



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels

Dear Sir,

I would like to thank you for your e-mail of 18 July¹ asking for a clarification about the provisions of Article 9 in Regulation (EU) No 2018/848² and in particular with respect to the compliance with provisions of Article 9(7)(b) in the specific case of a holding consisting of a conventional unit for horses and an organic unit for suckler cattle, where in both cases all these animals will graze, fed hay and green matter produced on parcels of permanent grassland belonging to the organic or to the conventional unit.

First of all, I would like to recall the general production rules laid down in Article 9(2) and (7), points (a) and (b), which state respectively that “*the entire holding shall be managed in compliance with the requirements of this Regulation that apply to organic production.*” and that “*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 the non-organic production unit: a) as regards livestock, different species are involved”; b) as regards plants, different varieties that can be easily differentiated are involved*”.

To address your question it is important to recall the definition of production unit under Article 3(9) of Regulation (EU) 2018/848 : “*production unit’ means all assets of a holding, such as primary production premises, land parcels, pasturages, open air areas, livestock buildings or parts thereof, hives, fish ponds, containment systems and sites for algae or aquaculture animals, rearing units, shore or seabed concessions, and premises for the storage of crops, of crop products, of algae products, of animal products, of raw materials and of any other relevant inputs managed as described in point (10), point (11) or point (12);*”.

Therefore, in the case you presented, with respect to plants, land parcels must be clearly and effectively separated in the different production units, and plants must be of different varieties that can be easily differentiated. However, in accordance with Article 9(8) in case of perennial crops, which are crops that require a cultivation period of at least three years, not only the same species, but also the same variety can be grown in the same holding when split into clear and effective separate production units.

In this last case, the production must be subject to a conversion plan to be completed within a maximum of 5 years and under the specific conditions laid down in subparagraphs a) b) and c) of Article 9(8). Indeed, this means that a conversion plan is

¹ Ares(2022)5271207

² [EUR-Lex - 02018R0848-20220101 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2018/848/oj)

needed to convert all those same or undifferentiated varieties present in the holding to organic.

Moreover, with respect to potential grazing of non-organic animals on the organic land, I would recall the provisions of point 1.4.2.1. of part II of Annex I to Regulation (EU) 2018/848 as follows:

“1.4.2.1. Grazing on organic land

Without prejudice to point 1.4.2.2, organic animals shall graze on organic land. However, non-organic animals may use organic pasturage for a limited period each year, provided that they have been raised in an environmental friendly way on land supported under Articles 23, 25, 28, 30, 31 and 34 of Regulation (EU) No 1305/2013 and that they are not present on the organic land at the same time as organic animals.”

Hence, non-organic animals could graze on the organic parcel for a limited period each year, but not in presence of organic animals and only in case the non-organic production unit is run under an environmental friendly way on land supported under Articles 23, 25, 28, 30, 31 and 34 of Regulation (EU) No 1305/2013.

The present opinion is provided on the basis of the facts as set out in your email of 18 July 2022 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 faithfully,

