



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

The Director-General

Brussels, 12 JUN 2014
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Subject: Rules regarding mixed farms

Dear Ms Muthsam,

Thank you for your email from 8 April 2014, in which you enquire about the interpretation of Article 11 of Council Regulation (EC) No 834/2007¹ regarding the possibility for an agricultural holding to split up into separated units of organic and non-organic production on agricultural holdings without correspondent implementing rules laid down in accordance with Article 37 (2) of the same Regulation.

Article 11, subparagraph 1 of Council Regulation (EC) No 834/2007 lays down the principle that the entire agricultural holding shall be managed in compliance with the requirements applicable to organics production. However, subparagraph 2 permits, in accordance with specific conditions to be laid down in accordance with the procedure of Article 37 (2) that a holding splits up into clearly separated units of organic and non-organic production. Subparagraph 2 and subparagraph 3 also set certain conditions for such a split.

In addition to these conditions, the Commission has laid down in Commission Regulation (EC) No 889/2008² certain specific rules as regards the simultaneous organic and non-organic production.

Where it has been considered that such specific implementing rules are not necessary and have therefore not been set up, the conditions laid down in Article 11 subparagraphs 2 and 3 apply when a holding wishes to derogate from the principle that the entire holding shall be managed in compliance with the requirements applicable to organic production.

¹ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91.(O.J. L 189 , 20/07/2007, p. 1).

² 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 (O.J. L 250, 18.09.2008, p. 1)

Ms Muthsam

Email: Agnes.Muthsam@bmg.gv.at

With respects to mushrooms, the specific production rules on mushroom production in Commission Regulation (EC) No 889/2008 are described in Chapter 1 on Plant production. Following the same reasoning, the conditions for plant production apply for mushrooms, although mushrooms are botanically not considered as plants.

In consequence the simultaneous production of organic and non-organic mushrooms is possible as long as a holding is split up into clearly separated units and different varieties that can be easily differentiated are involved.

It is up to Member States, implementing the Regulation to ensure that these conditions are respected and what can be considered as clearly separated units.

The present opinion is provided on the basis on the understanding that 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,



Pour le Directeur Général empêché
Rudolf MOEGELE
Directeur Général Adjoint

Jerzy Plewa