature of the management used in that production unit for “organic”, “in-conversion” or “non-organic” production as described respectively in Article 3, points (10), (11) and (12).

In addition, the provisions of Article 9(7), (8), (9) and (10) of Regulation (EU) 2018/848 emphasise the need to have a clear and effective separation between organic, in-conversion, and non-organic production units within a split holding.

<sup>1</sup> Ares(2021)6680368

<sup>2</sup> [EUR-Lex - 02018R0848-20220101 - EN - EUR-Lex \(europa.eu\)](#)

<sup>3</sup> [EUR-Lex - 32021R2119 - EN - EUR-Lex \(europa.eu\)](#)

<sup>4</sup> [EUR-Lex - 32008D0889 - EN - EUR-Lex \(europa.eu\)](#)

[REDACTED]

Hence, reading together the definitions of a holding, a production unit, an organic production unit, an in-conversion production unit and a non-organic production unit, and the rules on the separation of the different production units according to the nature of their management in case of a holding split into different production units, although Regulation (EU) 2018/848 does not set as such a maximum number of production units per holding, it appears that, in most cases, there could be in practice a maximum of three production units in a holding operated under a single management: one organic, one in conversion and one non-organic.

To conclude, we believe that the plural used for the term “units” in Article 3, point (c), of Regulation (EU) 2021/2119, which states that “*Operators and groups of operators shall include the following information in their declarations or communications pursuant to Article 39(1), point (b), of Regulation (EU) 2018/848 to the competent authority, control authority or control body that performs official controls: (a) which activities covered by the certificate referred to in Article 35(1) of Regulation (EU) 2018/848 are subcontracted; (b) the address or the geolocation of the organic, in-conversion and non-organic production units, the area of collection of wild plants or algae and of other premises and units used for their activities; (c) in case of holdings split into different production units in accordance with Article 9(7) of Regulation (EU) 2018/848, the description and the address or geolocation of the non-organic production units; (d) their planned forecast of production. Those declarations and communications shall be updated where appropriate.*”, is not in contradiction with the above interpretation since we refer in these provisions to holdings in plural.

The present opinion is provided on the basis of the facts as set out in your email of 28 October 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,

