



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels

Dear [REDACTED],

I would like to thank you for your email¹ of 9 September, in which you request clarifications regarding the conversion rules in organic production under Regulation (EU) 2018/848² following your informal meeting with colleagues from the organic production unit.

In your email, you describe different case scenarios related to the conversion of lands and animals. You also explain that the procedures linked to obtaining a planning permission from the local authorities followed by the approval of the Department of Agriculture for refurbishments or new buildings to house livestock can take up to and beyond 12 months and you want to clarify the consequences of this potential delay in having appropriate housing available on farms in conversion.

For your ease of reading, I address separately each of your questions/statements:

In your email, you state that you understand that during simultaneous conversion all organic production rules apply to animals and housing.

I can confirm that your understanding is correct based on the definition of ‘production unit’ laid down in Article 3, point (9) of Regulation (EU) 2018/848, which includes “*livestock buildings and parts thereof*”³, the provisions of Article 10(1) of that same Regulation stating that “*Farmers [...] shall comply with a conversion period. During the whole conversion period they shall apply all rules on organic production laid down in this Regulation, in particular the applicable rules on conversion set out in this Article and in Annex II.*” and the specific provisions related to simultaneous conversion laid down in point 1.2.1 of Part II of Annex II to Regulation (EU) 2018/848 which state the following: “*In the case of simultaneous start of conversion of the production unit, including pasturage or any land used for animal feed, and of the animals existing on this production unit at the beginning of the conversion period of this production unit as referred to in points 1.7.1 and 1.7.5(b) of Part I, animals and animal products may be*

¹ Ares(2022)6257251

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

³ 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)

considered organic at the end of the conversion period of the production unit, even if the conversion period laid down in point 1.2.2 of this Part for the type of animal concerned is longer than the conversion period for the production unit.

By derogation from point 1.4.3.1, in the case of such simultaneous conversion and during the conversion period of the production unit, animals present in this production unit since the beginning of the conversion period may be fed with in-conversion feed produced on the in-conversion production unit during the first year of conversion and/or with feed in accordance with point 1.4.3.1 and/or with organic feed.

Non-organic animals may be introduced into an in-conversion production unit after the start of the conversion period in accordance with point 1.3.4.”

You also asked how soon animal housing must meet organic standards in case of non-simultaneous conversion for the farm to be considered compliant.

In case of non-simultaneous conversion, the provisions of Article 10 (1), stating that *“Farmers [...] shall comply with a conversion period. During the whole conversion period they shall apply all rules on organic production laid down in this Regulation, in particular the applicable rules on conversion set out in this Article and in Annex II”*, apply. Hence, the conversion periods for livestock laid down in point 1.2 of Part II of Annex II to Regulation (EU) 2018/848 can start only once the housings for animals comply with the relevant provisions related to housing of animals laid down in Regulation (EU) 2018/848 and Commission Implementing Regulation (EU) 2020/464⁴. Thus your statement in your email that it is understood that all other organic production standards apply as soon as the farm begins to convert to organic farming is correct.

As a further question you ask whether a 1st year in conversion arable farmer with no stock who wants to buy stock to fatten on cover crops for 5 months, can buy only organic stock, in conversion stock or conventional stock?

Subject to further information on the case at hand and your assessment of this case, I understand that, in the example you describe above, the farmer is managing an in-conversion production unit; as mentioned above, in that case, the organic rules related to the origin of animals apply, in particular those laid down in point 1.3.4.4 of Part II of Annex II to Regulation (EU) 2018/848; concretely, it means that depending on the availability of organic animals, the Irish competent authorities may authorise such a farmer to introduce non-organic animals under specific conditions; in that case, the farmer will have to comply with the provisions of points 1.3.4.4.4, 1.3.4.4.5 and 1.3.4.5 of Part II of Annex II to Regulation (EU) 2018/848 which state the following:

“1.3.4.4.4 In the cases referred to in points 1.3.4.4.1, 1.3.4.4.2 and 1.3.4.4.3, non-organic animals may only be considered as organic if the conversion period specified in point 1.2 has been complied with. The conversion period laid down in point 1.2.2 shall start, at the earliest, once the animals are introduced into the in-conversion production unit.”

“1.3.4.4.5. In the cases referred to in points 1.3.4.4.1 to 1.3.4.4.4, non-organic animals shall either be kept separate from other livestock or shall be kept identifiable until the end of the conversion period referred to in point 1.3.4.4.4.”

⁴ [EUR-Lex - 02020R0464-20211125 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/lexuri/cs.do?uri=CELEX:02020R0464-20211125-EN-EUR-Lex)

“1.3.4.5. Operators shall keep records or documentary evidence of the origin of animals, identifying the animals in accordance with appropriate systems (per animal or by batch/flock/hive), of the veterinary records of the animals introduced in the holding, the date of arrival, and the conversion period.”

Please note that in accordance with Article 10(4) of Regulation (EU) 2018/848, which states that *“Products produced during the conversion period shall not be marketed as organic products or as in-conversion products”*, livestock products produced during the period of conversion cannot be marketed as “in-conversion”.

You ask also whether a grassland farmer in 1st year of conversion that has no stock and wants to buy non-breeding stock during the conversion period, can buy organic stock, in conversion stock or conventional stock.

The same reasoning as described above regarding the introduction of non-organic animals will apply in this example; however, please note that if the grasslands are used for grazing, the specific rules related to the grazing of non-organic animals on organic lands laid down in point 1.4.2.1 of Part II of Annex II to Regulation (EU) 2018/848 would also apply: *“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.”*

Finally, you ask why non-simultaneous conversion was allowed for and what exactly does it mean.

Please note that similar rules on non-simultaneous conversion existed under the previous organic rules⁵; it is meant to address the quite frequent cases where non-organic animals are introduced into farms, or lands or buildings are added to an existing farm, or a new conversion period is needed due to treatments with non-authorized products and substances in organic production.

⁵ See in particular Article 2(h) definition of conversion, Article 14(a) (iii) conversion of livestock, and Article 17 of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1) and Chapter 5 related to conversion rules of Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1).

The present opinion is provided on the basis of the facts as set out in your email of 9 September 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 sincerely,

