



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

DEPUTY DIRECTOR GENERAL, IN CHARGE OF DIRECTORATES A AND B

Brussels,
RLcde/ARES agri.ddg1.b.4(2015)4307624

Subject: Request of opinion about the certification of inputs (e.g. fertilisers, pesticides)

Dear Mr Lombardi,

Thank you for your email of 29 June concerning the above-mentioned subject.

As you rightly point out in your email, inputs, such as fertilisers and pesticides are, in principle, not in the scope of the EU organic production legislation, as defined by Article 1(2) of Council Regulation (EC) No 834/2007¹. Therefore these inputs can indeed not be certified as organic under Regulation (EC) No 834/2007 and they cannot bear the organic logo of the European Union. They must, however, be specifically authorised under that legislation to be used in organic production (Article 16 of Regulation (EC) No 834/2007). That is the purpose of Annexes I and II to Commission Regulation (EC) No 889/2008².

These products do not need to and cannot be certified under Regulation (EC) No 834/2007.

There is nevertheless nothing in the EU organic production legislation that prevents their placing on the market with an indication such as "this product may be used in organic agriculture according to Council Regulation (EC) No 834/2007". Regulation (EC) No 834/2007 does not prohibit the development of private certification schemes in this regard, even if it should be stressed again that it does not require such a certification.

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 (OJ L 189, 20.7.2007, p. 1)

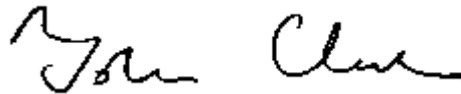
² Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1)

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In this context, it should also be noted that these products would have to respect the general legislation on consumer protection which provides that the terms used on the labelling of products cannot mislead the consumer. Moreover, the second sub-paragraph of Article 23(2) of Regulation (EC) No 834/2007 prohibits any terms or practices in labelling and advertising liable to mislead the consumer or user by suggesting that a product or its ingredients satisfy the requirements set out under this Regulation.

The present opinion is provided on the basis of the fact as set out in your email of 29 June and 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 Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Clarke', written in a cursive style.

John A. CLARKE
Acting Deputy Director General