

WHAT DO ORGANIC TERMS MEAN IN THE EU LAW?



INSIGHT INTO THE APPROPRIATE UNDERSTANDING OF 'ORGANIC' TERMS ACCORDING TO (EU) 2019/1009 REGULATION (FPR) AND (EU) 2018/848 REGULATION (ECOLOGICAL FARMING)

INTRODUCTION

Written by Rebeka Kurucz
Edited by Ildikó Varga, PhD
CerTrust Ltd NoBo 2806

It is important to highlight that the term “organic” in this EU fertilizer context does not necessarily imply that the product is suitable for use in organic farming; in some cases, the term refers to the organic origin of the ingredients. This common misunderstanding can lead to confusion among all stakeholders.

At first glance, the terms “organic fertiliser” and “organic soil improver” may seem straightforward. However, their meaning within the EU regulatory framework can be more complex than expected. This is primarily due to the fact that different EU regulations use similar terminology but apply it in different contexts. So, what is the distinction between these terms, and how can they be properly understood?



According to the (EU) 2019/1009 Regulation, which establishes rules for the marketing of EU fertilising products, each product must be classified into at least one Product Function Category (PFC). The organic terms are connected to the following PFCs: Products referred to as organic fertilisers fall under PFC 1(A), while organic soil improvers are those that meet the criteria for PFC 3(A).

In the FPR, the term “organic” simply refers to the origin and composition of the materials (typically of biological origin) and not to their eligibility for organic production. In other words, compliance with (EU) 2019/1009 Regulation and classification under these PFCs does not automatically mean that the product is permitted for use on organic farms. It means the product fulfills the function category criteria as described in Annex I of the (EU) 2019/1009 Regulation.

In addition, the term "organic" may lead some people to believe that the product automatically fulfills the (EU) 2018/848 Regulation requirements as well. However, to be used in organic production according to Article 24 of the (EU) 2018/848 Regulation, all the products, like fertilisers, soil conditioners, and nutrients only contain those ingredients that must be listed on the positive list found in Annex II. of the Commission Implementing Regulation (EU) 2021/1165. Only those materials explicitly authorised under this regulation can be used on certified organic farms. Under the (EU) 2021/1165 Regulation, it is not the products themselves but their ingredients that are listed as usable materials. Products that can be used in organic production can be either non-harmonized (marketed under national law) or harmonized (marketed under the EU rules).

**ORGANIC TERM
IN (EU) 2019/1009
REGULATION (FPR)
AND IN
(EU) 2018/848
REGULATION
(ECOLOGICAL
FARMING)**

It is mandatory to underline that compliance with the two regulations is not mutually exclusive, nor are they equivalent. A product can simultaneously meet the requirements of both regulations, but this must be demonstrated through appropriate documentation and assessments. For certain substances permitted in organic farming, Commission Implementing Regulation (EU) 2021/1165 refers to the contaminant limit values established in the (EU) 2019/1009 Regulation. Therefore, if your product already complies with the relevant contaminant limits under the fertilising products regulation, there is no need to demonstrate these contaminant values again when assessing suitability for organic production.

PROPER USE OF THE ORGANIC TERM

When you come across a CE-marked product bearing the term “organic,” it is essential to verify whether the label refers solely to the product function category (e.g., PFC 1.A or 3.A), or whether the ingredients are truly suitable for organic production under EU rules. According to the (EU) 2019/1009 Regulation, the Label “shall not mislead the user and, for example, by attributing to the product properties that it does not possess”. This legal sentence clarifies that it can only be labeled as suitable for organic farming if the product's suitability can be verified.

In cases where the suitability of the EU fertiliser product for organic farming has also been verified, the labelling of products and substances used in crop production may include a specific indication that they are authorised for use under Articles 9 and 24 of (EU) 2018/848 Regulation. Such labelling may state, for example, “can be used in organic farming” or “can be used in organic production”, signaling that the product complies with the relevant provisions of the organic production regulation.

If you intend to place a CE-marked fertilising product on the EU market under (EU) 2019/1009 Regulation, it is advisable to contact a Notified Body, such as the CerTrust Fertilisers team, who have extensive experience in performing conformity assessments in this field.

