



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach
Director

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[REDACTED]

Thank you for your e-mail of 25 January 2019 (Int. Ref. ARES(2019)437505) following up on a previous written exchange concerning the possibility to use non-organic crushed corn cob in organic products. In your recent letter, you ask for a derogation until the market of organic seeds increases. Please accept my apologies for the late reply.

Article 12(1)(i) of Regulation (EC) No 834/2007¹ lays down that “*for the production of products other than seed and vegetative propagating material only organically produced seed and propagating material shall be used*”.

However, considering the availability of organic propagating material which could be insufficient for certain varieties and/or crops, Article 22 of the same Regulation regarding exceptional production rules, provides for possible exceptions. However, such exceptions should be kept to a minimum and for limited time and under its paragraph (2)(b) : “*where it is necessary in order to ensure access to feed, seed and vegetative propagating material, live animals and other farm inputs, where such inputs are not available on the market in organic form*”.

Hence, Article 45 of Regulation (EC) No 889/2008² on use of seeds or vegetative propagating material not obtained by the organic production method, lays down specific

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) n° 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. 1–84)

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conditions for the application of derogations, which national competent authorities can issue on a case-by-case basis once the set conditions are fulfilled.

Finally, I would suggest you to contact the national competent authorities to explore whether your case could fall under the above-mentioned conditions.

The present opinion is provided on the basis of the facts as set out in your e-mail of 25 January 2019 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,

A handwritten signature in black ink, appearing to be 'Lene Naesager', written in a cursive style.

p.o.Lene NAESAGER
in absence of
Nathalie SAUZE-VANDEVYVER